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TOWN BOARD  
OCTOBER 8, 1997

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 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor  
Freeman T. Putney, Councilman  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Robert C. Johnson, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

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Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board and asked Councilman Davis to lead everyone in the pledge of allegiance. The Supervisor thanked Councilman Davis.

Planning  
Board request  
approval for  
Terramere Planned  
Residence  
District

The first item on the agenda was a recommendation from the Planning Board for approval of the draft Building Project Approval for Terramere Planned Residence District pending Albany County Department of Health review and revision of paragraph VIII.

Supervisor Fuller said on the agenda the word draft is in front of Building Project Approval and requested it be crossed out. She said it is the Building Project Approval. She asked Deputy Town Planner Saatman to give a quick overview. Ms. Saatman said the proposed Terramere building project which is on the agenda for possible action by the Board is located within PRD numbers 2 and 7 which are bordered by New Scotland Road, Cherry Avenue Extension, McCormack Road and the Normanskill Creek.

Ms Saatman said the proposal is for 22 estate lots and 48 clustered single family dwellings located around 8 court yards. The negative declaration for the project was issued on June 10, 1992. The review progressed and the Planning Board held a public hearing on July 16, 1996. At the July 29, 1997 meeting, the Planning Board recommended approval of the project to the Town Board. No additional modifications to the plans was recommended by the Planning Board. Meeting was held on September 18, 1997 between the applicant, their attorney, members of the Engineering and Planning Departments, Planning Board Counsel and Planning Board Chairman to discuss the proposed changes. Certain changes in the document were agreed upon.

Ms. Saatman said the document before the Board has undergone considerable review and is acceptable. Conditions recommended by the Planning Board have been incorporated into the Building Project Approval document and the only modifications that are anticipated to the plans are those resulting from the Albany County Health Department review. She said if the Town Board wishes to approve the project, it is recommended that it be done so with the condition that the Supervisor not sign the document until the Albany County Health Department review is finished and the plans are received showing any changes to the plans and incorporated into the document.

Supervisor Fuller said it is her understanding that a building permit cannot be issued for the project until the Albany County Health Department has given their approval.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the signing of the Building Project Approval for Terramere by the Supervisor pending Albany County Health Department review and recommendation, including revision to paragraph VIII of the document. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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Councilman Johnson said he has watched this process for a few years now and has been very impressed by the cooperation between the Planning Department and the Planning Board and all of the people involved in the project. He said he thinks it was a nice example of people working together and congratulated everyone.

Supervisor Fuller thanked Mr. Johnson and thanked everyone for coming.

Councilman Davis said it is a beautiful plan.

The next item was a recommendation from David Austin, Administrator, Parks & Recreation Department, for acceptance of donation from Blackman & DeStefano/Bank America of four Siberian Elm Trees for the new playing fields area.

Parks and Recreation accept donation of trees from Blackman and DeStefano/Bank America

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the acceptance of a donation from Blackman & DeStefano/Bank America of four Siberian Elm Trees for the new playing fields area at the Elm Avenue Town Park. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.  
Noes: None.

Supervisor Fuller noted she will send a letter of thanks on behalf of the Town.

The next item was a request from Administrator, David Austin, Parks & Recreation Department, for approval of seasonal personnel.

Parks and Recreation Approval seasonal personnel

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of seasonal personnel as requested by Administrator, David Austin, Parks & Recreation Department, as follows:

Recreation Instructor I at a rate of \$5.15 per hour.

Tim Bush  
18 Sussex Road  
Glenmont, NY 12077

Rachel Frone  
91 Dorchester Avenue  
Selkirk, NY 12158

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.  
Noes: None.

The following item was a request from Bruce Secor, Commissioner of Public Works, for approval to hold a public hearing for Grievance Day of the 1998 Sewer Tax Rolls. Could advertise October 29, 1997 and hold the public hearing November 12, 1997.

Public Works approval to hold Public Hearing for Grievance Day 1998 Sewer Tax Rolls

WHEREAS, 1998 Assessment Rolls have been prepared for the Bethlehem Sewer District and it is necessary to hold a Public Hearing with reference thereto,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hold a public hearing with reference thereto, at 7:30 p.m., on Wednesday, the 12th day of November 1997, at the Bethlehem Town Hall, and,

BE IT FURTHER RESOLVED, that the Town Clerk be, and she hereby is authorized and directed to publish a notice of such hearing in THE SPOTLIGHT, a newspaper published in Albany County and having a circulation within the Town of Bethlehem, on the 29th day of October 1997.

All interested persons and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

The foregoing resolution was presented for adoption by Mr. Johnson, seconded by Mrs. Davis and was duly adopted by the following votes:

- AYES: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
- NOES: None.

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Adopt resolution  
Public Hearing  
for 1998 Preliminary  
Budget

The following item was to adopt a resolution setting the Public Hearing for the 1998 Preliminary Budget. Public hearing to be held October 22, 1997 at 7:30 p.m.

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

WHEREAS, the Preliminary Budget for 1997 has been presented to the Town Clerk of the Town of Bethlehem; and

WHEREAS, the Town Board is desirous of holding a public hearing thereon;

IT IS RESOLVED, that the public hearing regarding the Preliminary Budget for 1998 of the Town of Bethlehem be held October 22, 1997 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY; and

BE IT FURTHER RESOLVED, that the Town Clerk advertise said public hearing.

The foregoing resolution was adopted by the following vote:

- Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
- Noes: None.

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Approve Town  
Board Minutes  
August 1997 and  
September 10,  
1997

The following item was to approve the Town Board minutes of August 27, 1997 and September 10, 1997 as submitted.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the minutes of August 27, 1997 and September 10, 1997 as submitted. The motion was passed by the following vote:

- Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
- Noes: None.

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Discussion  
Mr. Red Davis  
discussion of  
Civil War Round  
table holding  
meetings at Library

Supervisor Fuller asked if anyone wished to address the Board this evening.

Mr. Red Davis again addressed the Board regarding the Capital District Civil War Roundtable meeting in Bethlehem. He again asked that the Town Board take action to suspend these meetings. Attorney Kaplowitz noted the Library is under the school budget and therefore, the Town has no authority over the library.

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Supervisor Fuller asked if anyone else wished to address the Board. She asked if the high school students had any questions.

A student asked  
for explanation  
on Mr. Davis's  
request

A student asked about Mr. Davis's comments. Supervisor Fuller explained Mr. Davis was at the Board meeting a couple weeks ago and that this was an issue that has gone on for about 5 years. Attorney Kaplowitz indicated it was longer than that. Supervisor Fuller said apparently he was very active in the Civil War Roundtable discussion

group. She said she believed they accused Mr. Davis of stealing some money and said they meet in the library once a month. She said Mr. Davis has tried to get the school district, the Town, written to Presidents, FBI people -- he has contacted them all and you can't deny someone the opportunity to meet in a public facility. She said Mr. Davis is extremely frustrated, as was seen, that he feels the government should be able to tell the library these people are not allowed to meet in the library. Supervisor Fuller said 2 weeks ago Mr. Davis wanted them to be prevented from coming into the Town of Bethlehem. She said it is very unfortunate that this has happened but you cannot prevent people from meeting or speaking. She said it is America and people are welcome to have their meeting.

Attorney Kaplowitz noted Mr. Davis alleges that they stole the \$8,000, however, he has been to all the law enforcement parties and the District Attorney's office. He said no one has decided to prosecute or felt there was sufficient evidence of any kind of crime. He said he is a real authority on the Civil War matters, extremely well versed and knowledgeable. He said it is unfortunate.

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Supervisor Fuller asked for a motion to adjourn to Executive Session to discuss a personnel matter.

The motion was made by Mrs. Davis and seconded by Mr. Putney to meet in Executive Session following the close of the regular meeting to discuss a personnel matter. The motion was passed by the following vote:

Adjourn to executive Session. No formal action was taken/

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.  
Noes: None.

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The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 7:45 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.  
Noes: None.

*Kathleen D. Newkirk*  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.