Public comments on agenda items

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Scoping Session for the Wemple Corners Draft Environmental Impact Statement (DEIS), concerning a petition to rezone property at the intersection of U.S. Rt. 9W and Wemple Road

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Request from Town Planner to assign TDE review of the Wemple Corners DEIS to Chazen Companies under the TDE Master Services Agreement

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Presentation by the Supervisor of an Open Space Program (OSP) for the Town of Bethlehem

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Request of the Supervisor to add the Bethlehem Youth Court, Inc. as a named insured to the Town's property and casualty insurance policy

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Approval of Town Board minutes for 9/28/11

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Request from the Administrator of Parks and Recreation for acceptance of donation of field improvements to Line Drive Field 12 valued at approximately $3,000

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New Business

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Public comments on non-agenda items

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NEXT TOWN BOARD MEETING – Wednesday, October 26, 2011

Disabled individuals who are in need of assistance in order to participate should contact the Town Clerk’s Office at 439-4955 Ext. 1183. Advanced notice is requested.
NOTICE OF PUBLIC SCOPING SESSION

WEMPLE CORNERS
REZONING
US ROUTE 9W & WEMPLE ROAD

Pursuant to the State Environmental Quality Review Act (SEQRA) the Bethlehem Town Board will hold a Public Scoping Session on October 12, 2011 at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY, to receive public comment on the draft Scoping document for the Wemple Corners Environmental Impact Statement (EIS). The Scoping Session will begin at 6:00 p.m. Following a brief presentation, residents will be invited to speak on the draft Scope. The Scope, when completed, will serve as the outline for what will be studied in the EIS. A copy of the draft Scope is available on the Town web site as noted below.

Description of Action: This application concerns a petition submitted by Milltowne Plaza Inc., to rezone 95 +/- acres of land from Mixed Economic Development District (MED) to Commercial Hamlet District (CH). The site is located at the intersection of U.S. Route 9W and Wemple Road. The stated purpose of the rezoning is to allow future construction of a mixed use development consisting of multi-family housing, senior apartments, twin homes and mixed use apartments (526+/- total units), and 145,000 sf of commercial and office space.

Wednesday, October 12, 2011
6:00 PM
Bethlehem Town Hall

For more information visit the Planning Division webpage at:
www.townofbethlehem.org
DRAFT SCOPING DOCUMENT
For Preparation of a Draft Environmental Impact Statement

PURSUANT TO
NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW

For
WEMPLE CORNERS REZONING PETITION AND MIXED USE PROJECT
Wemple Road and US Route 9W

Project Name: Wemple Corners Rezoning Petition

Project Location: US Route 9W and Wemple Road
Town of Bethlehem, Albany County, NY

SEQRA Classification: Type I

Lead Agency: Town Board, Town of Bethlehem
Bethlehem Town Hall
445 Delaware Avenue
Delmar, NY 12054
(518) 439-4955

Lead Agency Contact: Jeffrey Lipnick, AICP
Town Planner
Town of Bethlehem
445 Delaware Avenue
Delmar, NY 12054
(518) 439-4955 x 1159
jlipnick@townofbethlehem.org

Applicant: Milltowne Plaza, Inc.
P.O. Box 370
Norwell, MA 02061

Positive Declaration Issued: July 13, 2011

Public Scoping Session Date: October 12, 2011

End of Comment Period: October 17, 2011
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Permitted Subject to Site Plan Approval

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Concept Site Plan
Draft Scoping Document

The development of the proposed Wemple Corners, which consists of a proposed rezone of 95± acres to Commercial Hamlet as well as the proposed development of up to 145,000 square feet of commercial/retail space along with up to 522 residential housing units of which 150 senior citizen apartments has been declared a Type 1 action with respect to SEQRA. On July 13, 2011 the Town of Bethlehem Town Board declared itself SEQRA Lead Agency and issued a positive declaration of environmental significance, requiring the preparation of a Draft Environmental Impact Statement (DEIS).

Description of the Project:

The proposed project involves the rezone of 95± acres (tax map parcels 109.00-1-31, 109.00-3-4.1, 109.00-1-33.1, and portions of tax map parcels 109.00-3-10 and 109.00-3-9) from MED to Commercial Hamlet.

If the rezone to Commercial Hamlet is approved the applicant purposes to build up to:

1) 145,000 square feet of commercial space (retail, office)
2) 150 market rate senior apartments
3) 80 multi-family units which may be sold as condominiums
4) 52 townhomes
5) 240 market rate apartments

The proposed commercial space would include potential tenants/users as Drugstore, gas station with convenient mart, restaurants, and offices.
DEIS Content

Cover Sheet

The cover sheet will state that the document is a Draft Environmental Impact Statement (DEIS) and include the title of the action, the project location, the name and address of the SEQRA lead agency, the names of the contributors to the DEIS, a list of involved and interested agencies, the date of the declaration of completion by the lead agency, and the due date by which comments on the DEIS must be submitted.

Executive Summary

The executive summary will provide a synopsis of the DEIS. The executive summary will include summaries of the environmental setting, proposed actions, impacts and proposed mitigation measures, and alternatives to the proposed action. A description of permits and approvals required for completion of the project will be included. A location map and general site plan will be included.
1.0 INTRODUCTION

The applicant, Milltowne Plaza is requesting a rezone of approximately 95 acres to Commercial Hamlet in the Town of Bethlehem, Albany County, New York. The project to be constructed in the Commercial Hamlet is a 56 unit Townhome community, 320 multi-family residential units including condominiums and a 150 unit Senior Citizens Apartment Community, (526 total residential units) and 145,000 square feet of commercial/retail space; collectively to be known as Wemple Corners (the “Action”).

The proposed project is a Type 1 Action, as it proposes “the adoption of a change of allowable use within any zoning district, affecting 25 or more acres of the district” pursuant to 6 NYCRR 617 and Article 8 of the State Environmental Quality Review Act (“SEQRA”).

The Town of Bethlehem Town Board has established itself as “Lead Agency” by resolution on July 13, 2011 pursuant to the requirements to SEQRA, and on July 13, 2011 has adopted a Positive Declaration requiring that the applicant prepares a Draft Environmental Impact Statement (“DEIS”) for the action.

Donald Zee, P.C. has prepared this Preliminary Scoping document for the DEIS on July 29, 2011

This document is the Draft Scope to be used in the Scoping process. This Draft-Scope is to include all elements required by the SEQRA regulations including: (1) a brief description of the proposed action; (2) potentially significant impacts, including an identification of those particular aspects of the environmental setting that may be impacted; (3) the extent and quality of information needed for the preparer to adequately address each impact, including identification of the relevant existing information, and require new information, including the required methodologies for obtaining new information; (4) initial identification of mitigation measures; (5) reasonable alternatives to be considered in light of the sponsor’s objectives.

2.0 THE STATE ENVIRONMENTAL QUALITY REVIEW ACT PROCESS

2.1 Draft Environment Impact Statement (DEIS)

The Town of Bethlehem Town Board (the “Lead Agency”) has initiated the SEQRA process for the review of action. The Town Board Passed a resolution on July 13, 2011 declaring itself as Lead Agency and issued a Positive Declaration on July 13, 2011 requiring the preparation of the DEIS for the Action.
The DEIS will discuss potential significant adverse impacts associated with the action and its reasonable alternatives; identify and consider mitigation measures to reduce or eliminate potential adverse impacts; and develop and analyze alternatives if there are potential unmitigated effects. After its publication, the DEIS will be available for public and involved and interested agency review and comment for a minimum 30-day period. Comments may be provided to the Lead Agency in writing during the DEIS comment period, and a public hearing will also be held to receive comments on the DEIS.

For further information on this process, please contact the Lead Agency as follows:

Hon. Sam Messina, Supervisor
Bethlehem Town Hall
445 Delaware Avenue
Delmar, NY 12054
(518) 439-4955

2.2 Potentially Significant Adverse Impacts

The following potentially significant areas of impact have been identified by the Town Board, as the Lead Agency, in their adoption of the Positive Declaration for the Wemple Corners Project. These areas and the other identified areas will be further evaluated in the DEIS and are included in this Draft Scoping document:

- Community Character
- Transportation/ Pedestrian Infrastructure
- Cumulative Development Impacts

3.0 PROJECT OVERVIEW

3.1 Project Description

The proposed project involves the rezone of 95± acres (tax map parcels 109.00-1-31, 109.00-3-4.1, 109.00-1-33.1, and portions of tax map parcels 109.00-3-10 and 109.00-3-9) from MED to Commercial Hamlet.

If the rezone to Commercial Hamlet is approved the applicant purposes to build up to:

1) 145,000 square feet of commercial space (retail, office)
2) 150 market rate senior apartments
3) 80 multi-family units which may be sold as condominiums
4) 52 townhomes (26-2 townhomes)
5) 240 market rate apartments

The proposed commercial space would include potential tenants/users as Drugstore, gas station with convenient mart, restaurants, and offices.

The project is to be developed on a 95 acre site located at the intersection of Route 9W and Wemple Road located in the Town of Bethlehem, Albany County. This project includes access from Route 9W and Wemple Road, extension of public potable water and sanitary sewage disposal facilities, and development of site amenities and landscaping to support the proposed residential and commercial uses of the project site.

3.2 Project Location

This project is located at the Northeast, Southeast and Southwest corners of the intersection of Route 9W and Wemple Road in the Town of Bethlehem.

This project consists of a total of approximately 95 acres which is part of the following tax parcel numbers:

- 109.00-1-31, 109.00-3-4.1, 109.00-1-33.1
- portions of 109.00-3-9 and 109.00-3-10

The project site is bounded by the following properties:

- On the North: lands of Andelino Stueffels Freuh, 670 Rt. 9W
- On the Northwest: lands of Wemple Road Developers
- On the Southwest: lands of Carl and Margaret Barkman and lands of Robert Manda and Stephen Convay
- On the Southeast: lands of Deborah and Robert McCoy
- On the East: lands of the Bethlehem Soccer Club

3.3 Description and Current Use of the Project Site

The present site is approximately 95 acres of vacant meadows and farm lands.

3.4 Existing Zoning

The site is currently zoned as MED2.

Allowed Uses by right under the existing Zoning requirements include two (2) family dwellings and telecommunication facilities, collocated facilities. Attached as Appendix A is a copy of the Town of Bethlehem's Code which sets forth the uses permitted by site plan approval.
3.5 Project Layout

The DEIS will include a conceptual plan detailing the layout of all the different elements of the proposed project, including the buildings, parking and open space areas. A map showing this concept plan for the project is attached hereto as Appendix B.

3.5.1 Project configuration

The proposed project is located on an approximately 95 acre portion of tax map parcel numbers 109.00-1-31, 109.00-3-4.1, 109.00-1-33.1 and portions of 109.00-3-9 and 109.00-3-10.

3.5.2 Building and Parking

The residential portion of the project will consist of a 56 unit Townhome community, and 320 multi-family residential units some of which are condominiums and a 150 unit Senior Citizens Apartment complex (total of 526 units).

The Commercial/retail portion of the project consists of 99,000± square feet of retail space, 39,000 square feet of professional space, 3,000 square feet convenience space with gasoline dispensers and 4,000 square feet neighborhood bank.

The project will include the creation of off-street parking spaces. This parking will consist of garage spaces, driveway spaces and unassigned spaces for visitors spread throughout the site in small landscaped areas.

3.5.3 Site Access

There will be multiple access points into and out of the project site. The access points will be from Route 9W and Wemple Road.

This section will include a discussion detailing anticipated construction traffic types and volumes. This section will also incorporate the traffic volumes from the Bethlehem Soccer Club.

This section will quantify the average hourly peak and daily volume of vehicular traffic generated by the project upon completion. Analysis of project traffic-related issues will be performed in accordance with the requirements specified in the following documents:


Transportation Research Board – Highway Capacity Manual, 2000; and the latest version of the Highway Capacity Software.
Estimated background volumes for the year of build-out will be developed using an appropriate growth factor.

An estimate of volumes for the year of build-out will be developed using an appropriate growth factor.

An estimate of volume of traffic to be generated by the proposed development and its distribution onto the adjoining local road network will be presented utilizing the build-out growth factor.

Elements included in the project design for the control of traffic flow (vehicular and pedestrian) will be presented. The relationship of the open spaces and recreation features and the residential areas will be discussed.

3.5.4 Utilities and Drainage

This project site will be served by underground public utilities – gas, electric, telephone, cable TV, potable water and sanitary sewers – with adequate capacity to allow connection of the project to those utilities.

The DEIS will discuss the current capacity and layout of the existing public utilities, and discuss any improvements necessary to connect to the existing public utilities.

The storm water management facilities will provide storm water quantity and quality mitigation. As required, the proposed site will include storm water retention ponds or wetlands. Additionally, the proposed site will include a private storm sewer system to direct the storm water runoff from the subject site toward the proposed ponds.

The existing and proposed storm water conditions will be evaluated for the 1-yr 10-yr, and 100-yr storm events using the current methodologies, consistent with New York State Department of Environmental Conservation (NYSDEC) regulations. A Storm Water Pollution Prevention Plan (SWPPP) will be developed prior to start of any work on the site in accordance with NYSDEC and Federal EPA requirements to mitigate potential impacts both during construction and as a result of increased
impervious surfaces associated with the project development. Mitigation measure will include construction of detention and/or retention basins to limit peak runoff from the project to pre-development rates; and the construction of wet ponds, grass lined ditches or other water quality protection measures to mitigate impacts on the quality of storm water runoff. An erosion and sediment plan will be prepared to minimize potential sediment erosion and runoff impacts during construction phases.

The DEIS will also contain detailed information about any potential impacts the project will have on the drainage of the site and measures taken to control and enhance the site project.

3.6 Purpose and Need

The applicant has identified a need for diverse housing options as well as the need for neighborhood commercial/retail facilities in southern end of the Town of Bethlehem. The Wemple Corners project will fulfill this need and is consistent with many components of the Town of Bethlehem’s comprehensive plan, including the provision of housing options for senior citizens.

This project will provide residential opportunities, other than single-family detached, for the present and future residents for the Town of Bethlehem, and Albany County. The development of senior citizen apartments, market rate apartments and condominium residences in the Town of Bethlehem will provide an option for some of the aging population and “baby boomer” generation to remain a part of the local community without moving to other municipalities.

3.7 Required Approvals

The Wemple Corners project will need the following approvals to proceed:

- Town Board, as Lead Agency, approval of NYS SEQRA
- Town Board approval of rezoning of the project site to Commercial Hamlet
- Town Planning Board approval for the site plan, and subdivision.
- Town of Bethlehem Building Department, Issuance of Building Permits.
- Albany County Health Department approvals of construction plans, for the water main and sanitary sewer facilities installations.
- Albany County Sewer District _, for connection to the Sanitary Sewer System.
- Albany County Planning and Community Development Agency review in accordance with General Municipal Law Section 239.
- NYS DOT Permits for utilities construction within Route 9W, and site entrances along Route 9W.
- NYSDEC Storm water Discharge Permit (GP-0-10-001) and 401 Water Quality Certification.
4.0 ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

This section of the DEIS will set forth the conditions of the site and in the vicinity absent the proposed action will be assessed to determine potential environmental impacts that may be associated with the project.

For each and every element of the environmental setting identified an assessment of the potential impacts of the proposed action on the environment will be presented in order to evaluate the magnitude of the potential impacts and to establish a basis for identifying appropriate mitigation measures including consideration of alternatives as presented in Section 5.0 of this document.

4.1 Soils and Topography

4.1.1 Existing Topography and Soil Types

Existing soil mapping contained in The Soil Survey of Albany County, New York published by the United States Department of Agricultural Soil Conservation Service was used to obtain the soil information.

The DEIS will list major soil types on the site with a discussion of soil characteristics, including depth to groundwater, depth to bedrock, erodibility potential, and other factors that would affect development potential of the site.

A complete topographic survey has been completed for the site. The elevation ranged from 140 feet to 200 feet. A small portion of the existing site topography exceeds 15% in slope.

4.1.2 Soil and Topography Impacts

The proposed project may result in impacts as a result of grading of existing topography, possible erosion of soils, and changes to the permeability of ground cover. Any potential impacts associated with the relocation and use for on-site soils for project construction will be discussed.

The DEIS will include a discussion regarding the potential impacts to site planning and construction arising from the presence of bedrock. Test pits have been dug 10 to 13 feet below grade.

4.1.3 Mitigation Measures

The DEIS will discuss mitigation measures proposed to minimize potential impacts from grading operations. These measures include: development of an Erosion & Sediment Control Plan; preparation of a Stormwater Pollution Prevention Plan (SWPPP);
limitations of grading in areas with excessive slopes; and creation of buffers to aquatic resources.

4.2 Vegetation and Wildlife

4.2.1 Existing Vegetation Cover and Wildlife Habitats

The project will be reviewed for the potential presence of threatened and endangered species as listed by the U.S. Fish and Wildlife Service and NYSDEC.

Specific inquiries will be made to these agencies. Should species be identified, a site review for potential habitat will be completed.

4.2.2 Potential Impacts

This section of the DEIS will identify any adverse impacts associated with the project which cannot be avoided or fully mitigated if the proposed action is implemented. A discussion will be included regarding management of vegetation communities within the proposed open space areas.

4.2.3 Proposed Mitigation

Potential mitigation measures may include preservation of habitat areas, if present; or restriction and limitations on clearing activities.

4.3 Wetlands

Wetland areas within the project within the project site will be fully delineated, mapped and described in accordance with the applicable USACOE and NYSDEC criteria.

All wetlands on the site will be identified, with any impacts proposed to wetland areas and buffers identified and quantified in terms of area of impacts and impacts to wetland functions and benefits. Potential mitigation measures, if required, will be identified and quantified.

A discussion of applicable review and permitting procedures will be included.

4.4 Traffic

4.4.1 Existing Traffic Conditions

A level of service (LOS) determination will be made for each of these intersections at the AM and PM weekday peak hours.
4.4.2 Proposed Traffic Conditions

The affected roads due to the proposed Wemple Corners project will include NYS Route 9W and Wemple Road. 2 access entrances to the site will be located on Route 9; in addition 9 access entrances will be located on Wemple Road. A project trip generation will be utilized to incorporate the projected traffic usage for the impacted roads. Each of the studied intersections will be analyzed with the proposed Trip Generation. A level of service (LOS) determination will be made for each of these intersections at the AM and PM weekday peak hours, with the proposed volumes from the project.

4.4.3 Mitigation Measures

This section of the DEIS will identify any adverse impacts of traffic associated with the project and the appropriate mitigation measures.

4.5 Drainage

4.5.1 Existing Conditions

The existing site drainage will be described and illustrated in an existing drainage plan. The DEIS will address the existing drainage conditions in detail, including the existing drainage patterns and flooding conditions of adjacent properties. The DEIS will take into account the existing topography, ground cover and soil conditions found on the project site. The existing conditions will be evaluated for the 1-yr, 10-yr, and 100-yr storm events using methodologies that are consistent with the NYSDEC regulations.

4.5.2 Potential Impacts

Proposed site drainage will be described and illustrated in a site grading plan. Proposed drainage and storm water management designs will be detailed and an explanation of the project’s compliance with applicable NYS SPDES (State Pollutant Discharge Elimination System) general permit for stormwater discharges from construction activity regulations will be presented. The proposed conditions will be evaluated for the 1-yr 10-yr and 100-yr storm events using methodologies that are consistent with NYSDEC regulations.

4.5.3 Proposed Mitigation Measures

To protect the surrounding environment during construction, this project will have a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with the New York State Department of Environmental Conservation (NYSDEC) Guidelines. This SWPPP will incorporate erosion control methods as required by the “New York Guidelines for Urban Erosion and Sediment Control”.

9
The DEIS will detail the conclusions regarding the drainage conditions for the project site and the immediate surrounding area. It is known that the construction of the project will increase the amount of impervious surface area. Storm Water management facilities are being included to the project to address the anticipated increase in run-off. The SWPPP will address in detail all proposed project components intended to address required water quality, including the use of permanent pools and extended detention facilities; and address all components intended to address stormwater quantity control, including extended detention ponds and wetlands.

4.6 Potable Water Service

4.6.1 Existing Water Supply

The Town of Bethlehem has adequate water supply to service the proposed Wemple Corners project area. A summary of existing pressures and flow rates will be presented.

4.6.2 Potential Impacts to Existing Water System

An extension of the existing water service area will be required to serve the proposed project area. The estimated population per dwelling and the associated water usage will be projected and discussed in this section of the DEIS.

4.6.3 Mitigation Measures

Improvements to the water supply will include extension of existing water main from Route 9W in order to serve the future users and the Bethlehem Soccer Club. All water mains will be in conformance with AWWA standard C600. Hydrants will be installed throughout the project site. The water supply and distribution system will be in accordance with the Town of Bethlehem and Albany County Department of Health and NYSDOH requirements.

4.7 Public Sanitary Sewer Capacity

4.7.1 Existing Sanitary Sewer

An existing gravity sanitary sewer line are located on Wemple Road. The DEIS will also include the existing sanitary sewage disposal conditions and capacity in detail.

4.7.2 Impacts to Existing Sanitary Sewer Lines

The sanitary sewer collections system will connect to the existing gravity sanitary sewer line located on Wemple Road, Route 9W. The projected waste flow will be included in this section of the DEIS. Existing pump stations will be analyzed with respect to capacity after development.
4.7.3 Sanitary Mitigation Measures

Appropriately-sized sanitary sewer facilities will be constructed within the project to allow connection to the municipal system. Based on design analysis of downstream conditions, applicant will provide upgrades and improvements as required to pump stations in order to convey resultant flows.

4.8 Cultural Resources

The DEIS will include the findings of the Phase 1 Archeological Survey to be conducted for the project in accordance with the NYS OPRHP regulations.

4.9 Visual Impacts

The DEIS will address any potential visual impacts for the full development of the proposed project. Site photos will be presented, illustrating the views to and from the site. An illustration or photo rendering of the proposed project will be presented.

4.10 Land Use and Zoning

4.10.1 Zoning and Planning Compliance

This section will describe the historic and existing land uses and zoning for the project site and its vicinity. Recent development trends in the area will be discussed.

This section will describe the Planned Development District, site plan review, and vision review criteria and procedures as required by the Town of Bethlehem.

4.10.2 Compatibility with Existing Area Land Uses

This section will discuss how the project may affect future land use, including agricultural activities, in the vicinity and how the project will alter the land use of the site.

A discussion of potential cumulative effects of the development considered with respect to other adjacent projects.

4.11 Community Character and Compatibility with Comprehensive Plan

This section will describe the community character of the specific area around the development and generally with respect to the Town of Bethlehem. The DEIS will identify other potential impacts to the community character and state how significant impacts may be avoided and mitigated to ensure that the new development is compatible with the existing community character.
This section will discuss the Town Comprehensive Plan, and demonstrate the Project's compatibility with concepts and ideals presented in the Comprehensive Plan.

4.12 Emergency Services

The proposed project site is within the jurisdiction of the Town of Bethlehem Police Department Albany County Sheriff's Department and the New York State Police. Each of these agencies will be informed of the proposed project.

The proposed project site is located within the Selkirk Volunteer Fire Company #2. This agency will be informed of the proposed project.

4.13 School District

The Wemple Corners project site is located within the Ravena-Coeymans-Selkirk School District. A projection of new students residing at the project will be made and potential impacts to the school district will be assessed.

This section will discuss the taxation implications of the project, including any fiscal benefits the school districts will receive.

4.14 Recreation and Open Space

The DEIS will document the current inventory of public recreation and open space opportunities within the Town. The DEIS will summarize the potential impacts to these spaces and discuss the project mitigation measures, including dedication of permanent space area, payment of parkland fees, if any, and relation of proposed open space areas to other existing open space areas.

4.15 Solid Waste Disposal

The DEIS will summarize projected solid waste generation values for the project. The DEIS will include a discussion on off-site disposal methods.

4.16 Economic Considerations

This section will describe the potential impact the project may have on:

- Employment, households, population, and community characteristics
- Municipal Tax Revenues
- Municipal Expenditures
- Potential effect on neighboring property values
5.0 ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED

Any adverse impacts related to the proposed project which cannot be avoided or fully mitigated if the action is implemented will be addressed in this section of the DEIS.

6.0 REASONABLE ALTERNATIVES TO BE CONSIDERED

6.1 Null

The “No Build” alternative would consist of the continued use of the property in its current condition.

6.2 Residential development as allowed by Existing Zoning

The existing zoning for the project site is zoned as MED.

This section will present residential development concepts as allowed under existing zoning.

6.3 Non-Residential development as allowed by Existing Zoning

This section will present a non-residential site development concept as allowed under existing zoning.

6.4 Alternative Zoning

This section will describe the feasibility of developing the entire site into commercial facilities.

7.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

This section of the DEIS will identify natural and human resources that will be consumed, converted or made unavailable for future use if the project is implemented.

8.0 GROWTH-INDUCING ASPECTS OF THE PROPOSED PROJECT

Any developing economic growth or forms of secondary impact in the vicinity of the project will be explained in this section of the DEIS. Potential migration that might offset any distinct impacts will be acknowledged.
MEMORANDUM

TO: Hon. Sam Messina, Town Supervisor
   & Town Board Members

FROM: Jeffrey Lipnicky, AICP

DATE: October 6, 2011

SUBJ: Wemple Corners DEIS
       Assignment of Town Designated Engineer

For the Board’s review please find attached a proposed Task Order from Chazen Companies for review of the Wemple Corners DEIS acting as Town Designated Engineer (TDE) under the Town’s Master Services Agreement. The purpose of this memo is to request that the Town Board authorize assignment of this review to the Chazen Companies.

The Chazen Companies has been recommended for review of this project following submission of a qualifications package by the Town’s three TDEs. The qualification packages were reviewed by an ad hoc committee consisting of Mike Morelli, Director of DEDP, Paul Penman, Town Engineer, Terry Ritz, Assistant Engineer/Land Surveyor and myself. After reviewing the qualifications of the proposed consultant teams and interviews with the prospective project managers, it was the committee’s unanimous opinion that the Chazen consultant team and approach was most suited to this particular review.

It should be noted that typically the assignment of project reviews to a TDE does not come before the Town Board. In this particular case, however, the estimated review fee exceeds $10,000.00. It is our understanding that under the Town’s procurement policy, items that exceed this amount must be authorized by the Town Board.

The estimated cost of the review is $34,750. As with all TDE project reviews, the cost of the review will be paid through an escrow account that will be established for the project. The escrow account (and thus the TDE fees) will be funded by the Applicant with no direct costs to the Town.

Thank you for considering this item. Please call me at 439-4955 x 1156 with any questions or comments you may have.

cc: N. Moquin       M. Morelli       T. Ritz
       J. Potter       P. Penman
MEMORANDUM

To: Town Board Members

From: Sam Messina

Date: October 5, 2011

Re: Citizens Advisory Committee on Conservation (CACC)

The purpose of this memorandum is to brief the Board on the status of the CACC and to provide action recommendations.

I. Background

In a December 14, 2010 narrative report and power point presented to the Town Board on December 22, 2010, Mike Morelli, Director of Economic Development and Planning, presented recommendations on a range of economic development and planning projects, including the CACC.

Mike recommended that “a meeting be scheduled with applicable Town staff, representatives of Bethlehem Tomorrow (BT), the Mohawk Hudson Land Conservancy and large land owners to discuss practical ways of reaching common ground on an action plan that advances CACC’s mission.”

CACC was established in January 2006 and its mission is defined as: “a) Explore conservation projects and opportunities with willing landowners, as identified by the Town Board; b) Provide advisory information to the Town Board, as requested, and; c) Assist with longer term activities, at the Town Board’s request, such as exploration of open space funding opportunities, working to develop an inventory of open space resources and an open space protection program.”

CACC volunteers, with staff support provided by Town Planner Jeff Lipnicky, provided useful information in two documents: Open Space Protection Programs-Funding and Tools (Oct 2006) and Open Space Needs and Assessment Report (Oct 2009).

II. Moving Forward

The key questions that need to be answered are:

a) Where do we go from here regarding CACC?

b) What actions should be taken to further protect and preserve open space in the Town of Bethlehem?

To get some additional perspective on these important questions, I convened a meeting with Mike Morelli, George Leveille - Planning Board Chairman, John Smolinsky - Deputy Supervisor, Jill Knapp - Executive Director of the Mohawk Hudson Land Conservancy; and Bethlehem Tomorrow (BT) representatives Caleb Wistar, Nancy Heinzen and Lisa Evans.

The meeting occurred on March 9, 2011. Some time was focused on reviewing the status of the planning and economic development initiatives described in Mike’s December 14th report, discussing potential future opportunities to partner with...
Mohawk Hudson Land Conservancy, and potential “Economic Development Compacts” with other taxing jurisdictions that could lead to streams of revenues that might be invested in economic development and also “green” initiatives.

Most of the meeting, however, was devoted to the questions described above regarding the future of CACC and additional actions to protect and preserve open space in Bethlehem.

One of the most significant discussions focused on a report prepared by BT, Developing an Open Space Program in the Town of Bethlehem: A White Paper (Enclosure 1). This BT Report was previously sent by BT to all Town Board members on September 11, 2010.

Following the initial discussion with BT, (and a second meeting on July 12, 2011 to discuss my draft memorandum to the Town Board and incorporate some changes) there was agreement to move forward and convene a meeting with large landowner representatives to get additional input on the open space program (OSP) strategy proposed by BT. It is my belief, and the belief of others, that there are shared goals between the Town’s large landowners and other residents committed to open space preservation. And if we approach this notion thoughtfully, with appropriate citizen involvement, additional progress on responsible open space program initiatives would be advanced.

It was also recognized that as we move forward, input needs to include as diverse a group of landowners as possible. Sometimes overlooked are developers who own land in the Town of Bethlehem. As a group they have, by necessity, a keen awareness of all matters related to development (financing, marketing considerations, environmental permits, plan review process, etc.) and bring to the table an informed, practical perspective.

BT demonstrated considerable initiative in drafting the White Paper (BT Report). BT’s involvement can best be described as strong advocates for an Open Space Protection Program, willing to be helpful, as needed, but to a point. They are supportive of the recommendations presented here, but also keenly aware of how much time has been spent discussing and analyzing many aspects of open space protection. (See the BT Timeline documenting planning and open space initiatives to date-Enclosure 2). BT believes that it is time to take action.

Therefore, on July 21, 2011 Mike Morelli, Lisa Evans, Jill Knapp and I met with Mike Waldenmaier, Ed Kleinke, Nancy Neff and John Mead. In the past, some large landowners have expressed the need to focus on practical means to enable willing landowners to have access to financial or other mechanisms to enable them to continue farming activities or otherwise maintain open space.

I will now address the questions of: a) Where do we go from here regarding CACC? and; b) What actions should be taken to protect and preserve open space in the Town of Bethlehem?

a. Where do we go from here regarding CACC.

As noted in Mike’s report, four members of CACC had their terms expire on April 30, 2010, five additional members’ terms expired on April 8, 2011, and there are also two vacant seats. In effect, CACC is no longer a functioning organization. CACC’s last meeting was July 2009. Further, based on a review of work completed, CACC has, in large part, fulfilled its charge from the Town Board.

BT’s Recommendations:

1. CACC members have done an outstanding job, and are to be commended for their work.

2. Since CACC’s charge by the Town Board has basically been completed, the organization should be discontinued.

3. A new organization, as described below, an Open Space Advisory Committee (OSAC) should be created to advance the answer to the question:
b) What actions should be taken to further protect and preserve open space in the Town of Bethlehem?

A review of the CACC record, as described in its minutes, suggests that there were some pretty strong, and perhaps even polarized feelings about the need, value and even appropriateness of open space planning. Some said that we had done enough planning in Bethlehem and the status quo needed little improvement. Others opined that for a number of reasons, Bethlehem needed an open space plan, additional mapping, etc. The CACC chairperson and a number of other longstanding CACC members felt that this sort of stalemate was irreconcilable and unproductive. Clearly, such a situation could tend to stymie further efforts to examine an open space protection program.

That is why it is so important and timely that an “action initiative”, as described in the Open Space Program, was advanced by BT.

It is essential to note from the outset that the Open Space Program is not an Open Space Plan. It is a program based on a philosophy that BT and I hope everyone could rally around:

“Landowners need a fair price for their land, and should that money become available, landowners would be more willing to either sell their land outright, or sell the development rights.”

The Open Space Program advanced by BT focuses on one strategy to protect open space, which is to buy land or development rights, such that land is protected forever. And, by focusing on this approach, it fits in squarely with the philosophy of large landowners that: “willing landowners” must be a strong consideration in any future actions to assist large land owners to keep their land as open space.

I note that our Zoning Code includes a number of tools that can be used to preserve open space, e.g. requirements to help protect wetlands, stream corrodos and steep slopes, and parkland set aside or payment in lieu of. Additionally, we have conservation subdivisions and average density subdivision regulations and other mechanisms to help achieve the goals of the Comprehensive Plan. (The Van Dyke Spinney senior housing and the Phillipin Kill Manor PDD projects are good illustrations of this). And, as we move forward we would envision that our Planning Board and Department of Economic Development and Planning should increase the use of these conservation tools.

Nevertheless, the notion of including another tool in the Town’s planning portfolio, which would be pro-active and which might “fit” when other approaches may not, and could also rally people around advancing Comprehensive Plan goals is a good idea.

Let me now describe the essential components of a timely and strong beginning to an Open Space Program. As you will see, we need to start small because of financial and other resource constraints. But we can begin now. And then, when we can, advance to the medium and longer run approaches, if and when resources are available to have a program in place for land acquisition, or the acquisition of development rights, to the direct benefit of the Town and willing landowners within the town.

III. Executive Overview

I recommend that the Board review the remainder of this report, and also consult the report previously submitted by Bethlehem Tomorrow on Developing an Open space Program in the Town of Bethlehem: A White Paper (BT Report).

However, I thought it would be useful to offer an Executive Overview at this point, including a summary of the considerations and my opinion.

Issue(s):

- BT has proposed an Open Space Program (OSP) based on Cost of Community Services studies (COCS) which maintain that open space saves tax payer dollars, compared to development.

- We note that there are other views on COCS which describe that development generates net revenue for the community.

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• **Messina’s Recommendation**: We should be aware of the different perspectives, appreciate that significant assumptions are employed, and in Bethlehem be guided by the Comprehensive Plan, since its balance is a guiding principal and real strength. I note that during our various conversations it became apparent that clarification was needed to fully understand the flexible nature and potential of the OSP, and to eventually achieve broad based buy-in: 1) The OSP, as designed, is intended to increase Bethlehem’s readiness to receive funding support from various sources, some of which are more likely to dedicate revenue if a process is in place to receive funds and implement an effective program. 2) The flexibility of the OSP needs to be appreciated and recognized. For instance, it is quite possible that criteria developed may make the program more applicable for sections of large open-space acres, or unique smaller individual areas. Further, there is an opportunity to consider options to term lengths on any project to purchase development rights, ranging from “in perpetuity” to a lesser term length, depending on many factors. However, any term less than “in perpetuity” would not serve the long-term interests of preservation in the Town as well as it could. 3) Last, it is recognized that some of the large land owners feel that they are already significantly contributing to open space preservation and protection by good land stewardship and paying taxes on the land. And from their perspective, this positive condition could be supported for the future by somehow reducing the property tax burden. While there are no immediate feasible ways to achieve this objective, this is a factor that will continue to be considered.

**Issue(s):**

- The preservation of open space has numerous environmental benefits including community quality, pollution absorption, vegetative and stream buffers trapping sediments, erosion reduction and diverse ecosystems supporting resilient response to climate change and threat to non-native invasive species.

- Features of the OSP include: dedicated funding; parcel selection process; engagement with willing landowners; input/oversight of an advisory committee; and adequate funding.

- Detailed elements of an OSP include: tasks; proposed action; assumptions; questions; time line and staff support; easement acquisition procedures; and OSP Advisory Committee Selection Criteria.

• **Messina’s Recommendation**: I support the recommendations of BT. The large landowners present at the July 21, 2011 meeting raised concerns regarding the BT recommendations, as well as additional items in my proposed report to the Board. These issues, among others, are such that the large landowners present cannot support the recommendations presented in this report regarding the proposed actions to protect and preserve open space in the Town of Bethlehem. (The large landowners do, however, support the discontinuance of the CACC because its charge by the Town Board has basically been completed.) While I respect the position of the large landowners’ representatives we met with, I feel it would be a disservice to our community and other landowners to not make such a program available to all landowners who willingly choose to participate. Without the OSP such willing landowners will have fewer options and land protection opportunities will be lost.

**Issue(s)**

- Various Program Assumptions: Information is provided on assumptions for staff and Board involvement; OSP Advisory Committee; capital reserve fund and parcel activity/land selection for Start-up; Moderate and Multi-municipal Programs.

• **Messina’s Recommendation**: The assumptions for the Start-up program are realistic and can be initiated in 2011. Further, while the programmatic assumptions may be reasonable for the second two phases (Moderate and the Multi-municipal), moving into 2012 and beyond, further experience is necessary to
make this determination. Additionally, and importantly, funding would have to be available to support the Moderate and Multi-municipal level programs, and it is not possible at this time to presume additional funding for the OSP in 2012, or beyond. I also want to emphasize that the funding for the OSP (administration and land acquisition) may come from several sources, i.e. grants, donations, set aside fee structures of various types, new streams of revenue from such things as payment-in lieu-of-tax (PILOT) agreements and general taxation. Given the creative options that may be available to generate funds for the financial “bucket” that is a key part of the OSP, general taxation be the last funding option considered. In our current economic climate, and given other operational and capital funding priorities and projected future funding challenges, I do not see how general tax revenues can be a realistic solution at this time. Nevertheless, we should move forward now to advance the OSP to be prepared for future options.

**Issue(s)**

- **Budgetarily, the OSP recommended by BT, in summary, calls for the following:**
  - **Start-up Program (2011)**
    i. Increased expenditures of $6,500 for equipment, supplies, contracted services and travel.
    ii. Revenue of $6,500 made available from the general fund.
    iii. Support provided by existing Town staff with some volunteer assistance.
  - **Medium Program (2012)**
    i. Increased expenditures of $59,015: $36,600 for part-time staff and fringe benefits; $22,415 for equipment, supplies, contractual services and travel; and fees associated with the acquisition of two parcels.
    ii. Additional proposed expenditures: $700,000 for the acquisition of 2 parcels per year.
      1. Revenues proposed to cover expenditures are as follows:
        - $59,015 to be generated through General Fund revenues to cover program management costs.
        - $700,000 to be generated through General Fund revenues (through a suggested dedicated OSP Property Tax).
  - **Multi-municipal Program (2013)**
    i. Increased expenditures of $144,915: $91,500 for one full time and one part-time staff position and fringe benefits; $5,415 for equipment, supplies, contractual services and travel; $48,000 fees associated with the acquisition of 6 parcels per year.
    ii. Additional proposed expenditures: $2,100,000 for the acquisition of 6 parcels per year.
      1. $144,915 to be generated through General Fund Revenues to cover program management costs.
      2. $2,100,000 to be generated through a bond for land acquisition.

- **Messina’s Recommendations:**
  a. The Town should commit to the Start-up program now, and drive forward to achieve most start-up tasks in 2011.
  b. Staff support would be provided by current Economic Development and Planning Department staff, and by a part-time volunteer. (Please see enclosed resume and emails from a person who is interested in providing volunteer support for this initiative-Enclosure 3).
  c. The Town Board should evaluate and consider implementation of the Medium program (or as much of this as possible) through the 2012 Budget process. For the 2012 Budget a reasonable goal could be to provide $59,015, or some portion of this, for paid part-time staff and other associated administrative resources to drive the program forward. Alternatively, and perhaps more realistically, given the Town’s tight budget situation for 2012, perhaps supplemental funding other than tax dollars (grants, donations or other revenue sources) would be a more realistic alternative. However, when it comes to $700,000 for the acquisition of two parcels, I would not recommend funding sources or funding levels at this time.
d. Regarding 2013 and beyond, as it may relate to a Multi-municipal Program, I believe it is premature to make recommendations at this time. Experience implementing and managing the OSP, the Town’s overall fiscal situation and the consideration of other funding sources and other priorities will all have to be taken into consideration.

IV. Why an Open Space Program (OSP) as Proposed by BT

Economic Benefits:

Cost of Community Services (COCS) studies have repeatedly shown that for every dollar in taxes generated by residential property, these same properties require more than a dollar of services for school, infrastructure, water, sewer, and related town services. Thus, residential development, unless it is geared to the very high economic end, or comprised of empty-nester or high density situations, causes taxes to rise.

Looked at another way, for every dollar in taxes generated by open space and commercial property, less than a dollar of public services are required. “Saving land saves money” is a powerful quote from the OSP BT Report submitted by BT. In some instances we could also conclude that saving land saves agriculture as well as money.

It is also noted that property owners that choose to sell development rights, may have some financial benefit and positive impact on retirement or other estate planning factors.

Clearly, the OSP prepared by BT is premised on information derived from Cost of Community Services Studies. While early COCS ratio studies were either sponsored or conducted by the American Farmland Trust; more recently, researchers represent a variety of backgrounds. Regardless of who does the research, the results consistently show that residential development is a net drain on local government budgets. The average estimate ranges from $1.15 and $1.50 returned in the form of local government and school district services for every dollar collected in taxes and non-tax revenue (University of Illinois Extension Local Community Resources: Fact Sheets Costs of Community Services).

Individuals interested in COCS methodology should read the 1998 Town of Warwick Cost of Community Services Study. As a methodology, it is based on municipal level data, rather than abstract data sets. Typically staff familiar with budget categories and municipal operations recommend how best to allocate revenue and expenditures to various land use types. The approach presents a snapshot of land use impacts based on actual municipal finances, not theoretical arguments or modeling techniques.

Others analyze residential development differently. In 1996, the National Association of Home Builders (NAHB) developed an economic model which estimates the local economic benefits of home building. One such local impact study was recently conducted in the Albany-Schenectady-Troy Metropolitan Statistical Area (April, 2011). Titled, The Local impact of Home Building in Albany, NY--Income Jobs, and Taxes Generated, estimates showed that home building generates substantial local economic activity, including new income and jobs for residents, and additional revenue for local governments.

Model assumptions, however need to be highlighted. In this particular study, “local” refers to a large geographic area (in particular the five counties of Rensselaer, Albany, Saratoga, Schenectady, and Schoharie); the modeling scenario is based on 1,000 single family homes, each selling for an average price of $387,258, built on a lot for which the average value of raw land is $40,529; impact, permit, and other fees to local government total $5,620; and the average property tax rate is $8,070. The one year local impact, estimates $261.8 million in local income, $26.3 million in taxes and other revenue for local government, and 3,605 local jobs. Which economic benefits would spill over into the Town of Bethlehem directly is beyond the scope of the model.

While COCS studies look at fiscal impacts across multiple land use types within a particular municipality, and the home builder study considers fiscal impacts across one Metropolitan Statistical Area, a closer look at more familiar residential projects within the Town of Bethlehem may be helpful.
The Walden Fields 96 twin home subdivision pays a total of $795,000 dollars in taxes (not including any exemptions individual property owners may be eligible for). Of this total, $589,693 goes to school/library taxes and at last check, there were no school age children from Walden Fields attending the Bethlehem School district. In addition, the stormwater management ponds in the Walden Fields subdivision are owned and maintained by the homeowner’s association, further reducing cost impacts to the Town. Presumably, however, Walden Field residents also use and benefit from other services, such as road maintenance, senior services, library, parks, etc..

Two recent fiscal impact analysis prepared for projects in Town might also be instructive. The Kendall Square fiscal analysis, which used the most conservative numbers and did not factor in State or Federal aid, reported that for the residential component of the project alone, $17,909 in excess school taxes would be generated over BCSD expenditures. Again, if you factored in State and Federal aid, that revenue would be even higher. Blessings Corners also conducted a fiscal impact analysis which demonstrated that their project would result in a positive annual fiscal impact of $85,914 including $34,748 for the Town of Bethlehem. We note that missing from these fiscal impact studies are the cost of community services provided to potential residents and businesses and this is an additional piece of information to consider.

More importantly, Bethlehem’s own Comprehensive Plan states that “a look at the net fiscal impact of residential and non-residential development indicates that both forms of development have a positive net fiscal impact on the Town” (Page 7.39). The Comprehensive Plan also shows that residential development, including single family homes has a positive net fiscal impact greater than either vacant or agricultural lands (Page 7.40).

While considering all of this, I firmly believe our community’s best guide on matters of development and preservation continues to be the Town of Bethlehem’s adopted and amended Comprehensive Plan. That plan was created and supported by the broadest possible representation of Bethlehem’s residents and business persons, including strong advocates of open space planning and landowner rights. So, as we move forward to consider an Open Space Program, we should do so: a) being closely guided by all aspects of Bethlehem’s Comprehensive Plan; b) being mindful of the attributes of the costs and benefits of both open space and development; and c) by being discerning in how financial impacts are analyzed and honed in the interests of Bethlehem taxpayers.

**Environmental Benefits:**

Saving land saves our local farms. Under an Open Space Program, a farmer can be paid for the additional value the land would bring if developed, spend or invest the cash as he or she wishes, and keep farming. In addition, saving land is a cost-effective way to keep our air and water clean. Excessive development brings with it more roads, more cars, and more land covered with buildings and blacktop. The result is more stormwater runoff entering local waterways and more car exhaust, damaging the air we breathe. In contrast, forests and fields absorb air pollution and release oxygen, while also slowing down and retaining rainfall. Preserving land next to streams prevents costly stream instability and traps pollutants. These natural systems are an efficient alternative to costly man-made structures. Finally, saving land saves special places. The places where we walk, bicycle, play, and explore, the beauty we enjoy, and the friends and family with whom we share these things, makes this our community and our home.

**V. Features of the OSP**

The driving forces behind the OSP are well defined in BT’s OSP BT Report and would become the principles that guide the more detailed elements that would follow.

- Dedicated funding which can ONLY be used to acquire land or development rights;
- A fair and rational way to select parcels to be protected;
- A process in place such that an interested landowner can decide, based on the merits of information provided, whether or not to go forward with the acquisition;
- Willing landowners
- Input and oversight from an advisory committee such that program objectives (land conservation) are monitored, funds are well invested, and the purpose of the program is accurately communicated to the public at large; and
- Adequate funding is available to administer the program.

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VI. **Elements of an OSP**

The OSP includes detailed action steps which are intended to lead to the establishment of priorities, and resource allocation decisions.

1. **Task List** – Describing actions, assumptions, issues to consider, time lines and potential staff involvement. We have included the key components of the Task List here to provide some additional background. (Please refer to the attached BT Report for details.)

<table>
<thead>
<tr>
<th>Task</th>
<th>Proposed Action</th>
<th>Assumptions/Questions</th>
<th>Suggested Time Line</th>
<th>Staff Support</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dedicate funding, which can only be used to acquire land or development rights.</strong></td>
<td>• Establish a bucket for dedicated funds, such as a Capital Reserve Fund account.</td>
<td>• Funds in the capital reserve account would not be used for other purposes. • A small multi-year funding stream could be used, and committed to in the budget process. • Other funding streams for the reserve could be: Parkland set aside fees; personal donations; borrowed monies; real estate transfer tax; COMPACT/PILOT program.</td>
<td>• Capital Reserve fund could be established within a month. • Funding streams could be connected with budget and economic development initiatives over the next six months, and go forward from there.</td>
<td>• Town Attorney and Comptroller would primarily be involved in research and making recommendations to the Town Board.</td>
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<tr>
<td><strong>Institute a fair way to select parcels through Land Selection Criteria</strong></td>
<td>• Town staff should review and, as necessary, modify the Land Acquisition Criteria adapted from CACC document entitled Open Space Protection Programs – Funding and tools (attachment 7 in OSP BT Report). • Submit the criteria to Town Board for review, approval and adoption of a supporting resolution.</td>
<td>• The Land Selection Criteria suggested here was modeled after the PaTHs4Bethlehem approach. • This includes conservation criteria under IRS Code Section 170 (h) and parcels so identified would be available for tax reduction opportunities and possible grant funds.</td>
<td>• Town staff review of criteria by 8/15/11. • Town board approval of Land Selection Criteria by 8/30/11.</td>
<td>• Staff from Planning, Engineering, Highways, and Parks and Recreation. • Planning Board and Town Board review and approval.</td>
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<td><strong>Sustained commitment to OSP with dedicated staff.</strong></td>
<td>• Commit adequate time from planning staff to provide part-time support. • Engage a new volunteer from the Bethlehem community with planning experience to support planning staff. • Partnership with MHLC to provide some staff support where Land Trust function or expertise is needed.</td>
<td>• Lead staff person will coordinate the process. • This lead person will assist in recommending members of the OSP Advisory Committee.</td>
<td>• Appoint OSP Coordinator by 12/30/11. • Implement volunteer support by 11/30/11. • Implement MHLC support by 11/30/11.</td>
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<tr>
<td><strong>Open Space Advisory Committee (OSAC).</strong></td>
<td>• Establish the OSAC • OSP members will have input into OSP development, oversight and land selection. • Develop job descriptions. • Post OSAC all volunteer positions on Town website.</td>
<td>• Seek people with a clear commitment to conservation and with appropriate expertise to serve on the OSAC.</td>
<td>• OSAC created and appointed by the Town Board by 12/30/11.</td>
<td>• Town Board, with advice from staff, appoints OSAC.</td>
</tr>
<tr>
<td><strong>Sustained commitment through the Town Budget</strong></td>
<td>• Adopt a 2012 Budget that includes an OSP Start-up Program item for</td>
<td>• If Bethlehem is serious about the OSP, a funding commitment will be necessary for the program.</td>
<td>• Include OSP Start-up Program in the Supervisors proposed</td>
<td>• In future years the OSP Coordinator develops budget.</td>
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</tbody>
</table>

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2. **Easement Acquisition Procedures** – Which detail the time and actions required to move the project through all steps of the acquisition process. (See Attachment 3 in BT’s OSP BT Report for details.)

In summary, Attachment 3 in the BT OSP BT Report describes the legal aspects of easements and how they are used as a tool to keep property undeveloped in perpetuity. The procedures explain steps that would be required, including: initial landowner contact; initial property evaluation; conceptual approval by the OSP Advisory Committee; development of a draft easement; survey; appraisal; baseline inventory; due diligence review; title search; Town Board or Land Trust Board review and approval; closing, and; post closing actions. Also, the OSP includes a checklist to guide the entire process.

3. **Selection Criteria** – For individuals on the OSP Advisory Committee (See Attachment 4 in the OSP White Paper for details).

The OSP Advisory Committee would be charged with providing oversight of the program, and land selection. BT recommends that the size of the advisory committee be 5 to 7 people. Further, BT suggests specific criteria for selection of committee members, such as:

- Committed to and familiar with land conservation
- Deep familiarity with the community
- Approachable and comfortable talking with individuals
- Reliable in terms of attending meetings and being prepared
- Representation on the Committee with individuals having expertise in the following fields: knowledgeable in land features, i.e. physical geographer or geologist; federal or State natural resources protection law; professional expertise in forestry, wetlands biology, soils science, hydrology or flood plains, water quality or agriculture; knowledge in cultural land features, e.g., archeology and history; familiar with land values, e.g., a banker, certified developer, other developer, or surveyor; familiarity with Estate Planning.

Resumes from persons interested in service on the OSAC would be solicited and received through a number of venues, including the Town’s website posting process. The Town Board, with advice from appropriate Town staff would review applicant resumes, conduct interviews if deemed appropriate and vote on the selection of candidates.

VII. **ASSUMPTIONS**

The program assumptions for the OSP under Start-up, Moderate and Multi-municipal levels are as follows:

<table>
<thead>
<tr>
<th>Assumptions For</th>
<th>Start up Program</th>
<th>Moderate Program (Two parcels per year)</th>
<th>Multi-municipal Program (Six parcels per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staffing, Town Board Involvement, and Land Trust (consultant) Support</td>
<td>● Town provides existing staff support on range of issues and options</td>
<td>● New Part-time position</td>
<td>● Full-time inter-municipal position, with costs shared by other municipalities actively creating their own open space protection programs</td>
</tr>
<tr>
<td>OSP Advisory Committee</td>
<td>● Announce formation of OSAC</td>
<td>● Support OSP Advisory Committee</td>
<td>● Develop inter-municipal agreement</td>
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<td></td>
<td>● Recruit and select OSAC</td>
<td>● Pay for tasks assumed by Land Trust</td>
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<td>● Develop programs and literature</td>
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<td></td>
<td></td>
<td>● Manage Reserve Account</td>
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Visit the Town of Bethlehem Website at http://www.townofbethlehem.org

### VIII. Various Budget Scenarios

Including both administrative costs and funding for the purchase of land or development rights. Scenarios are for a Start-up program, moderate program with land trust as a partner, and an inter-municipal program. (It is suggested that the reader review the detailed assumptions and budgets for the three progressively advanced budget scenarios, found in Attachment 5A and 5B of the OSP BT Report. However, a summary is also provided is Item III of this memorandum.)

The following chart describes the budget/expenditure factors for a Start-up, Moderate and Multi-municipal programs.

In summary:

1. **Start-up**: Revenues of $6,500 from the General Fund; Expenditures of $6,500 for equipment ($1,000) and miscellaneous supplies, software, printing ($5,500)

2. **Moderate**: Revenues of $59,015 from the General Fund, and $700,000 dedicated OSP property tax; Expenditures of $36,600 for personal services and $22,415 for non-personal services.

3. **Multi-municipal**: Revenues of $144,000 from the General Fund; and $2,100,000 bond for land acquisition; Expenditures of $144,915 for 1 full time and, 1 part-time staff person; fringe benefits and non-personal services; and $2,100,000 for land acquisition

### BUDGET SCENARIOS

<table>
<thead>
<tr>
<th></th>
<th>Start-up Budget</th>
<th>Medium (Two Town parcels per year)</th>
<th>Multi-municipal (Six parcels per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE (Based on estimated expenses which follow)</strong></td>
<td>Program Management</td>
<td>Land/PDR Acquisition (Capital Reserve Fund)</td>
<td>Program Management</td>
</tr>
<tr>
<td>General Fund</td>
<td>$6,500</td>
<td>$59,015</td>
<td>$144,000</td>
</tr>
<tr>
<td>Dedicated OSP Property Tax</td>
<td>$700,000</td>
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</tr>
<tr>
<td>Bond for Land Acquisition</td>
<td></td>
<td></td>
<td>$2,100,000</td>
</tr>
<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td>$6,500</td>
<td>$59,015</td>
<td>$700,000</td>
</tr>
</tbody>
</table>
## Expenditures

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>Start-up Budget</th>
<th>Medium (Two Town parcels per year)</th>
<th>Multi-municipal (Six parcels per year)</th>
<th>Start-up Budget</th>
<th>Medium (Two Town parcels per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personnel:</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>OSO Program Coordinator</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Start-up Budget</strong></td>
<td></td>
<td></td>
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<tr>
<td>Full-time Salary</td>
<td></td>
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<td>$45,000</td>
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<tr>
<td>Part-time Salary</td>
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<td>$30,000</td>
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<tr>
<td><strong>TOTAL PERSONAL SERVICES</strong></td>
<td>$0</td>
<td>$0</td>
<td>$30,000</td>
<td>$0</td>
<td>$75,000</td>
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<tr>
<td><strong>TOTAL FRINGE BENEFITS</strong></td>
<td>$0</td>
<td>$0</td>
<td>$6,000</td>
<td>$0</td>
<td>$16,500</td>
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<td>$0</td>
<td>$200</td>
<td>$0</td>
<td>$1,000</td>
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<tr>
<td><strong>Other Expenses</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Misc. (supplies, software, printing, contractual, travel)</td>
<td>$5,500</td>
<td>$4,415</td>
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<td>$4,415</td>
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<tr>
<td>Fees for Service (Ancillary Acquisition)</td>
<td>$8,000 per acquisition</td>
<td>$17,800</td>
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<td>$48,000</td>
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<tr>
<td><strong>TOTAL LAND ACQUISITION</strong></td>
<td>$6,500</td>
<td>$0</td>
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<tr>
<td>($350,000 per parcel)</td>
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<tr>
<td><strong>TOTAL NON-PERSONAL SERVICES</strong></td>
<td>$6,500</td>
<td>$0</td>
<td>$29,215</td>
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<tr>
<td><strong>TOTAL EXPENSES</strong></td>
<td>$6,500</td>
<td>$0</td>
<td>$59,015</td>
<td>$700,000</td>
<td>$144,915</td>
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<tr>
<td><strong>REVENUES LESS EXPENSES</strong></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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</table>

Additional attachments in the OSP BT Report that provide useful background and details include: Attachment 5B – Sample Budget For Acquisition Costs Ancillary to the Property Itself; Attachment 6 – Sample Job Description for OSP Director, and; Attachment 7 – Sample Land Selection Criteria Algorithm For Prioritizing Land Parcels for Protection.

### IX. Public Involvement

Public involvement will be essential to obtain alternative ideas, as well as to learn from different views. As with any Town-wide initiative we can build in public involvement, such as workshops and public meetings, as program implementation discussions advance.
Summary:

Representatives of Bethlehem Tomorrow have developed an Open Space Program (OSP) which is included in its entirety as an attachment, and summarized in this memorandum. This OSP is well thought out, practical, realistic in terms of being financially viable through at least the Start-up Budget Phase.

Even more important, the Open Space Program described here is one that should be supported by members of the Bethlehem public interested in open space preservation and protection. Considering this, there is no reason to believe that the OSP will not be strongly supported by a large majority of Town residents and business persons.

Recommendations:

The Town Board should consider supporting action now to advance the Open Space Program (OSP) committing to the first phase (Start-up) at this time. The second and third phases, Medium and Multi-municipal have significantly more costs (and opportunities) associated with them, that we believe will need to be refined further, before Town Board action could be recommended. These matters should be evaluated further during the Start-up phase, and need to be considered in the light of competing priorities and available resources.

Phase I be supported by existing staff from our Department of Economic Development and Planning staff, with part-time voluntary assistance provided by a person skilled in planning and land use issues.

Would be pleased to respond to Board questions. Also, representatives of Bethlehem Tomorrow are in attendance to discuss this proposal further.
Developing an Open Space Program in the Town of Bethlehem: A White Paper

Report to the Town Supervisor and Members of the Town Board
September 2010
I. Introduction/Summary

Bethlehem Tomorrow (BT), a volunteer group of Bethlehem residents interested in open space protection, has been working since 2002 to ensure that Bethlehem’s future is based on the best and most professional planning concepts. BT advocated for the adoption of the Town’s Comprehensive Plan, and has been monitoring the results of that process.

BT believes that the follow-up to the Comprehensive Plan has not provided adequate implementation of conservation and open space objectives. Despite 3 years of extensive Committee work related to agricultural and open space protection, there is no guarantee that land of high conservation value will be protected in perpetuity. While much has been done to set the stage for a more comprehensive agriculture and open space protection effort, BT believes that more needs to be done.

BT believes there is a consensus around one key point, which is that landowners need a fair price for their land, and that, should money become available, landowners would be more willing to either sell their land outright or sell their development rights. At a minimum, the availability of funding would make such landowners more receptive to the possibilities of conserving their land.

There are many different ways to protect open space. The following “blueprint” focuses on one strategy, which is to either buy land or development rights, such that land is protected forever. Implementing this strategy requires the creation and administration of a long term open space protection program. While there are many environmental and economic benefits to protecting open space, establishing such a program requires a serious and sustained commitment at all levels of Town government.

Bethlehem Tomorrow believes that preserving open space in Bethlehem is critical to the preservation of the Town’s quality of life as well as a means to stabilize the tax base within the Town. This document aims to explain program basics and to suggest a plausible path to follow, grounded in the possible, with specifics for how the Town could go forward. Much of the information provided is based on the book, A Guide for Local Government Land Acquisition, The Conservation Program Handbook, by Sandra Tassel (Island Press).

An Open Space Program (OSP) consists of the following:

- Dedicated funding which can ONLY be used to acquire land or development rights;
- A fair way to select parcels to be protected;
- A process in place such that an interested landowner can decide based on the merits of information provided, whether or not to go forward with the acquisition;
- Willing landowners;
• Input and oversight from an advisory committee such that program objectives (land conservation) are monitored, public money is well spent, and the purpose of the program is accurately communicated to the public at large; and
• Adequate funding to administer the program.

II. Why an Open Space Program (OSP)?

Economic Benefits

Cost of Community Services studies have repeatedly shown that for every dollar in taxes generated by residential property, these same properties require more than a dollar of services for schools, infrastructure, water, sewer, etc. Thus, residential development causes taxes to rise (See Attachment 1).

By contrast, for every dollar in taxes generated by open space and commercial property, less than a dollar of public services is required. Saving land saves money!

Agriculture also benefits from land conservation. The cost of farmland, if attractive to residential developers, is driven unreasonably high by competition. This makes it difficult for young farmers to buy land and existing farmers to expand operations. However, by retiring development rights, the price of farmland is stabilized which both supports the agricultural economy and prevents the conversion of land to tax hungry residential properties.

Finally, property owners, should they sell their development rights, may benefit financially. Individuals can plan for their retirement or address other estate planning needs.

Environmental Benefit

There are many well-recognized environmental benefits to protecting open space. Here are just a few:

- Vegetative stream buffers trap sediments and reduce costly stream instability and erosion.
- Forests and fields act like filters to absorb air pollution and sequester CO2 while releasing oxygen and providing localized cooling; and
- Diverse ecosystems support a resilient response to climate change and threats from non-native invasive species.

III. Elements of the OSP

The intent of this White Paper is to jumpstart an action-oriented discussion among Town officials and to potentially include the recommendations in this document in upcoming discussions regarding the town budget, program priorities and staffing needs.

Program basics can be broken out into 6 distinct action steps and that information used to allocate staff resources and develop various budget scenarios:

1) A task list which describes tasks, action, underlying assumptions, questions to consider, timeline for completion, and staff potentially involved with the task (Attachment 2);

2) Easement acquisition procedures which detail the time and effort needed to move a project through all steps of the acquisition process (Attachment 3);
3) Selection criteria for individuals interested in serving on the OSP advisory committee (Attachment 4);

4) Various budget scenarios, which include both administrative costs and funding needs for the purchase of land or development rights (scenarios: minimal program; moderate program with land trust as partner; inter-municipal program; Attachments 5A and 5B);

5) Job description for program director (Attachment 6); and

6) Land selection criteria algorithm for prioritizing land parcels for protection (Attachment 7).
## Attachment 1: Summary of Cost of Community Services studies.¹

<table>
<thead>
<tr>
<th>Community</th>
<th>Residential</th>
<th>Comm/Bus/Industry</th>
<th>Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amenia</td>
<td>1.23</td>
<td>.25</td>
<td>.17</td>
</tr>
<tr>
<td>Beekman</td>
<td>1.12</td>
<td>.18</td>
<td>.48</td>
</tr>
<tr>
<td>Dix</td>
<td>1.51</td>
<td>.27</td>
<td>.31</td>
</tr>
<tr>
<td>Farmington</td>
<td>1.22</td>
<td>.27</td>
<td>.72</td>
</tr>
<tr>
<td>Fishkill</td>
<td>1.23</td>
<td>.31</td>
<td>.74</td>
</tr>
<tr>
<td>Hector</td>
<td>1.30</td>
<td>.15</td>
<td>.28</td>
</tr>
<tr>
<td>Kinderhook</td>
<td>1.05</td>
<td>.21</td>
<td>.17</td>
</tr>
<tr>
<td>Montour</td>
<td>1.50</td>
<td>.28</td>
<td>.29</td>
</tr>
<tr>
<td>Northeast</td>
<td>1.36</td>
<td>.29</td>
<td>.21</td>
</tr>
<tr>
<td>Reading</td>
<td>1.88</td>
<td>.26</td>
<td>.32</td>
</tr>
<tr>
<td>Red Hook</td>
<td>1.11</td>
<td>.20</td>
<td>.22</td>
</tr>
<tr>
<td><strong>Averages</strong></td>
<td><strong>1.32</strong></td>
<td><strong>0.24</strong></td>
<td><strong>0.36</strong></td>
</tr>
<tr>
<td><strong>Rochester, Town of</strong></td>
<td><strong>1.27</strong></td>
<td><strong>0.18</strong></td>
<td><strong>0.18</strong></td>
</tr>
</tbody>
</table>


These studies compare annual revenues or income to the annual expenditures for different land uses. Typically comparison is described as a ratio. Here, on average, for every dollar generated in taxes, the cost of servicing this land use is $1.32 for residential, $0.24 for Commercial/Bus/Industry, and $0.36 for Open Space. Residential land use causes taxes to rise, while open space doesn’t. See also [http://www.townoffrancheester.net/Pages/RochesterNY_CompPlan/reference/costs.pdf](http://www.townoffrancheester.net/Pages/RochesterNY_CompPlan/reference/costs.pdf); Cost of Community Services Study for Sullivan County, 2020: Defining an Image and Managing Change by William J. Farnigh, Commissioner, Division of Planning and Community Development, Government Center, 100 North St. Middletown, NY 12701 845-794-3000 ext. 1 and Marc Baer, President/CEO, Partnership for Economic Development, 198 Bridgeville Road, Middletown, NY 12701 845-794-1110; and Cost of Community Services Study: Town of Warwick, Orange County, NY Revenues, Service Costs, and Land Use, November, 1990 by Michael R. Hatter, Local Government Program Department of Agricultural, Resource, and Managerial Economic, College of Agriculture and Life Sciences, 207 Warren Hall, Cornell University, Ithaca, NY 14853

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BETHLEHEM TOMORROW WHITE PAPER – OPEN SPACE PROGRAM IN BETHLEHEM

Draft of 9/10/10 - Page 4 of 24
<table>
<thead>
<tr>
<th>Task</th>
<th>Action</th>
<th>Underlying Assumptions and Questions</th>
<th>Time Line</th>
<th>Staff Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedicated Funding Which Can Only Be Used To Acquire Land or Development Rights</td>
<td>Establish a “pot” into which dedicated funds will be placed. Typically these are Capital Reserve Funds. In New York State, it is possible to set up a Capital Reserve Fund, dedicated to acquisition of land or development rights. Legal counsel would need to look into the details. Most likely the Town Board would adopt a resolution to establish the Fund and that same resolution would identify the source of funding. See NYS GML Section 247 and NY GML Section 6-c for more information. The Town of Greenburgh (Westchester County) established a Fund and multi-year tax increase for set period of time, under which the average property owner pays about $10/year. If no properties are acquired, then money in fund reverts to town's general fund.</td>
<td>Residents need to know that open space acquisition funding can NOT be diverted to cover town operating expenses. A dedicated Capital Reserve Fund does this. A small multi-year funding stream might be a good interim measure, as it would allow the fund to grow, testing interest to see if anyone steps forward wanting to sell their land or development rights. The Town of Bethlehem is one of the most affluent communities in the Capital Region (see 2010 Business Review Book of Lists and ranking of affluence by zip code), so a $10/year multi-year tax increase will most likely have a minimal impact on Town Residents. Other funding streams for Capital Reserve Fund to consider: 1) divert parkland set aside fees to Capital Reserve Fund; 2) Personal donations, if legal; and 3) Borrow money (municipal bonds). If willing landowners step forward, the Town could consider Real Estate Transfer Tax within next 5 years.</td>
<td>Immediately research details of Capital Reserve Fund. If possible to set up without a funding source established, set one up by 12/31/10. If a funding stream is needed, research and select options by 3/30/11. Develop and implement strategy to promote whatever funding option is appropriate. If tied to voter referendum, once decision made regarding funding source (March), begin work for election day vote (11/12/11)</td>
<td>1) Town Attorney and Comptroller. Research Capital Reserve Fund and report to Board from Town Comptroller and Town Attorney 2) Comptroller. Analyze money raised via multi-year tax increase and other options...report to Board</td>
</tr>
<tr>
<td>Task</td>
<td>Action</td>
<td>Underlying Assumptions and Questions</td>
<td>Time Line</td>
<td>Staff Support</td>
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<tr>
<td>------</td>
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</tr>
<tr>
<td>Institute a Fair Way To Select Parcels (Land Selection Criteria)</td>
<td>Town Board and staff critique attached Land Acquisition Criteria (Attachment 7), edit and finalize the document, then submit to Town Board for suggestions and/or approval. Town Board adopts municipal resolution supporting the criteria. Land Acquisition Criteria (Attachment 7 is adapted from CACC Document titled: Open Space Protection Programs-Funding and Tools).</td>
<td>The CACC document, “Open Space Protection Programs-Funding and Tools” includes an overview of land selection criteria. As there is already some familiarity with the document, this previous work should be used to finalize the Land Acquisition Criteria document. Attachment 7 also does this, and includes an algorithm for prioritizing the parcels, modeled after the Paths Committee approach. This document includes conservation criteria mandated by Section 170 (h) of the Internal Revenue Code regarding conservation easements. Consequently approved parcels would simultaneously be eligible to take advantage of tax opportunities and grant money available for conservation easements and purchase of development rights. This criteria needs to be adopted as soon as possible, as it will make it easier to promote various funding approaches for open space acquisition.</td>
<td>Town staff. By 10/30/10, critique and revise as needed land acquisition criteria. Town Board adopts criteria by 12/31/10.</td>
<td>Planning, Engineering, Highway, and Parks and Rec, Town Board and Planning Board: Read and approve criteria by 3/30/11.</td>
</tr>
<tr>
<td>Task</td>
<td>Action</td>
<td>Underlying Assumptions and Questions</td>
<td>Time Line</td>
<td>Staff Support</td>
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<tr>
<td>------</td>
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</tr>
<tr>
<td>Agree to Sustained Commitment (Dedicated &quot;Staff&quot;)</td>
<td>Town Board members and Supervisor, after consulting with staff, designate individual to coordinate initial Open Space Program effort. Could be staff or person from the community with time, interest, and necessary skill set.</td>
<td>Someone needs to coordinate the process, otherwise work will not get completed. Individual must want to do the work and have the time available to complete it. It may or may not be the responsibility of a staff person. Whoever it is needs to have a strong working relationship with elected officials and staff. Once person identified, that individual needs to help identify and recruit members of the Advisory Committee.</td>
<td>By 12/1/10, Identify, recruit, and formally support &quot;coordinator&quot; of Open Space Protection Program.</td>
<td>1) Relevant staff to discuss role of individual, address questions, and support position.</td>
</tr>
<tr>
<td>Advisory Committee for Input related to Program, Oversight of Program, and Land Selection</td>
<td>Establish Open Space Program Advisory Committee (OSPAC). Simultaneously, develop Committee Members Job Description and solicit résumés. Town Supervisor and Town Board approve appointments.</td>
<td>People with a clear commitment to conservation and expertise serve on Advisory Committee.</td>
<td>By 3/1/2011. Advisory Committee should be established.</td>
<td>1) Town Supervisor and Staff participate in selection of Advisory Committee.</td>
</tr>
<tr>
<td>Sustained Commitment (Budget)</td>
<td>Approve budget which includes OSP Items (Administration and Reserve Fund.)</td>
<td>Will need funds for administration of program.</td>
<td>By 10/1/10, include budget for 2011 related to open space program (some staff time).</td>
<td>1) In future years Coordinator develops budget.</td>
</tr>
</tbody>
</table>
Attachment 3. Typical Easement Acquisition Procedure for Conservation Easements

Conservation easements are attached to the deed of the property and remain with the property regardless of ownership over time. It is a legal tool designed to keep the property undeveloped in perpetuity. In exchange the owner may receive cash equal to the cost of the development rights and/or tax deductions. An easement is subject to inspection and monitoring requirements as defined in the easement and required by the IRS. If grant funded, easement acquisition procedures are subject to the terms of the grant. Typical acquisition procedures are described below in procedures.

Initial Landowner Contact

1. Explain the function of the organization which holds the easement (often a land trust, but could be the Town), and the process.
2. Inspect the land (weather permitting).
3. Determine the landowner’s objectives land protection.
4. Explain the function of the stewardship fund. It pays for annual site inspections and enforcement actions. It is often funded long-term by setting up an interest earning endowment, such that interest is used to pay these annual inspection costs and any enforcement actions. (typical endowment ~ $10,000...if earning ~3% per year, covers annual inspections costing $300...if cost of inspections higher, endowment is adjusted...can also change investment strategy to earn a higher interest)

Initial Evaluation of the Property

The Open Space Program/Land Stewardship Coordinator completes Landowner Inquiry Form and prepares a detailed written report for the OSP Advisory Committee (OSPAC) which describes property, explains landowner’s objectives, suggests a source for the endowment, and evaluates potential acquisition based on the town’s approved Land Acquisition Criteria (Attachment 7).

Conceptual Approval

The OS Program Advisory Committee presents the initial evaluation to the town and/or the land trust depending on who will be holding the easement and any MOUs that have been developed; including the Committee’s recommendation. If the subject property satisfies the Acquisition Criteria and is consistent with the objectives and financial resources of the Town and/or Land Trust, the governing organization(s) gives Conceptual Approval.

Once conceptual approval has been given, the following will be completed.

Draft easement. THE OS PROGRAM/LAND STEWARDSHIP COORDINATOR OR THE LAND TRUST WILL PROVIDE DRAFT FOR LANDOWNER REVIEW. LAND OWNER SHOULD HAVE THEIR LAWYER REVIEW THIS EASEMENT. The draft easement, in substantially the same form as the previously approved template model, is developed collaboratively by the Coordinator or LT and the donor. An easement will reflect: specific needs of the donor; characteristics of the subject property; aspects and features of the property to be protected; and descriptions of monitoring and enforcement procedures. An easement must comply with requirements of the Internal Revenue Service. An easement map will be part of the final easement and will show the boundaries of any different protection areas, property boundaries, and existing buildings.
Once a draft has been prepared, the draft is reviewed by OS Program Advisory Committee. The committee may recommend changes and the revised draft is then given to the property owner for review by the owner and his/her attorney. Changes to the easement by the owner and attorney will be reviewed by the committee.

Once there is substantial agreement to the terms (areas to be protected and boundaries) the property survey and baseline inventory may be completed.

**Survey.** RESPONSIBILITY OF THE LANDOWNER. All easements must have boundary surveys. If a valid survey does not currently exist for the property on which the easement is to be held, the land owner must have one completed by a NYS licensed surveyor, for the property and any sub-use areas, prior to the completion of the baseline survey. Surveys must be certified to the Town and must provide metes and bounds descriptions and a map showing the property boundaries, locations of buildings and any other significant features of the property such as, but not limited to, waterbodies, springs, sinkholes, etc.

**Appraisal.** This is required to determine the value of the development rights that are being sold by the land owner and acquired by the town/land trust. The appraisal must be completed by a certified appraiser. It is usually the landowner’s responsibility to obtain an appraisal, however, if the town questions the value it may consider getting a second appraisal to on which to negotiate the value.

**Baseline Inventory.** THE OS PROGRAM/LAND STEWARDSHIP COORDINATOR WILL PREPARE AND THE LANDOWNER MUST SIGN OFF ON DOCUMENT PRIOR TO CLOSING. The purpose of the baseline inventory is to document the current conditions of the property. This will serve as the basis for all future monitoring for potential violations of the easement. Significant features of the property that are to be protected by the easement will be identified. This will include photographs indicating both the direction of the photo and may include GPS location of the photos.

**Due Diligence Review.** DONE BY THE OS PROGRAM/LAND STEWARDSHIP COORDINATOR OR CONTRACTOR (DEPENDING ON THE PROPERTY). This will also serve as the opportunity to identify any environmental or hazardous waste that may preclude interest in the property. The Town and/or Land Trust will not normally undertake a Phase I environmental assessment for easements unless there is some indication of a problem or for properties in urban or suburban areas where nearby land uses may have caused environmental problems.

**Title Search.** LANDOWNER IS RESPONSIBLE FOR COST – LAND STEWARDSHIP COORDINATOR OR LAND TRUST WILL ORDER SEARCH. The purpose of the title search is to furnish legal property description, assure access to the property, and identify encumbrances on the property such as underlying mortgages, etc. The prospective donor can assist by providing copies of existing title insurance policies and/or title reports. Any existing mortgages must be subordinated prior to closing. This is an IRS regulation.
Town and/or Board of Directors Review. Before final approval is given for the acquisition, the OS Program Advisory Committee develops and presents a summary of all of the above to the town board and/or land trust. The board and/or land trust gives final approval prior to the closing providing everything is in order.

Closing. Three copies of the baseline documentation and easement and all supporting materials will be prepared for signatures. The landowner will receive one copy and Town and/or Land Trust will retain two copies – one for the office and one for the permanent records. Contribution to the endowment may be given at this time. THE LAND TRUST OR THE TOWN WILL FILE THE DEED, LANDOWNER IS RESPONSIBLE FOR THE COST. THE LAND TRUST OR THE TOWN APPLIES FOR THE DEC EASEMENT REGISTRATION NUMBER.

Post Closing: THE TOWN OR THE LAND TRUST WILL PROVIDE LANDOWNER WITH:
1. Copy of filed deed
2. DEC registration number
3. Letter stating that a donation of a conservation easement (if any was a donation) was received by the land trust or the town and no goods or services were provided.
4. Annual inspection of property by whoever holds the easement or whatever arrangements have been agreed to.

Sample Checklist of for projects

<table>
<thead>
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<th>Date</th>
<th>Action</th>
<th>Who</th>
</tr>
</thead>
<tbody>
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<td>Initial Contact:</td>
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<td></td>
</tr>
<tr>
<td>Initial Landowner Contact Form</td>
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<td></td>
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<tr>
<td>Property maps – soils, topo, tax</td>
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<tr>
<td>Evaluation of Acquisition criteria</td>
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<td></td>
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<tr>
<td>Property Report from Initial Contact</td>
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</tr>
<tr>
<td>Discussion of Stewardship Policy</td>
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<tr>
<td>Land Pres Committee Review</td>
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<td></td>
</tr>
<tr>
<td>Conceptual Approval</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prepare project budget, incl. costs for staff time, legal, survey, appraisal, closing, &amp; endowment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Get copies of any existing documents</td>
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<tr>
<td>1. Existing survey map</td>
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<td>2. Current deed</td>
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<td>3. Any title abstract</td>
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<td>4. Any current mortgage</td>
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<tr>
<td>5. Other pending restrictions</td>
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<tr>
<td>6. Forest mgmt. plan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sent:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Disclosure Form Real Estate Trans.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Appraisal Certification Sent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Procedure letter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. 8283 form</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Action</td>
<td>Who</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td></td>
<td>5. Notice to Potential Easement Donors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Received signed forms</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Disclosure Form Real Estate Trans.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2. Appraisal Certification</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Notice to Potential Easement Donors</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Written Commitment of stewardship endowment</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Copy of completed survey</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Property walked for baseline documentation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Baseline documentation completed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Easement completed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Easement reviewed by lawyer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Easement sent to land owner</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Easement accepted by land owner and lawyer</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Baseline documentation accepted by land owner</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Copy of appraisal</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Final Approval</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Closing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Copy of Deed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Endowment received</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Payment to landowner</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Copy of baseline documentation sent to Grantor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Deed recorded</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Deed registered with DEC</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Form TP 584</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Letter acknowledging gift sent</td>
<td></td>
</tr>
</tbody>
</table>

If the project involves a donated conservation easement for which a tax benefit is contemplated, does the project meet the IRS conservation purposes test? Does the project meet the IRS definition of providing a "significant public benefit" when considering the following factors set forth in the Treasury regulations?
Attachment 4: The OSP Advisory Committee

Purpose: Input, Oversight of Program, and Land Selection
Size of Committee: 5 to 7 people
Criteria for Selecting Committee Members:
1) Committed to and familiar with land conservation
2) Deep familiarity with the community
3) Approachable (interested landowners and developers) and comfortable talking with individuals
4) Reliable (shows up and does homework)
5) The committee should be composed of individuals who collectively provide expertise in many of the following fields:
   a). Knowledge of land features, underlying science (geology, soil scientist, biologist, physical geographer, other?), and Federal/State natural resource protection law
      Professional expertise:
      - forestry
      - wetland biologist
      - soil scientist
      - hydrology and flood plains
      - water quality and stormwater
      - agriculture
   b). Knowledge of culture land features (archaeology, other)
      Professional expertise:
      - archeologist
      - historian
   c). Familiar with developer perspective and land values
      - LEED certified developer
      - banker
      - other developers
      - surveyor
   d). Familiar with Estate Planning
Method of Selection:
1) Interested candidates submit resume to Town. Depending on interest, Town sets up interviews, then selects

Filling the Committee (Outreach Suggestions):
THE FOLLOWING NAMES ARE ONLY PROVIDED AS LOCAL INDIVIDUALS WHO MAY BE ABLE TO SUGGEST COMMITTEE MEMBERS WITH PROFESSIONAL SKILLS IN THE VARIOUS SUBJECT AREAS. THE NAMES ARE NOT TO BE CONSIDERED RECOMMENDATIONS TO THE COMMITTEE AND NONE OF THE INDIVIDUALS HAVE BEEN CONTACTED IN REGARDS TO THIS COMMITTEE.
<table>
<thead>
<tr>
<th>TOPIC</th>
<th>LOCAL EXPERTS-COULD SUGGEST OTHERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forestry</td>
<td>Contact NYSDEC for list of individuals with a forestry management plan who live in the T/Bethlehem. Jerry Andritz.</td>
</tr>
<tr>
<td>Wetland Biologist</td>
<td>Bagdon Environmental—may have suggestions of wetland delineators interested in Committee. Pat Reixenger at NYSDEC</td>
</tr>
<tr>
<td>Soils</td>
<td>Albany County Soil and Water Conservation District, or Cornell Cooperative Extension Tom Gallagher or Master Gardeners;</td>
</tr>
<tr>
<td></td>
<td>Contractors for suggestions</td>
</tr>
<tr>
<td>Watershed Hydrology and</td>
<td>Bryant Assets-Flood Insurance; Flood Plain Managers Association-Bill Nechahani. Contact Engineering firms for suggestions</td>
</tr>
<tr>
<td>Flood Plains</td>
<td>and Town Engineering/Stormwater Management staff</td>
</tr>
<tr>
<td>Water Quality</td>
<td>Trout Unlimited; Five Rivers volunteers</td>
</tr>
<tr>
<td>Biodiversity/Ecology</td>
<td>County Office of Natural Resources; The Nature Conservancy; 5 Rivers volunteers; SUNY Albany Biology Dept-Graduate Program in</td>
</tr>
<tr>
<td></td>
<td>Biodiversity, Conservation, and Policy; Hudsonia; Hudson River Estuary Program-Laura Heady</td>
</tr>
<tr>
<td>Agriculture</td>
<td>Consult Ag Plan Committee</td>
</tr>
<tr>
<td>Archaeology</td>
<td>Contact NYS OPRHP, for suggestions of local residents with expertise. Call Tony Opalka from OPRHP; contact Hartgen Archeological Services for suggestions of local experts (staff person there?)</td>
</tr>
<tr>
<td>Green Infrastructure</td>
<td>Landscape Architects-Ed Kleinke</td>
</tr>
<tr>
<td>Climate Change</td>
<td>Siena College Environmental Studies/Sustainability program. Siena economist-Jim Booker</td>
</tr>
<tr>
<td>Bankers and Land Appraiser</td>
<td>Need to identify someone.</td>
</tr>
<tr>
<td>Estate Planning</td>
<td>Bryant Assets? Margaret Reed?</td>
</tr>
<tr>
<td>ASSUMPTIONS</td>
<td>Start Up Budget</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Staffing, Town Board Activity, and Land Trust (Consultant) Support</td>
<td>Town provides staff support for Start Up Activities, such as formation of OSPAC, research set up of Capital Reserve fund and pros/cons of funding options, and finalize and adopt Land Selection Criteria. Begin organizing referendum vote, if necessary.</td>
</tr>
<tr>
<td>Open Space Program Advisory Committee (OSPAC)</td>
<td>Announce formation of Committee. Recruit, read resumes; and select Committee members</td>
</tr>
<tr>
<td>Capital Reserve Fund Activity</td>
<td>Research fund (set up) and &quot;pot of money&quot; options. Develop a projection of how much money could go into fund over time. If voter referendum necessary, set a voting date, and develop timeline for selling the concept and getting people out to vote in favor of referendum.</td>
</tr>
<tr>
<td>ASSUMPTIONS</td>
<td>Start Up Budget</td>
</tr>
<tr>
<td>-------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Parcel Activity and Land Selection Criteria</td>
<td>No parcels are evaluated until land selection criteria adopted. Once adopted can begin using Land Selection Criteria during the Town Sketch Plan Review Committee meetings with developers. There may be opportunities for Open Space Protection using genuine clustering approaches (protection of DEVELOPABLE land) Once Advisory Committee set up, subject experts take others on field trips so that knowledge within each expertise is shared and understood. Public welcome to participate.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REVENUE (revenue needed is based on estimated expenses which follows in this table)</th>
<th>Program Management</th>
<th>Land/PDR Acquisition (Capital Reserve Fund)</th>
<th>Program Management</th>
<th>Land/PDR Acquisition (Capital Reserve Fund)</th>
<th>Program Management</th>
<th>Land/PDR Acquisition (Capital Reserve Fund)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Taxes &amp; Fees (Town General Fund)</td>
<td>$6,500</td>
<td>$59,015</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dedicated OS Protection Property Tax</td>
<td></td>
<td></td>
<td></td>
<td>$700,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Donations or gifts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Real Estate Transfer Tax</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bond for Land Acquisition</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$2,100,000</td>
<td></td>
</tr>
<tr>
<td>Developer donation for mitigated wetlands in shared drainage area or NYSDEC consent orders</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL REVENUE</td>
<td>$6,500</td>
<td>$0</td>
<td>$59,015</td>
<td>$700,000</td>
<td>$144,915</td>
<td>$2,100,000</td>
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<tr>
<td>ASSUMPTIONS</td>
<td>Start Up Budget</td>
<td>Active Acquisition Budget-Small (Two parcels per year-Town of Bethlehem)</td>
<td>Active Acquisition Budget-Medium (Six parcels per year-Multiple Municipalities)</td>
<td></td>
<td></td>
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<td>--------------------------------------------------------------------------</td>
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</tr>
<tr>
<td></td>
<td>Program Management</td>
<td>Land/PDR Acquisition (Capital Reserve Fund)</td>
<td>Program Management</td>
<td>Land/PDR Acquisition (Capital Reserve Fund)</td>
<td>Program Management</td>
<td>Land/PDR Acquisition (Capital Reserve Fund)</td>
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<td>PERSONNEL Services (Individual)</td>
<td>$0</td>
<td>$0</td>
<td>$30,000</td>
<td>$0</td>
<td>$75,000</td>
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<tr>
<td>OS Program Coordinator</td>
<td></td>
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<td>$45,000</td>
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<td>Full Time Base Salary</td>
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<tr>
<td>Part Time Base Salary</td>
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<td>$30,000</td>
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<td>FRINGE BENEFITS</td>
<td>$0</td>
<td>$0</td>
<td>$6,600</td>
<td>$0</td>
<td>$16,500</td>
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<tr>
<td>State Retirement (~14% of Base Salary)</td>
<td>$4,200</td>
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<td>$10,500</td>
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<tr>
<td>Social Security (8% of Base Salary)</td>
<td>$2,400</td>
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<td>$6,000</td>
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<td>EQUIPMENT</td>
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<td>$0</td>
<td>$200</td>
<td>$0</td>
<td>$1,000</td>
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<tr>
<td>Computer Equipment (Laptop)</td>
<td>$800</td>
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<td>$800</td>
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<tr>
<td>Miscellaneous Equipment (Camera)</td>
<td>$200</td>
<td></td>
<td>$200</td>
<td>$200</td>
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<tr>
<td>OTHER EXPENSES</td>
<td>$5,500</td>
<td>$0</td>
<td>$22,215</td>
<td>$700,000</td>
<td>$52,415</td>
<td>$2,100,000</td>
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<td>Office Supplies (Paper, Copier)</td>
<td>$500</td>
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<td>$500</td>
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<td>$500</td>
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<tr>
<td>Computer Supplies (GIS Software)</td>
<td>$1,500</td>
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<td>$415</td>
<td>$415</td>
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<tr>
<td>ASSUMPTIONS</td>
<td>Start Up Budget</td>
<td>Active Acquisition Budget-Small (Two parcels per year-Town of Bethlehem)</td>
<td>Active Acquisition Budget-Medium (Six parcels per year-Multiple Municipalities)</td>
<td></td>
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<td>-----------------------------------------------------------------------</td>
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<tr>
<td>Phone</td>
<td>$500</td>
<td>$500</td>
<td>$500</td>
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<tr>
<td>Postage</td>
<td>$100</td>
<td>$100</td>
<td>$100</td>
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<tr>
<td>Travel, Mileage, and Freight</td>
<td>$800</td>
<td>$800</td>
<td>$800</td>
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<td></td>
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</tr>
<tr>
<td>(Reimburse)</td>
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<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Conferences/Training/Tuition</td>
<td>$300</td>
<td>$300</td>
<td>$300</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Books/Transcripts/Subscription</td>
<td>$300</td>
<td>$300</td>
<td>$300</td>
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<td></td>
<td></td>
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<tr>
<td>Printing and Advertising</td>
<td>$1,000</td>
<td>$1,000</td>
<td>$1,000</td>
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<td>Mise Contractual Expense</td>
<td>$500</td>
<td>$500</td>
<td>$500</td>
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<td>(legal counsel)</td>
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<tr>
<td>Fees For Services (Ancillary</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Acquisition)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$8,000 acquisition. If pay</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>consultant, add $60/hr for 30 hrs($1800) in House or Contracted to Land Trust</td>
<td>$17,800</td>
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<td></td>
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<tr>
<td>Land Acquisition ($350,000/parcel)</td>
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<tr>
<td>TOTAL EXPENSES</td>
<td>$6,500</td>
<td>$0</td>
<td>$59,015</td>
<td></td>
<td></td>
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<tr>
<td>REVENUE less EXPENSES</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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</tbody>
</table>

BETHLEHEM TOMORROW WHITE PAPER – OPEN SPACE PROGRAM IN BETHLEHEM
Draft of 9/10/10 - Page 17 of 24
<table>
<thead>
<tr>
<th>Item</th>
<th>Expense</th>
<th>Town/Consultant Cost</th>
<th>Land owner cost</th>
<th>Responsible Party</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Landowner Contact</td>
<td>Salary 2 hrs and mileage&lt;sup&gt;2&lt;/sup&gt;</td>
<td>$88.00</td>
<td></td>
<td>Land Trust/Town</td>
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<tr>
<td>Initial Evaluation of the</td>
<td>Salary 4 hrs and mileage</td>
<td>$168.00</td>
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<td>Land Trust/Town</td>
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<tr>
<td>Property</td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Conceptual Approval Report</td>
<td>Salary 6 hrs</td>
<td>$240.00</td>
<td></td>
<td>Land Trust/Town</td>
<td></td>
</tr>
<tr>
<td>Approval of Conceptual</td>
<td>Staff salary 2 hrs &amp; Committee time</td>
<td>$40.00</td>
<td></td>
<td>BOD/ Or Committee</td>
<td></td>
</tr>
<tr>
<td>Approval Report</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Draft easement.</td>
<td>Salary 4 hrs and mileage</td>
<td>$168.00</td>
<td></td>
<td>Land Trust/Town</td>
<td></td>
</tr>
<tr>
<td>Review by Committee</td>
<td>Staff salary 1 hr Staff Committee time</td>
<td>$40.00</td>
<td></td>
<td>Land Trust/Town</td>
<td></td>
</tr>
<tr>
<td>Review by Land Trust or</td>
<td>Attorney fee 2 hrs (assume $200/hr)</td>
<td>$400.00</td>
<td></td>
<td>Land Trust/Town</td>
<td>This might be lower if the lawyer works on project basis versus hourly. Real estate attorneys tend to charge between 500 and 700 per closing.</td>
</tr>
<tr>
<td>Town Attorney</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review by Land owner and</td>
<td>Attorney fee 4 hrs (assume $200/hr)</td>
<td>$800.00</td>
<td></td>
<td>Land owner</td>
<td>This might be lower if the lawyer works on project basis versus hourly. Real estate attorneys tend to charge between 500 and 700 per closing.</td>
</tr>
<tr>
<td>their attorney</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Survey.</td>
<td></td>
<td>$10,000.00</td>
<td>Land owner</td>
<td></td>
<td>Unlikely to be less than $7500 but could be much more than $10,000</td>
</tr>
<tr>
<td>Baseline Inventory.</td>
<td>Salary 16 hrs and mileage</td>
<td>$650.00</td>
<td></td>
<td>Land Trust/Town</td>
<td>Some land trusts do charge for this</td>
</tr>
<tr>
<td>Supplies for Inventory</td>
<td></td>
<td>$50.00</td>
<td></td>
<td>Land Trust/Town</td>
<td></td>
</tr>
<tr>
<td>(photos, binders, etc)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>2</sup> Assume: staff salary & benefits at $40/hr; mileage at $.50 roundtrip 15 miles.
<table>
<thead>
<tr>
<th>Item</th>
<th>Expense</th>
<th>Town/Consultant Cost</th>
<th>Land owner cost</th>
<th>Responsible Party</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Due Diligence Review.</td>
<td>If suspect any pollution issues use consultant</td>
<td>$2,500.00</td>
<td></td>
<td>Land Trust/Town</td>
<td>Could charge to landowner</td>
</tr>
<tr>
<td>Title Search.</td>
<td>Attorney orders title searchers does it</td>
<td>$300.00</td>
<td>$300.00</td>
<td>Land owner</td>
<td>this runs from 150 to 600</td>
</tr>
<tr>
<td>Final changes to easement</td>
<td>Salary 2 to 8 hours depending on number of revisions needed</td>
<td>$160.00</td>
<td></td>
<td>Land Trust/Town</td>
<td></td>
</tr>
<tr>
<td>Final review by lawyer</td>
<td>1 hour</td>
<td>$200.00</td>
<td></td>
<td>Land Trust/Town</td>
<td>varies depending on changes</td>
</tr>
<tr>
<td>Town and/or Board of Directors Review.</td>
<td>Committee time</td>
<td></td>
<td></td>
<td>Land Trust/Town</td>
<td></td>
</tr>
<tr>
<td>Appraisal</td>
<td>Must be certified appraiser</td>
<td>$2,800.00</td>
<td>$2,800.00</td>
<td>Land owner or Town</td>
<td>If town is buy land they will probably want their appraiser to do it. If land owner disagrees, they may want a second appraisal. Sometimes there are two independent ones just as a matter of course. Each one is about 2500 to 2800</td>
</tr>
<tr>
<td>Closing.</td>
<td>About 1 hour of staff and lawyer time to sign easements and papers</td>
<td>$240.00</td>
<td></td>
<td>Land Trust/Town</td>
<td></td>
</tr>
<tr>
<td>Filling fees</td>
<td></td>
<td></td>
<td>$150.00</td>
<td>Land owner</td>
<td>Depends on number of pages</td>
</tr>
<tr>
<td>Post Closing</td>
<td>Registering with DEC Staff time</td>
<td>$40.00</td>
<td></td>
<td>Land Trust/Town</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Expense</td>
<td>Town/Consultant Cost</td>
<td>Land owner cost</td>
<td>Responsible Party</td>
<td>Comments</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>----------------------</td>
<td>-----------------</td>
<td>----------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Annual inspections</td>
<td>Must be inspected at least annually. Staff time 8hrs and mileage. $327.00 is this annual cost.</td>
<td>$327.00</td>
<td></td>
<td>Land Trust/Town</td>
<td>This could be much more expensive if there are violations or if there are reserved rights in the easement that require permission of the Land Trust or Town. To pay for annual inspections and other maintenance needs, Land Trusts often ask landowners for an endowment, which is then invested. Interest earned is used to pay for inspections. Typical endowment ~$10,000. If land is managed by Town staff, endowment may not be necessary. This potential cost is not included in this budget.</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>$8,084.00</td>
<td>$14,050.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Attachment 6. Sample Job Description For Program Director

Open Space Program Coordinator Town of Bethlehem NY
Professional individual for Open Space Program to provide administrative support for program and conservation planning services to landowners focusing on conservation easements and land acquisitions. This staff person will be the Town’s lead in landowner and stakeholder outreach efforts. As a first point of contact between the Town and interested landowners, the Coordinator will be responsible for explaining the Town’s approach, assessing land conservation opportunities, and developing recommendations for project development.

Duties include:
- managing Open Space Program administrative costs
- coordinating meetings of the Open Space Program Advisory Committee
- assessing and documenting natural resources,
- preparing baseline reports;
- planning and preparing conservation and trail easements
- assisting with land acquisitions;
- oversight of easement stewardship;
- working with land trusts and government agencies to assess fit with larger strategic planning efforts
- contracting with Land Trusts for land stewardship related services

A Bachelor’s degree in natural resource management, land use & environmental planning, ecology, or related field and 3-5 years related professional experience required. Must effectively manage and coordinate numerous projects simultaneously, have strong personal initiative and organizational skills, and demonstrated verbal and written communication skills. Needs some familiarity with municipal finances and non-profit administrative structure. Familiarity with GIS software and resource inventory methods needed. Must be comfortable working outdoors and attendance at occasional night meetings is expected.

Coordinator positions, with land stewardship and administrative responsibilities pay somewhere around $40,000 to $45,000 for a full time position, no benefits. Benefits are ~ 30% of salary and depending on employer (municipal government or non-profit) pension may/may not be required. Might be possible to split out responsibilities, such that some tasks implemented and paid for by Town, while others implemented by a Land Trust, under contract with the Town. The Coordinator needs to establish a long term, trustworthy relationship with landowners. Pay and whether or not the position is full-time, part-time, or split out between two entities (Town and Land Trust) could influence the success of this necessary trusting relationship.
<table>
<thead>
<tr>
<th>Physical Criteria and Benefits. Does Proposed Parcel (Check box if “yes”):</th>
<th>Does Parcel meet Criteria?</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide outdoor recreational, educational and/or scientific use by the general public? I.e., does the proposed parcel</td>
<td></td>
<td>Score 1 point for each box checked</td>
</tr>
<tr>
<td>- provide public access to streams and/or the creation of streamside trails?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- assure long term access to trails and/or extend or link existing trails?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- provide for new trail networks and/or provide a buffer from conflicting land use?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- provide or enhance access to State/Town holdings, including but not limited to parks, wildlife management areas, reforestation areas, multiple-use areas, and forest preserve lands?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide protection of a relatively natural habitat of fish, wildlife or plants, or similar ecosystem? I.e., does it</td>
<td></td>
<td>Score 1 point for each box checked</td>
</tr>
<tr>
<td>- promote, preserve or protect habitat-important ecological habitat for plant, animal, or insect life?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- provide a corridor or migratory function for wildlife; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- contain rare, threatened, or endangered species of community types or exemplary ecosystem and significant biodiversity?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide preservation of a historically important land area? I.e., does it contain:</td>
<td></td>
<td>Score 1 point for each box checked</td>
</tr>
<tr>
<td>- sites of historic, cultural, architectural significance or archaeological sites of important former activity, or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- sites associated with historical uses of natural resources including fishing, hunting, and trapping?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide scenic enjoyment of the general public that will yield a significant public benefit? I.e., does it contain</td>
<td></td>
<td>Score 1 point for each box checked</td>
</tr>
<tr>
<td>- appealing views onto property from prominent locations, recreational area, road, or waterway?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- a view shed from the property that encompasses a body of water, valley, mountains, or extended tract of agricultural land?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide protection or promote clearly delineated federal, state or local governmental conservation policy to yield a significant public benefit? I.e., does it</td>
<td></td>
<td>Score 1 point for each box checked</td>
</tr>
<tr>
<td>- contribute to the protection of water resources from runoff and storm water, such as protected or unprotected wetlands, or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i. Physical Criteria and Benefits. Does Proposed Parcel (Check box if “yes”)</td>
<td>Does Parcel meet Criteria?</td>
<td>Score</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>– buffer agricultural lands, wetlands, wildlife habitats, woodlands, or other sensitive areas?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Promote productive agricultural or forestry use or has such potential? I.e., does the property have high quality agricultural soils useful for agricultural purposes present in size and configuration?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide for or enhance continuity in preserving existing community-supported projects? I.e., Is parcel located:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– adjacent to other preserved or likely-to-be-preserved tracts of land?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– in an area targeted for preservation?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– in an area that would set an important precedent or serve as a model for conservation development, or subdivision design?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– in community not currently being served by existing preservation efforts?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– in an area that is one of few remaining preservable parcels in a locality; or previous protection efforts resulted in only partial protection of area in which fuller protection is justified.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the parcel contain natural resources? I.e., does it contain</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– unique landforms or valuable mineralogical features?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– significant karst or glacial features; wetlands, shoreline, aquifer, spring, stream, river, pond, lake, waterfall, floodplain, marsh, bog, fen, or hydrological resource of significance; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>– mature forest or characteristic succession growth woods or meadowland?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Score (Total = 23)
ii. Cost Criteria. (Score as shown):

If cost of parcel (including all ancillary costs) is:
- Under $100,000;               Score 5
- $100,000 to $250,000;         Score 4
- $250,000 to $500,000;         Score 3
- $500,000 to $750,000;         Score 2
- Over $750,000.                Score 1

iii. Final Scoring (in yellow)

<table>
<thead>
<tr>
<th>Section i. Score</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>Section ii Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5</td>
<td>0</td>
<td>3</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>6-10</td>
<td>1</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>11-15</td>
<td>2</td>
<td>5</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>16-20</td>
<td>3</td>
<td>6</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Over 20</td>
<td>4</td>
<td>7</td>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>
Sept. 6, 2011

Sam Messina
Bethlehem Town Supervisor
445 Delaware Avenue
Delmar, NY 12054

Dear Mr. Messina,

Bethlehem Youth Court would like to request the Town of Bethlehem to officially add Bethlehem Youth Court as a Named Insured on the Town's property and casualty insurance policy. This request is being made after much research and investigation into the matter, stemming from a need to increase our coverage to include Bethlehem Youth Court volunteers. This request would not cost the Town anything; there would be no additional premium for adding Bethlehem Youth Court to the current policy.

There would be several advantages to Bethlehem Youth Court by officially being added to the Town's insurance policy.

1. This insurance, along with our current Worker's Compensation policy, would provide complete coverage for all Bethlehem Youth Court volunteers.
2. It would eliminate the need for Bethlehem Youth Court to continue carrying our own Director and Officer's Insurance policy, which would save us over $1,000 a year.
3. The Town's insurance policy would provide additional limits of umbrella liability.
4. As stated previously, there would be no additional financial burden on the Town by being added to the existing policy.

Bethlehem Youth Court sincerely appreciates the consideration of this request by the Town of Bethlehem. If you would like further information, please feel free to contact me at 439-4955 x1143.

Sincerely,

[Signature]

Katrina Charland
Director

cc: Thomas Spina, Bethlehem Youth Court Co-President
September 9, 2011

Sam Messina, Supervisor
Town of Bethlehem
445 Delaware Ave.
Delmar, NY 12054

Re: Bethlehem Youth Court

Dear Supervisor Messina,

I was recently contacted by Katrina Charland, Director and Thomas Spina Jr., Co-Chairperson of the Bethlehem Youth Court. They asked me to review their current insurance program and provide any recommendations I felt were appropriate. I found the current coverage in force to be a workers’ compensation policy insuring paid employees, a NYS Statutory Disability Benefits Law policy and a Directors and Officers policy. This coverage leaves a number of uninsured exposures, two of which are notable. One is the ability to respond to the potential injury to program participants and court volunteers while performing BYC activities. The second is the general liability (bodily injury and property damage) exposure to the public presented by Court operations.

The current workers compensation policy carried by BYC, written by The Hartford, provides coverage for paid employees. The underwriter was willing to endorse the policy to add Voluntary Compensation and Employers Liability Coverage. This extends the compensation benefits paid by the company to include volunteers. This endorsement fills the first gap in coverage.

Addressing the general liability exposure is a bit more problematic. Mr. Spina advised me that he has made repeated attempts to obtain liability coverage for the Court without success. He has worked with a number of agents that have been unable to find a company willing to write this coverage. I too have found that this is a difficult line of coverage to obtain on a stand alone basis.

In an effort to find a solution to this issue I contacted the Town’s insurance carrier. The underwriter is willing to add the Bethlehem Youth Court, Inc. as a Named Insured under all lines of coverage on the Town’s policy (except workers’ compensation). There would
be no premium charge for this endorsement. This course of action does not set a precedent. The Town has provided insurance coverage for two other affiliated entities, Bethlehem Industrial Development Authority and Bethlehem Senior Projects, Inc. for years.

If the Town is willing to add BYC as a Named Insured onto their policy, this in conjunction with the endorsed workers’ compensation policy, in my opinion, provides the proper insurance coverage for all parties.

Please do not hesitate to contact me with any questions or comments. Thank you for your consideration.

Sincerely,

[Signature]

Gregory P. Turner
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 6:00PM.

PRESENT: Samuel Messina, Supervisor
         Joann Dawson, Councilwoman
         Mark Hennessey, Councilman
         Mark Jordan, Councilman
         Kyle Kotary, Councilman
         Nanci Moquin, Town Clerk
         James Potter, Town Attorney

Supervisor Messina called the meeting to order and lead the Pledge of Allegiance.

PUBLIC COMMENTS ON AGENDA ITEMS
none

 APPROVAL OF TOWN BOARD MINUTES FOR SEPTEMBER 14, 2011
A motion to approve the Town Board Minutes of September 14, 2011 was offered by Councilman Hennessey, seconded by Councilman Jordan and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary
NOES: none
ABSENT: none

 REQUEST FROM THE ADMINISTRATOR OF PARKS AND RECREATION FOR APPROVAL OF SEASONAL PERSONNEL
A motion to approve seasonal personnel in Ms. Lanahan’s September 26, 2011 memo was offered by Councilman Jordan, seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary
NOES: none
ABSENT: none

 REQUEST FROM THE FLEET MANAGER TO APPROVE THE DISPOSAL OF SURPLUS VEHICLES AND EQUIPMENT AT AUCTION HELD BY AUCTIONS INTERNATIONAL, INC. OF BUFFALO, NEW YORK
A motion to approve the Fleet Manager’s disposal of surplus vehicles and equipment at auction held by Auctions International, Inc. was offered by Councilwoman Dawson seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary
NOES: none
ABSENT: none

REQUEST FROM THE HIGHWAY SUPERINTENDENT TO PURCHASE A 20-TON EQUIPMENT TRAILER FOR USE BY THE HIGHWAY DEPARTMENT FROM TRAILERS LLC OF CAIRO, NEW YORK

A motion to approve the purchase of a 20-ton equipment trailer for use by the highway department from Trailers LLC of Cairo was offered by Councilwoman Dawson seconded by Councilman Jordan and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary
NOES: none
ABSENT: none

PRESENTATION OF THE SUPERVISOR’S 2012 TENTATIVE BUDGET

Supervisor Messina presented. He thanked the department heads for their work on the budget, especially Suzanne Traylor, Mike Cohen, Mary Tremblay Glassman & Jeff Dammeyer. A different budget process was put in place this year. During the power point presentation, there will be highlights on where the budget was on 9/14/11 and where it is now.

This budget has a 1.27% tax increase because new revenue was needed. Expenditures have been reduced in a number of areas without impacting services to the residents. The Highway Superintendent asked that the employees be recognized for their work. There will be six (6) more hours of workshops. The Public Hearing will be held on October 26, 2011. The budget challenges this year include: 2% tax cap, rising fuel costs, minimizing the use of fund balance, unfavorable investment rates, pension increases and future pilot revenue loss. The savings in the budget include: forgoing the cost of a reassessment, increasing health insurance co-pays, excluding a 1% COLA but keeping some merit increases, elimination of five (5) unfilled positions, applied a 1.27% tax increase.

Ms. Traylor continued presentation. She explained that the Town has four funds and various capital reserve funds. There were increases in expenditures from last year to this year of .43%. The total decrease in the use of the fund balance was 40%. The proposed increase in the property tax is 1.27%.

The Town has received notification of pension increase since the last budget workshop. The increase is $377,000. The general fund will be hit with $240,000 of that increase. It is a significant impact. Limited merit increases for some employees have been figured into the budget. Some salary and fringe benefits line were reduced due to some impending retirements and changes were made to the fuel budget to reduce costs. The pension increase impact to the Highway Fund is $63,000. Limited merit increases are
included. Contractual spending is down but debt service has increased. Water fund revenues from property taxes and water usage. There are merit increases and the pension increases in this fund also. Equipment expenditures have decreased in this fund. The sewer fund revenue is similar to the water fund. There is a decrease in the use of the sewer fund balance. This fund also has pension increases and some merit increases.

This is a tentative budget and more workshops will follow prior to the public hearing. The public is invited.

There weren’t any questions from the Board because they had just received the modified budget.

NEW BUSINESS

Mr. Potter stated that a FOIL had been received in July from Christopher Porco. The FOIL has been denied by the police because all the information had been turned over to the Albany County District Attorney’s office and the defense attorney as part of the criminal prosecution process. Mr. Porco submitted an appeal to the Chief of Police. Under out Town Law the Town Board is the record appeals officer under FOIL. Mr. Potter has prepared a resolution for their consideration. Mr. Porco had raised certain items that he didn’t believe had been turned over. Mr. Potter said all of the relevant information had been turned over. Some of the information requested was unrelated to the investigation and beyond the retention date and no longer available.

A motion to adopt the resolution as a determination of the FOIL appeal was offered by Councilman Jordan, seconded by Councilman Kotary:

Discussion:

Councilman Jordan said he didn’t see anything before him that would overturn the decision of the police records officer. He said Mr. Porco’s defense attorney would have had access to any discovery that might have been included in the FOIL request. He supports resolution to deny the appeal. Councilwoman Dawson asked if the Town still had copies of the material that had been turned over to the District Attorney’s Office. Sergeant Helligrass said what was turned over were copies of documents from the Town’s case folder. Councilman Kotary asked Mr. Potter if this would be a duplication of documents already turned over. Mr. Potter confirmed and said there was case law that states if something has already been given in discovery, the requester’s attorney already has the information and the Town doesn’t have to incur the expense to copy it again. Councilwoman Dawson said when reading the appeal she thought there might be material that had not yet been shared. If that were the case, it could turn the trial in one direction or another. Mr. Potter said the police department was very sensitive of the material for this investigation. She said because of the importance of the case she could not support the resolution. She thought the Town should make the material available again. Councilman Hennessey agreed with Councilwoman Dawson. He thought the materials should be re-photocopy. Mr. Potter said there were about thirty (30) boxes of materials.

The Board nominated Councilman Jordan to be the presiding officer for the remainder of the preceding Councilman Jordan called for a vote:

AYES: Councilman Jordan, Councilman Kotary
NOES: Councilwoman Dawson, Councilman Hennessey
ABSTAIN: Supervisor Messina

Mr. Potter said a failure to respond is the same as a denial under foil and Mr. Porco had the right to bring an Article 78 preceding.

Resolution #32

TOWN BOARD
TOWN OF BETHLEHEM

RESOLUTION ON FOIL APPEAL

WHEREAS, Christopher Porco submitted a request under New York’s Freedom of Information Law to the Records Access Officer of the Bethlehem Police Department on July 7, 2011, for documents relating to the “Porco” investigation; and

WHEREAS, Sergeant Robert J. Helligras, in a letter dated August 1, 2011, denied Mr. Porco’s FOIL request; and

WHEREAS, Mr. Porco sent a letter to Chief Louis Corsi of the Bethlehem Police Department dated September 1, 2011, that set forth reasons for an appeal from the denial of his FOIL request, and which requested that Chief Corsi forward his letter to the proper person to whom an appeal is to be taken; and

WHEREAS, the Bethlehem Town Board is designated as the appeal agency for determining the denial of FOIL requests;

NOW, THEREFORE, BE IT RESOLVED,

That the Town Board responds to the appeal in the following manner:

1. The appeal is denied. The FOIL request sought information relating to the “Porco” investigation. Any and all records relating to the Porco investigation in the possession or control of the Bethlehem Police Department were turned over to the Albany County District Attorney’s office and, upon information and belief, were made available to Mr. Porco’s defense counsel as part of the criminal discovery in his case.

2. The appeal letter questions whether items 7, 9, 14, 15 and 16 of the FOIL request are customarily disclosed as part of the discovery process in a criminal case.

3. Request number 7 seeks “police activity logs, daily activity logs/sheets.” The Bethlehem Police Department maintained at the time frame in question police activity logs only for road patrols. Any information of this nature that related to the “Porco” investigation was turned over to the Albany County District Attorney’s office and, upon information and belief, was made available to Mr. Porco’s defense counsel. The Bethlehem Police Department discards road patrol logs after a period of six years and such documents are no longer available from the Town.

4. Request number 9 seeks “officer/detective monthly activity reports.” Any such reports relating to the Porco investigation were turned over to the District Attorney’s
office and, upon information and belief, were made available to Mr. Porco’s attorney. The Town of Bethlehem does not retain such documents beyond a period of six years.

5. Request number 14 seeks “radio runs, transmission transcripts/recordings, time entries/logs from Bethlehem Police Department radios.” All responsive documents were turned over to the Albany County District Attorney’s office and, upon information and belief, were made available to Mr. Porco’s defense counsel. The Town of Bethlehem is not currently in possession of any records responsive to this request.

6. Request number 15 seeks “phone records from all Bethlehem Police Department owned or issued landline or cellular phones.” Relevant phone records were turned over to the Albany County District Attorney’s office. Additionally, upon information and belief, cell phone records relating to the time when Christopher Porco was in custody were turned over by the District Attorney’s office to defense counsel. The Bethlehem Police Department does not maintain telephone bills or records beyond a period of six years.

7. Request number 16 seeks “officer/detective time cards.” The Town of Bethlehem did not maintain officer/detective time cards. The Town maintained attendance records, but these records did not identify the activities that officers/detectives engaged in, therefore a determination cannot be made whether any such time records relate to the “Porco” investigation. Moreover, such time records are not subject to disclosure by reason of section 50-a of the Civil Rights Law.

8. Request numbers 4 and 5 seek various forms of interdepartmental communications. To the extent that any such documents fall within the limitations of section 87(2)(g) of the Public Officers Law, such documents are not subject to disclosure under FOIL. Nevertheless, any responsive documents were produced to the Albany County District Attorney’s office and, upon information and belief, were made available to Mr. Porco’s defense counsel.

9. Certain requests are also not subject to disclosure under FOIL by reason of the restrictions of section 87(2)(e)(i)(iii) or (iv), but it is unnecessary to identify specific documents at this time because of the responses set forth above.

On a motion by Councilman Jordan, seconded by Councilman Kotary, and a vote of 2 for, 2 against, 1 abstention and 0 absent, this RESOLUTION was not adopted on September 28, 2011.

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PUBLIC COMMENTS ON NON-AGENDA ITEMS

NONE

A motion to adjourn was offered by Councilman Jordan, seconded by Councilwoman Dawson and approved with the following vote:
AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary
NOES: none
ABSENT: none

The meeting adjourned at 6:50.

Submitted by
Nanci Moquin, Town Clerk
MEMORANDUM

Date: October 12, 2011

To: Supervisor Messina and Members of the Town Board

From: Nan Lanahan, Administrator

Re: Acceptance of donation

Tri-Village Little League wishes to make improvements to Field 12 at Line Drive to accommodate a new field layout option for Little League travel baseball. The improvements will allow more youth to participate in the Tri-Village program.

The attached memo from Tri-Village Little League president Tyler Kattrein outlines the work proposed. They will fund the entire project estimated at approximately $3,000.

Your approval of this donation is requested. Thank you for your consideration.
Mrs. Nan Lanahan  
Town of Bethlehem  
Parks and Recreation  

Dear Nan,

With the increase in Travel Baseball, and the advent of the Little League Baseball, Inc. 50/70 program, Tri-Village Little League, Inc. would like to reconfigure Field 12 at Line Drive.

Tri-Village proposes to make Field 12 a dual-use field in order to accommodate both our regular Little League games, and Travel or 50/70 games, both for Tri-Village use and for any other program that would need the use of a 50/70 field, based on Parks and Recreation approval.

Reconfiguring would necessitate increasing the pitcher’s mound circumference to 12 feet and making the necessary changes to accommodate a pitching rubber at either 46 feet or 50 feet. We propose a movable pitching rubber for safety purposes.

It would also make necessary the removing a few feet of outfield sod, along the rear of the infield skin area, and the addition of infield dirt mix, so that the base paths could be increased to 70 feet. This would also include the use of movable bases to accommodate this change.

Tri-Village Little League proposes to do this at our cost, which we believe would be approximately $3000.00, complying with all Town of Bethlehem, Parks and Recreation regulations.

Sincerely,

Tyler N Kattrein, President  
Tri-Village Little League, Inc.

Attachments: 50/70 field conversion document.