

TOWN BOARD
OCTOBER 10, 2001

A public hearing 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 Deputy Supervisor at 7:30 p.m.

PRESENT: George Lenhardt, Councilman, Deputy Supervisor
Doris M. Davis, Councilman
Daniel G. Plummer, Councilman
Susan Burns, Councilman
Kathleen A. Newkirk, Town Clerk
Robert J. Alessi, Esq., Town Attorney

ABSENT: Sheila Fuller, Supervisor

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DEPUTY SUPERVISOR LENHARDT: Good evening and welcome to a meeting of the Bethlehem Town Board. Please join me as we salute a symbol of our great nation in a pledge to the flag.

Before we begin tonight I would like to report why Sheila Fuller, our Supervisor, is not here. At 4:30 this afternoon, she called me and asked that I fill in for her. Her daughter had some surgery today and she is resting comfortably, everything is fine but it wasn't planned and, therefore, she is at home taking care of the grandkids.

And, with that I would like to welcome all the participation in government students. You picked a good night. We have 6 public hearings on the agenda for this evening. The last one beginning at 8:30 p.m. So, we plan at least an hour, hour and a half.

And, with that, the first item on the agenda...

COUNCILMAN DAVIS: I see some groans and moans and eyes rolling.

DEPUTY SUPERVISOR LENHARDT: ...a public hearing to consider a proposed local law amending speed limit on Cherry Avenue and Elm Avenue in Delmar. I ask the Town Clerk to read the call.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on October 10, 2001 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending the Code of the Town of Bethlehem Vehicle and Traffic, Section 119-5, Speed Limits, as follows:

REPEAL:

35 miles per hour on Cherry Avenue between Delaware Avenue and Kenwood Avenue;

35 miles per hour on Elm Avenue between Delaware Avenue and the Delmar By-pass (State Route 32); and

ADD:

30 miles per hour Cherry Avenue between Delaware Avenue and Kenwood Avenue; and

30 miles per hour on Elm Avenue between Delaware Avenue and the Delmar By-pass (State Route 32).

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

The Town of Bethlehem provides reasonable accommodations for the

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

disabled. Disabled individuals who need assistance in order to participate should contact Nan Lanahan at 439-4131. Advanced notice is requested.

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

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State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 26th day of September 2001.

/s/ Elizabeth Bradt

Sworn to before me this 26th day of September, 2001.

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

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STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on September 26, 2001, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
9th day of October 2001.
/s/ Catherine T. Picarazzi
Notary Public

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DEPUTY SUPERVISOR LENHARDT: Thank you, Kathy. I will entertain a motion that we accept the notice.

The motion was made by Mr. Plummer and seconded by Ms. Burns to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: Mrs. Fuller.

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DEPUTY SUPERVISOR LENHARDT: At this... Are there any questions regarding this from the Board? I will entertain questions from the public and then comments both pro... please step up to the mike and state your name and residence please.

MRS. CAPONE: I am against reducing it to 30 miles per hour because this is what Borthwick is, 30 miles an hour, it's a little quiet street. Delaware Avenue is

35 miles an hour, it should be the same thing as Delaware Avenue. If they are going to put sidewalk on these people – I measure my sidewalk. The paved portion is 3 feet, the grass portion is 9 feet. They need a grass portion because if they don't have it, when the car come by, you... they come fast, you need the 3 feet space and I think it should be made on Elm Avenue like it is on Delaware. Thank you.

DEPUTY SUPERVISOR LENHARDT: Yes.

MR. SHAFER: George, do you know what the 85th percentile is for the traffic that travels on that highway right no?

DEPUTY SUPERVISOR LENHARDT: No.

MR. SHAFER: Is there anybody here that can answer that question?

MR. SAGENDORPH: I don't know.... (inaudible)

MR. SHAFER: Thank you.

DEPUTY SUPERVISOR LENHARDT: We'll get back to you with an answer though. Mame.

MS. HOFFMAN: I was going to say, could you slow down when you are reading these things so that we can hear them if we are here for the first time.

DEPUTY SUPERVISOR LENHARDT: Oh, you mean the notice.

MS. HOFFMAN: Yes.

DEPUTY SUPERVISOR LENHARDT: Okay. They are just so routine and we have 6 tonight that... certainly, we will slow down. Any... yes, sir. Please give your name and address.

MR. BARNARD: Dave Barnard, 115 Elm Avenue. I just wanted to ask the question when this would take effect if it passes.

DEPUTY SUPERVISOR LENHARDT: If it's passed this evening, I believe it takes effect immediately.

TOWN ATTORNEY ALESSI: Ms. Newkirk can address when she creates the law and then it is something that has to be signed.

TOWN CLERK NEWKIRK: The copies are ready tonight.

COUNCILMAN DAVIS: It says it shall take effect immediately upon filing with the Secretary of State of the State of New York.

TOWN ATTORNEY ALESSI: Right. So, there are 2 acts that need to occur: 1. I need to sign the law to execute it and then 2. it is sent along to the Secretary of State and once it is filed with the Secretary of State, that is when it takes effect. So, to help the gentleman along, when do you think that might be ready for signature.

TOWN CLERK NEWKIRK: It's ready now for signature. The original is here, so once Bob looks it over and signs it, we can then forward it. The only tie-up might be the fact that I have no way of knowing when the Secretary of State's office will get the filing date back to me. Sometimes it is quick, sometimes it's not so quick.

DEPUTY SUPERVISOR LENHARDT: And, then Gregg, you have to send your crew out to change the speed signs.

MR. SAGENDORPH: To change the signs, yes.

DEPUTY SUPERVISOR LENHARDT: Yes.

MR. PENK: A question, just hold up a minute there. Has it been explained why they want to change that speed limit? I haven't heard anything here. This is the first meeting on this?

DEPUTY SUPERVISOR LENHARDT: This is a public hearing. If you would like to ask that question...

MR. PENK: My name is Al Penk. I'm from Clapper Road over in Selkirk. Really not in the area at all but I have a concern on how the truck traffic moves throughout the Town of Bethlehem. And, I would like to know why they are changing the speed limit on Elm Avenue? What's the requirement for the necessity for it? Why are we even bringing it up, it's a County road? And when I went through my truck, expose here about a year and a half or two years ago, they said the Town had no restrictions onto a County road. I'm a little bit lost here but it's my first time being here in a while.

TOWN ATTORNEY ALESSI: This is a public hearing on a proposed local law, so part of the process, sir, is that people will make comments for, against, etc. and that will be part of what the Board evaluates in determining whether or not to, in fact, pass the local law. But, this is a public hearing to hear people's comments on whether it is a good idea, not a good idea. In terms of your question as to why this is proposed, there are a variety of reasons as to why these get proposed – people in the neighborhood, Highway Superintendent's feel that it's appropriate – but just want to emphasize that it's not a fete-a-comple, it's not a given. This is what the public hearing is for.

MR. PENK: Oh, kind of confused there, they were talking about when it was going to go in so I figured it was almost a done thing and that's the first time I've heard about it.

COUNCILMAN DAVIS: No, I believe... Mr. Penk, I believe also it was a result of a meeting that was held... a public meeting that was held when the County gave it's information regarding the changes in the Cherry/Elm Avenues. It was a public meeting on that and with the discussion, I guess, that the public had and the input that the public had, the Supervisor indicated that she felt it should be lowered to 30 miles per hour. And, as a result of that, that's why we have this here.

MR. PENK: So, it's my understanding that the Town is regulating the speed limit on a County road and I was told previously and I got it on tape, that the County had to regulate the truck traffic across Elm Avenue that was closed to tractor trailers for a large number of years. And, I don't know when that was opened up to trucks running across there.

COUNCILMAN DAVIS: Apparently it was a recommendation that was made and it was a request that was made.

MR. PENK: So, the County would regulate the speed limit on there, is that right? Or no? It's okay, as long as I get an answer I don't care what it is. Does the County regulate any laws involving the road going from the Delmar Bypass over to Route 85? Is that not a County road?

DEPUTY SUPERVISOR LENHARDT: Regarding the truck traffic at that public hearing, if that's what it was that the County held here, the comment was made, the residents would like truck traffic to be eliminated. The Town was informed that they did not have the authority to eliminate truck traffic.

MR. PENK: Correct.

DEPUTY SUPERVISOR LENHARDT: However, Supervisor Fuller offered to – within our realm of authority – the ability to lower the speed limit to the minimum which is 30 miles an hour.

MR. PENK: So, we can regulate the speed limit on a County Road...

DEPUTY SUPERVISOR LENHARDT: Yes.

MR. PENK: But, we can't regulate the truck traffic on a road that was closed to truck traffic originally and if you will go to the end of Elsmere Avenue where it goes into the old Route 32, you'll see sign there that says no through truck tractor and trailers. That identical sign was at the end of the Delmar Bypass at the beginning of Elm Avenue and somebody removed that sign. I don't know of any legislation that told them to remove that sign but that's not my interests. But, just so you know that, okay. Okay.

COUNCILMAN DAVIS: Back to your original question, I was not able to attend that particular public meeting but I know Ms. Burns has publicly also made some comments about it. So, you might ask her, she may have some additional information.

MR. PENK: Yea, because you've got the same thing with Elm Avenue and Cherry Avenue that you have in Selkirk with Route 396. The vehicles are not running legally on the road. They are crossing the center line and if you're not going to enforce the law equally against all people within the Town of Bethlehem, you shouldn't enforce them at all. And, that's the exact point I brought up to this Town Board almost a year and a half ago. A tractor and trailer cannot get around where the church is on Elm Avenue without crossing the centerlines of that road. There's 53 foot trailers going across there and you got your car carriers that have the same problem. But, so be it. Okay. I'll listen, thank you.

DEPUTY SUPERVISOR LENHARDT: Gregg, do you have something to add to that.

MR. SAGENDORPH: No, other than I do know that the Town has the right to set the speed limits on County highways. We've done it on Font Grove Road, South Albany Road and Elm Avenue by the park. Elm and Cherry where they stand at 35 miles per hour now.

COUNCILMAN BURNS: I was at the public hearing and the majority of the residents that were there requested that the speed limit be lowered. And, Supervisor Fuller said she would look into it and this is a result of that.

MR. PENK: Are they reducing it because of the truck traffic or are they reducing it because they want the speed limit reduced? Because it is not going to answer the question of what they are doing with Elm Avenue/Cherry Avenue. The same as it doesn't answer the question of what they are going to do on 396.

DEPUTY SUPERVISOR LENHARDT: There are 2 issues here. One that is under our responsibility and that is the speed limit. The residents that were here that night that live along that road requested that we reduce the speed limit. Ideally, and I am speaking for them and I don't like to do that, but I also got the impression that if we had the authority, they would be requesting us to eliminate the truck traffic.

MRS. PENK: As they are as the paper said.

MR. PENK: Well, the article in the paper, Sheila said that the Selkirk Bypass... the only reason I'm here... there is a statement in there that Sheila said that the Selkirk Bypass would eliminate the truck traffic on Elm and Cherry Avenue and you can read the article – and I don't have the copy with me.

DEPUTY SUPERVISOR LENHARDT: I read the article, I'm not sure of its accuracy but Sheila's not here to address that.

MR. PENK: But, there's no way that the truck traffic going west is going to go

down to 144 and get on at exit 22. Okay.

DEPUTY SUPERVISOR LENHARDT: I concur with that comment.

MR. JASINSKI: Good evening, Robert Jasinski. First off I would like to say I understand reducing the speed limit on there because of the people that live there and everything else. But, my question to throw a little more thought into this 10 minute that you've gone over already, is how much is it going to cost to put the signs up and everything else and isn't this a construction project that's going to take place very shortly? I mean, are we monetarily wasting our money by doing something at this point that's only going to last 6 months and then when the road construction comes through, they will take all the signs down?

DEPUTY SUPERVISOR LENHARDT: The signs will be...

MR. SAGENDORPH: They will be reused.

MR. JASINSKI: All right.

DEPUTY SUPERVISOR LENHARDT: But, to answer your first... can you give an approximation of what the cost is to replace the signs?

MR. SAGENDORPH: Not without knowing the number of signs.

DEPUTY SUPERVISOR LENHARDT: Gregg, can you come up to the microphone? I am sorry.

MR. JASINSKI: I mean this is... As I say, I agree the speed should be reduced on that. I have no problem with that. But, I'm just looking at it from the monetary value that is going to take place.

MR. SAGENDORPH: Not without knowing the number of signs involved and the size of the signs. I can't give you a dollar figure right now. But, whatever signs we take down, would be reused or given to another municipality – say the County to post some other place that there is a 35 mile limit. So, they would be reused and the ones we put up would be reused, once again, if they put new ones up once the construction project was underway.

DEPUTY SUPERVISOR LENHARDT: As far as the County's schedule of redoing this highway, I can't speak to that.

MR. SHAFER: My name is Howard Shafer. I 'm a representative from Selkirk for the Selkirk Association for Every Resident and I live on 396. The question raised by the gentleman from Clapper Road, like to have answered again. Does the Town have the authority to regulate the speed limits on a State or a County highway?

TOWN ATTORNEY ALESSI: With regard to the State highway, I would have to look up the answer to that question to be certain. I believe the answer is no. With regard to County, I again would want to confirm that but my understanding is the answer is yes.

MR. SHAFER: Okay, the statement was made by somebody at the front table that the residents of Elm Avenue wanted the speed limit lower and that's why it is being lowered. My second question is, if the residents of 396 between Maple... between 9W and 144 want that speed limit lowered to the lowest allowed by New York State which is 25, would this Board do a public hearing for us also?

DEPUTY SUPERVISOR LENHARDT: The answer to the public hearing issue is yes. I've been told that the lowest speed limit that we are allowed to drop our streets to is 30 miles per hour, not 25.

MR. SHAFER: Okay. DOT told me it was 25.

TOWN ATTORNEY ALESSI: Maybe that's the level that the State can drop the speed limit to.

MR. SHAFER: Okay.

TOWN ATTORNEY ALESSI: Did the State tell you that the Town could drop it down to 25?

MR. SHAFER: The lowest they said they could post was 25. The lowest that could... they didn't say who could post it. The lowest that could be posted was 25 and they didn't clarify whether it was the Town or the State. But, I want to go back to my first question, my first question was, what is the speed limit of the vehicles traveling on the road right now? 396 was just resurfaced last year, there was a fast highway before it was resurfaced. Right now 85 percent of the cars travel 44 miles an hour or slower. 85 percent are doing at least 50 percent over the speed limit because the speed limit is 30. My concern is if you're not enforcing the new law or the old law, change in speed limit is not going to do what I think you want done. And, I think what you want done is you're trying to get those trucks off of that section of highway. The gentleman from Clapper Road indicated that until you resolve the truck traffic with somebody building a 396 bypass some place, I think changing speed limits are... you are being facetious in trying to get to the root of the problem, that's your truck traffic. So, again, I think you should look at what your speed limit currently is. I think dropping your speed limit while I support it, is not going to be beneficial unless it's enforced and, again, I think your ultimate thing you are trying to do is move the trucks to a better highway and we don't feel it's 396 through Selkirk at this time. Thank you.

DEPUTY SUPERVISOR LENHARDT: Is there anyone else? Yes.

MR. BARNARD: Time for questions or comments?

DEPUTY SUPERVISOR LENHARDT: Yes... well with no more questions, I will entertain comments of those in favor. please address the Board.

MR. BARNARD: Well... I'm Dave Barnard again, 115 Elm Avenue. I live right on Elm Avenue. I would echo the last comment that the important thing is the end result but I think that in the sense that this was given as a first step, I would very much support the speed being lowered to 30 miles an hour. And, in view of the highway development that's been planned, based on the 35 mile an hour traffic, I would also hope that this would be done in time so that the necessary engineering modifications could be done so that it would have less of an impact on the residents. If the 2 are not coupled in that way, then I think it is very unfortunate.

The 35 mile an hour traffic really allows people to go 40, even 45, including all the car traffic. So, I would say that the car traffic are more frequent violators of the speed limit than are the trucks so, that that would also be a benefit. If we reduce it some than maybe the end result will be less. So, I'm very much in favor of reducing the speed limit. I hope that this will discourage truck traffic and as a first step, I am in favor of it.

DEPUTY SUPERVISOR LENHARDT: Is there anyone else in the audience who wants to speak in favor of this?

MR. SHAFER: My questions were answered earlier. I support the reduction in the speed limit. I think the important thing is that if the intent of the citizens that live on Elm Avenue is to remove the truck traffic, then at a future forum the Town should consider posting signs as they've done through most of Selkirk moving the trucks off of the highway that they don't want them on. But, I think that going from 35 down to... from 35 down to 30 is a first, good step.

DEPUTY SUPERVISOR LENHARDT: Thank you. Is there anyone else? Is

there anyone wishing to speak in opposition of the lowering of the speed limit? No one else wishing to speak, I'll entertain a motion we close the public hearing.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to close the public hearing at 7:53 p.m. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: Mrs. Fuller.

Town Clerk

Deputy Supervisor Lenhardt convened the regular Town Board meeting following the close of the public hearing and asked if the Board wished to take action on the proposed Local Law.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve adoption of Local Law No. 10 of the year 2001 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Speed Limits, to reduce the Speed Limit to 30 miles per hour on Cherry Avenue between Delaware Avenue and Kenwood Avenue and Elm Avenue between Delaware Avenue and Delmar Bypass, State Route 32, Delmar to 30 miles per hour. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: Mrs. Fuller.

HEARING BEGAN: 7: 55 p.m.

DEPUTY SUPERVISOR LENHARDT: The next item on the agenda is a public hearing to consider proposed local law amending the speed limit on Delmar Bypass Extension, Delmar from the current 45 miles per hour to 35 miles per hour. I ask the Clerk to read the notice.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on October 10, 2001 at 7:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending the Code of the Town of Bethlehem Vehicle and Traffic, Section 119-5, Speed Limits, as follows:

REPEAL:

45 miles per hour on Delmar Bypass Ext. between Elm Avenue and VanDyke Road;

AND

ADD:

35 miles per hour on Delmar Bypass Ext. between Elm Avenue and VanDyke Road.

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

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

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

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

- - -

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 26th day of September 2001.

/s/ Elizabeth Bradt

Sworn to before me this 26th day of September, 2001.

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

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STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on September 26, 2001, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
9th day of October 2001.

/s/ Catherine T. Picarazzi
Notary Public

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DEPUTY SUPERVISOR LENHARDT: Thank you, Kathy. I will entertain a motion that we accept the notice.

The motion was made by Ms. Burns and seconded by Mr. Plummer to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: Mrs. Fuller.

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DEPUTY SUPERVISOR LENHARDT: This is a proposal on the Delmar Bypass Extension which is between Elm Avenue and VanDyke Road to lower to speed limit from 45 miles per hour to 35 miles per hour, as requested by some residents that live along that highway. At this point I will entertain questions.

MR. JASINSKI: Robert Jasinski, Bender Lane. I have a couple of questions and I have a problem with lowering this. First off, you are coming from a 55 mile speed zone down and you are suggesting a 35 mile speed zone, so we are dropping 20 miles per hour in the speed limit. Now, this is quite a bit. If you make the red light, which you are not going to make anyway the lights are synchronized so you

do have to stop at Elm Avenue but you only got a short distance you are going. Now, this road originally was constructed with the idea that it would facilitate the passage of traffic out into the hill towns without going over Cherry Avenue, Elm Avenue or places like this. I mean, here you are going to neck it down. Now, you said the people have requested this. I didn't see any houses on this section of the road. I did see 3 streets coming out. Now, this road does have a sidewalk. So, you're... there's no reason why you should reduce it for the people that are walking because if they are on the sidewalk the cars or a speed limit shouldn't be a detriment to them in any way. I'm afraid that what you are going to set up is almost a speed trap. And, I use that word and I don't mean to bad mouth the Bethlehem PD, they are a good outfit and they do a good job and everything. But, still, you are going from 55 down to 35. So, I got a little problem with this. If people lived on it, like they do on Elm or Cherry, I could understand. But, nobody lives on it. You do have the dog park on the south side of it but they have a parking spot that they go to. So, what are you doing? I mean, it just don't make sense to me. Why reduce it? Thank you.

DEPUTY SUPERVISOR LENHARDT: Are there any other questions? Okay. I will entertain comments regarding those in favor.

MR. SCHEUERMAN: Good evening. My name is Art Scheuerman. I live at 3 Park Edge Lane. Unlike the last gentleman, I'm in favor of it. You may recall about 14 months ago I appeared before the Board on a related matter at which time I asked the Board to consider reducing speed limit on the Bypass Extension and we had a dialog at that time concerning several issues which I think are... come to fruition which require immediate attention by the Board. I want to thank the Board first for bringing this issue up for a public hearing tonight. I want to thank Mr. Sagendorph, the Superintendent of Highways, for also his help in insisting that this matter get on the agenda for tonight.

The reality here is that about 10, 11 years ago, there was a traffic study done in the Town of Bethlehem concerning that particular intersection of Elm Avenue at the 32 Bypass extension. It was noted at that time by Councilwoman Burns that that was in fact the most dangerous intersection in the Town of Bethlehem. What we've had there since is construction of 8 homes on Park Edge Lane, one of which I live at and the back entrance into Adams Station which has approximately 220 apartment units. There is a lot of flow of traffic in and out of those apartments. At 45 miles an hour, I would suggest to the gentleman here, it is extremely dangerous to get out onto the bypass extension from either one of those 2 public highways. The reason for that is simple, no one travels at 45 miles an hour on that road. It is approximately 7/10s of a mile. I could hear cars and see them easily traveling in excess of 60 miles an hour. Now, since then too, we know that on the Elm Avenue side of the park, there is one entrance and exit into the park. On the bypass extension there are now 2 entrances and exits. We have the dog park which has over 300 people using it on a daily average I would suggest to you, as Members of the Board, there are approximately 100 people that use that park. We have the Town Line field where baseball continues up until the wintertime, people going in and out of that public access too. Again, making it dangerous to enter onto the bypass extension because of the rate of speed.

Now, what's important too, if you look as you got onto the bypass extension you would notice that there is a sign – I don't know if DOT put it up – suggested speed limit of 35. And, the reason for that is quite simple, you have a highway which goes to the left into the park... via the park at 30 miles an hour, you have 2 lanes of traffic which have to actually veer to the left, merge and then on around the curve, enter into one lane. Now, the gentleman says well that's not dangerous because you have sidewalks. Well, if anybody read the Spotlight from 2 weeks ago, I had somebody literally in my backyard smash into a locus tree because they couldn't negotiate that turn. Now granted the guy was intoxicated but none the less, the reality is he didn't negotiate the turn and he smashed into my property.

Now, why is it important to Park Edge Lane and to the members of Adams Station.

Well, I've talked to all those people, they are concerned and I am here as a representative. Moreover we have 12 children under the age of 18 who reside on Park Edge Lane alone. There is a bus stop at the corner of Park Edge Lane and the bypass extension. If we can reduce the speed limit maybe we will avoid a tragedy that is waiting to happen. I submit to you that these facts urge... I mean these facts suggest and mandate, I believe, that the Town lower the speed limit to 35. It's not unreasonable, it is 5 miles an hour over the Town minimum speed limit but yet it recognizes the safety concerns of the people who not only use the dog park, who use the bike path, and the sidewalks there. And, there are a lot of people who do that every day. So, I would urge the Board to vote this proposal in.

DEPUTY SUPERVISOR LENHARDT: Thank you.

MRS. CAPONE: The gentleman says the speed he hears is 50 miles an hour. I was there this summer. It's not the extension that the 50 miles an hour is, it's on Elm Avenue that you hear through their backyards. I was astonished, in through all these streets you see the trucks going by. It's there, not there.

DEPUTY SUPERVISOR LENHARDT: I apologize in Mr. Sagendorph's letter to the Board, one paragraph would have – Mr. Scheuerman explained it but it says with the addition of several baseball and softball fields on Line Drive, and with the recent opening and success of the dog park near the CDTA lot, vehicular traffic making turning movements and pedestrian traffic crossing with a multi-use path on the north side of the bypass extension, have increased substantially. That was his reasoning for this request, as well as, request from neighbors.

Is there anyone else in the audience who wishes to speak in favor of this? Is there anyone in the audience that wishes to speak in opposition?

MR. PENK: I am not against or for it but I'll talk against it. We had the Delmar Bypass and the Town of Bethlehem keeps growing and growing and growing and we keep rubber-stamping more residences in our Town. We have yet to address how we are going to get the residents in and out of our Town. The only access, I believe, from the end of the Delmar Bypass to Slingerlands and out back of Feura Bush which is going to be developed next from what I understand, is to go have that Delmar Bypass increased and carried out further. You had an individual killed on that Bypass at an intersection. We neglected to do anything at that intersection when a person was killed. Now, we are concerned over dropping the speed limit and we are not concerned about making it a four lane highway to a point where it is supposed to go. When you check with the Department of Transportation, they have no plans for where that road is supposed to go. Our Town has no plans for where that road is supposed to go. Before you regulate anything on that road, or the ball fields were put there or the apartments infringed on the right-of-way there, we should have decided where that road should go. We need the roads to get in and out of the Town of Bethlehem. Your trucks could come out of Feura Bush onto a bypass that would go right down that road to exit 23 and you would eliminate your truck problem. Okay. That's all I have to say to you.

DEPUTY SUPERVISOR LENHARDT: Thank you. Anyone else? I will entertain a motion that we close the public hearing. Oh, I'm sorry, come on up, excuse me. Please give your name and address.

MR. CAPLAN: Eric Caplan, 8 Maryea Lane in Delmar. I oppose this because I think at the moment he mentioned... the first person who spoke... mentioned a turn the lane merge right after Route 32 turns into the extension and I don't really see how changing the speed limits to 35 is going to help that much when you have all 20 cars squeezing in, slamming on the brakes to make that speed difference down from anywhere from 55 to however fast people are driving on that road to 35. At the same time, sometimes it is from a standstill and then it would be safe but at the same times I have made that light a handful of times and I know other people have also. And, I also think that usually the road is relatively quiet, it seems when I'm driving it at least unless you are driving in the morning when there is a huge rush to

the high school or at the end of a baseball game when there's a rush coming out and then there is a danger on the street, no matter what the speed limit is just cause of the sheer number of cars pulling in and out. And, also you compared the number of kids living in that area to the speed being dangerous and I agree with that, at the same time there is a sidewalk there and there's plenty of ample room for running there. One example in comparison is New Scotland Road where the speed limit is 45 for a good section of it. At least New Scotland, but still there's quite a large number of houses in that area and I'm sure many more kids than that live close to the extension and at the same time, I was running the cross country team this year and that was the one road that they did let us run on. Previous to this year, they were allowed to run on Orchard, Delaware, all those streets but then they banned that this year because they were afraid of the danger of cars but yet for some reason they still let us run on that road to get to the Town park. And, I just think that shows one reason... one example of how the road is safe for pedestrians. And, an intoxicated driver is a danger to anybody no matter what the speed limit is, where he is driving at any time of day or night. So, no doubt believe that was not a good thing that happened but just saying it could have happened anywhere really.

DEPUTY SUPERVISOR LENHARDT: Thank you. Anyone else? Just like to comment on the part that you raised regarding New Scotland Road. The residents along New Scotland where the speed limit is still 55 requested the State of New York to lower it to 35 and they chose to leave it at 45. That is a State highway. This piece that the Town put in, do you mind giving a brief history on why that piece was put in.

MR. SAGENDORPH: The Bypass Extension was built in the early 1990s simply to make another connection towards the high school and the high school fields. Connects the Delmar Bypass to VanDyke Road. The last gentleman that spoke, having the cross country team run that road is just one more positive reason to reduce the speed limit. I know he spoke in opposition to lower it but to me that is a reason to lower it.

Couple other reasons -- a lot of the reductions in speed limit tonight are not to get rid of the truck traffic. They are for safety concerns. They are because we are acknowledging that we know there is truck traffic that exists on these roads and it takes a while to stop these trucks. So, if we can lower it 5 miles an hour on Cherry and Elm and we can lower it 10 miles an hour on the Bypass Extension where we know this truck traffic exists, as well as, a lot of vehicular traffic, it's a safety issue. And, we think... I feel that we would be very responsible to do that.

DEPUTY SUPERVISOR LENHARDT: Thank you. Anyone else? I will entertain a motion that we close the public hearing.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to close the public hearing at 8:07 p.m. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

Town Clerk

Deputy Supervisor Lenhardt reconvened the regular Town Board meeting following the close of the public hearing. He asked if the Board wished to adopt the proposed local law.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to adopt Local Law No. 11 of the year 2001 amending the Code of the Town of Bethlehem, Vehicle and Traffic, 119-5 Speed Limits repealing 45 miles per hour on

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Delmar Bypass Extension between Elm Avenue and VanDyke Road and add 35 miles per hour on Delmar Bypass Extension between Elm Avenue and VanDyke Road, Delmar. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: Mrs. Fuller.

Hearing Began: 8:10 p.m.

DEPUTY SUPERVISOR LENHARDT: We have a public hearing to consider proposed local law amending Prohibited Turns on VanDyke Road, Delmar. I ask the Clerk to read the notice of public hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on October 10, 2001 at 8:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending the Code of the Town of Bethlehem Vehicle and Traffic, Section 119-7, Prohibited Turns, as follows:

ADD:

No Left Turn on VanDyke Road, Direction of travel south at intersection of driveway to front parking lot of Bethlehem Central High School.

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

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

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

- - -

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 26th day of September 2001.

/s/ Elizabeth Bradt

Sworn to before me this 26th day of September, 2001.

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

- - -

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

posted on September 26, 2001, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
9th day of October 2001.
/s/ Catherine T. Picarazzi
Notary Public

- - -

DEPUTY SUPERVISOR LENHARDT: Thank you, Kathy. I will entertain a motion that we accept the notice.

The motion was made by Mr. Plummer and seconded by Ms. Burns to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: Mrs. Fuller.

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Gregg, do you want me to read your letter or do you want... The reason for this, the Bethlehem Central School District has recently installed a new driveway to the front of the high school from VanDyke Road. This driveway is for northbound traffic on VanDyke Road wishing to enter the front school parking lots. The driveway was designed and installed to accept only northbound traffic in an effort to prevent southbound VanDyke Road traffic from stacking back into the intersection of Delaware Avenue. I will entertain any questions.

I will entertain anyone speaking in favor of this proposal. Is there anyone opposed to this proposal? I believe this was a request from the school district also, wasn't it?

MR. SAGENDORPH: Yes, it was.

DEPUTY SUPERVISOR LENHARDT: Hearing none, I'll entertain the public hearing be closed.

The motion was made by Mr. Plummer and seconded by Ms. Burns to close the public hearing at 8:13 p.m. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: Mrs. Fuller.

Town Clerk

Deputy Supervisor Lenhardt reconvened the regular Town Board meeting following the close of the public hearing. He asked if the Board wished to adopt this local law.

The motion was made by Ms. Burns and seconded by Mr. Plummer to approve the adoption of Local Law No. 12 of the year 2001 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Section 119-7, Prohibited Turns, adding No Left Turn on VanDyke Road, direction of travel south at intersection of

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driveway to front parking lot of Bethlehem Central High School. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: Mrs. Fuller.

Hearing Began: 8:15 p.m.

DEPUTY SUPERVISOR LENHARDT: We have a public hearing to consider proposed local law amending Stop Intersections on Capital Avenue, Delmar. I ask the Clerk to read the notice of public hearing.

TOWN CLERK NEWKIRK:
NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on October 10, 2001 at 8:10 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending the Code of the Town of Bethlehem Vehicle and Traffic, Section 119-10, Stop Intersections to add Stop sign on Capital Avenue, west at intersection of Salisbury Road; Stop sign on Capital Avenue, east and west at intersection of Burhans Place; and Stop sign on Capital Avenue, east at intersection of Euclid Avenue

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

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

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

- - -

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 26th day of September 2001.

/s/ Elizabeth Bradt

Sworn to before me this 26th day of September, 2001.

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

- - -

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on September 26, 2001, a Notice of Public Hearing, a copy of which is

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
9th day of October 2001.

/s/ Catherine T. Picarazzi
Notary Public

- - -

DEPUTY SUPERVISOR LENHARDT: Thank you, Kathy. I will entertain a motion that we accept the notice.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

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This request came from Superintendent of Highways, Gregg Sagendorph, the Town has received a request from Brian and Diana Quinn of 7 Capitol Avenue stating they have seen several close calls involving drivers not yielding at these intersections. Is there anyone in the audience that wishes to ask questions? Would you come to the mike, please.

MRS. CAPONE: Do you have accident reports on these stop signs? Is it just because a woman saw something that looked like close by? The library since they doing construction there, people cross the street in front of cars... the cars back, the big trucks back and it's an accident waiting to happen. Do you have any accident report at these intersections?

DEPUTY SUPERVISOR LENHARDT: I do not have any accident reports for these. I do have a request...

MRS. CAPONE: Do you have a...

DEPUTY SUPERVISOR LENHARDT: I do have a request for a sign installation with their comments.

MRS. CAPONE: Okay. Do you have a side line problem?

MR. SAGENDORPH: Not that I am aware of.

MRS. CAPONE: Well, why do you do it then? Just because a woman look out the window and say oh my God there's going to be an accident.

MR. SAGENDORPH: No, you are setting the right-of-way at these intersections. The rule for the roads can apply but the stop sign just makes it enforceable.

MRS. CAPONE: You are going to have a stop sign at every corner.

MR. SAGENDORPH: Well, I hope not.

MRS. CAPONE: The President are going to work on you. You're going to the President all by yourself.

DEPUTY SUPERVISOR LENHARDT: The request for sign installation states we have seen some close calls. Drivers do not stop and look before crossing over

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Burhans Place.

MRS. CAPONE: You see it right here on Delaware Avenue.

COUNCILMAN PLUMMER: Mrs. Capone, in all due respect, I've looked at that area and I would say that... and I understand what you are saying about stop signs but this is a common sense issue here. When you drive on Capitol there, it's clear that the stop signs are needed, in my judgment. Now, it's not as if they are just going up because someone...

MRS. CAPONE: Okay. Danny, on the 4 corners it is a little out of the way place over there. There are only Tim Beebe that lives there and Big Al.

COUNCILMAN PLUMMER: Well, I would suggest that anyone that has an interest take a drive on Capitol Ave. as it goes through these 3 intersections and I think you will agree.

MRS. CAPONE: Why don't you come and sit on my porch, we'll talk together and you can watch the traffic at the corner of Borthwick and Delaware.

COUNCILMAN PLUMMER: Your porch isn't down on Capitol Ave. But, I agree with Gregg that it is a safety issue.

DEPUTY SUPERVISOR LENHARDT: Is there anyone in the audience wishing to speak in favor? Anyone wishing to speak in opposition? I will entertain a motion we close the public hearing.

The motion was made by Ms. Burns and seconded by Mrs. Davis to close the public hearing at 8:19 p.m. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

Town Clerk

Deputy Supervisor Lenhardt reconvened the regular Town Board meeting following the close of the public hearing and asked if the Board wished to take action on the proposed local law.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the adoption of Local Law No. 13 of the year 2001 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Section 119-10, Stop Intersections, adding a stop sign on Capitol Avenue, west at intersection of Salisbury Road; stop sign on Capitol Avenue, east and west at intersection of Burhans Place; and stop sign on Capitol Avenue, east at intersection of Euclid Avenue, Delmar. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

Hearing began: 8:20 p.m.

DEPUTY SUPERVISOR LENHARDT: The next public hearing to consider proposed local law amending Stop Intersections on Elwood Road, Charles Boulevard, Wallace Drive and crimson Leaf Drive, Delmar. I'll ask the Clerk to

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read the notice of public hearing.

TOWN CLERK NEWKIRK:
NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on October 10, 2001 at 8:20 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending the Code of the Town of Bethlehem Vehicle and Traffic, Section 119-10, Stop Intersections to add Stop sign on Elwood Road, north and south, at intersection of Frederick Place; Stop sign on Charles Boulevard, south at intersection of Frederick Place; Stop sign on Wallace Drive, north at intersection of Frederick Place; and Stop sign on Wallace Drive, south at intersection of Crimson Leaf Drive and Stop sign on Crimson Leaf Drive, west at intersection of Brockley Drive.

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

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

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

- - -

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 26th day of September 2001.

/s/ Elizabeth Bradt

Sworn to before me this 26th day of September, 2001.

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

- - -

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on September 26, 2001, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
9th day of October 2001.

/s/ Catherine T. Picarazzi
Notary Public

- - -

DEPUTY SUPERVISOR LENHARDT: Thank you, Kathy. I will entertain a motion that we accept the notice.

The motion was made by Ms. Burns and seconded by Mr. Plummer to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

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Mr. Sagendorph's letter states the Town has received a request for intersection control at the corner of Elwood Road and Frederick Place from Logan and Robin Cresap of 39 Frederick Place. They state that drivers on each street assume they have the right-of-way. Although the request is for stop signs on Frederick Place, that placement would give right-of-way to the few houses on the dead end section of Elwood Road rather than the through street. The Cresaps live on Frederick Place in an area where eastbound traffic on Frederick is approaching the stop sign at Union Avenue and westbound traffic must make a right angle turn off of Union Avenue to proceed down Frederick Place. This in itself should deter excessive speed in that immediate area.

Before I open it to the... I happen to live in this area and I am familiar with that intersection. And, the way it is now, if you do not live in the area and you were traveling on Elwood Road, you would think that you have the right-of-way to cross Frederick Place which is typically the through street. And, I have been there a few times and thought this is an accident waiting to happen, especially now that those streets... some of those streets have opened up to the back. I can see problems that if some type of traffic control is not offered there. I will open the floor to questions.

Anyone in the audience wishing to speak in favor of this? Please come to the mike and state your name and address.

MR. CRESAP: Good evening Members of the Board. Ladies and Gentlemen. I'm Logan Cresap and my wife Robin and I wrote that letter. And, we live at 39 Frederick Place and like yourself, when I first came to the neighborhood although probably much more recent than you, last year we bought a house there. I was driving up to see the house and I went through the intersection and I was shocked. All of a sudden I realized I may be causing an accident. I had expected that one of the roads would have a set of stop signs and neither did. And, several times since then I've encountered critical situations where cars coming from the 90 degree angle directions don't know who has the right-of-way and assume that the other does and I agree with you, I feel like it is an accident waiting to happen. It was almost my accident waiting to happen. We've seen a number of close calls there and so that was a critical issue. I felt like as drivers in New York State we sort of expect that any intersecting roads which have some blind spots would have... or all intersecting roads have either a traffic light or a stop sign with them. And, that is something that doesn't hold, actually, in that whole neighborhood. And, so it is a very awkward situation at the very least from a traffic stand point.

Another thing is that that neighborhood – one of the reasons we moved there – it seems like there is a thousand little kids sprouting up all at once and we have a 6 year old. And, that was ideal, that was one of the great environments that we wanted for our child. And, so I am very cognizant now of traffic speeds and dangers according to cars and stuff. We think Bethlehem is a great place. We came from a nice neighborhood in Albany but it's city traffic and we taught our child, don't go off the sidewalk, you know, you'll be like flat. And, so when we came to Bethlehem we had to teach her that you can play in the street, you know. In this neighborhood, Elwood comes down and it dead ends at sort of a wilderness area and the kids play chalk diagrams out in the street and all day and they play ball

and stuff and it's a wonderful neighborhood. But, I had noticed that along... I guess it's Elwood, that some spirited drivers... there is no impetus to slow down there because even though there might be a stop sign posted, it's a great sunny day and they want to go like mad and there's no stop signs and they have a straight shot all the way down about 5 streets that "T" as intersections, none of them with stop signs. So, it's kind of like nerve wracking and I have to admit I have chased down more than one driver on foot to remind him that there are little kids in the neighborhood and they need to be more careful. And, rather than make a policing problem, if we just put... where you would have to do like speed control and stuff... you put stop signs there they have to come to a stop at that point and so it naturally breaks up how high they can get to a speed in between the signs. So, we as parents and members of the neighborhood really favor these stop signs. We feel they are critical in terms of just road safety and also for child safety and our whole neighborhood, everybody within say a dozen houses of our house agrees. And, as new neighbors I didn't want to cause a lot of trouble. We're new neighbors and we want to be welcomed into Bethlehem. I asked them kind of tentatively, you know, do you think we need stop signs here and they said well, we've been talking about it a long time but, you know, no one's really... and I said okay, well, you know, I'll sign up for the job and write the letter. And, so I did and so I am here today. And, I just hope that, you know, that I've made myself clear and that you can decide. So, thank you very much.

DEPUTY SUPERVISOR LENHARDT: Thank you. Just a quick question, have you noticed the traffic control trailer, the radar trailer on Frederick?

MR. CRESAP: I do. Yes.

DEPUTY SUPERVISOR LENHARDT: Has that been there?

MR. CRESAP: Yes, I noticed that and when I first moved here, that was a very interesting item. I hadn't seen that in a lot of towns and we saw it... it was parked in a road adjacent there. And, I thought that is nice, that's a good way to remind people. It's a gentle reminder short of a traffic ticket.

COUNCILMAN DAVIS: I just have another question. I appreciate your comments about the neighborhood. I agree with you, it's a great neighborhood. I spend a lot of time going through that way even though it is not where I live but I bike through there. But, I am hoping and I say this with respect... I am hoping that your 6 year old and the other children who are playing out and doing the chalk in those streets are not unsupervised because it is a very dangerous thing if they are.

MR. CRESAP: It is, I agree.

COUNCILMAN DAVIS: As a member of our pedestrian safety committee and the citizen pedestrian safety, I have to encourage you and your neighbors to be vigilant and to be certain that those children are supervised at all times.

MR. CRESAP: I 100 percent agree with you. We have a rule with our child, she is not to leave the yard unless we are with her. So, we are always in the yard or in the street with her. And, if we are ever inside and she wants to play, she cannot leave the grass area. So, we know she is safe there. She minds our word, she seems very good about that.

COUNCILMAN DAVIS: And, that is a concern that we have.

MR. CRESAP: That's very important. As a parent, I agree wholeheartedly.

COUNCILMAN DAVIS: Thank you.

MR. CRESAP: However, even if I was on the lawn, 20 feet away, and she was in the street and a car came by at speeds that I have seen, I could not get to my position on the grass to her, even sacrificing myself in time to throw her out of the

street.

COUNCILMAN DAVIS: But, the stop sign will not be that 100 percent security so you will still have to be there.

MR. CRESAP: Yes, I agree. Even with the stop signs we will still have the iron clad rule that I have to be line of sight with her while she is in the street.

COUNCILMAN DAVIS: Thank you.

MR. CRESAP: Thank you, that's true.

DEPUTY SUPERVISOR LENHARDT: Anyone else wishing to speak in favor?

MR. SAGENDORPH: I just wanted to make sure, Mr. Cresap knew that the stop signs would be going on Elwood Road and not on Frederick Place that you had originally put in your letter.

MR. CRESAP: I got that impression. Can you speak to that, what the thinking there was the idea?

MR. SAGENDORPH: Simply because most of the other streets that intersect Frederick Place "T" into Frederick Place. There is like a 3 way stop, Charles, Wallace... Frederick Place is really the street where the traffic has a through street, where the traffic is going to go through. Within 250 to 300 feet of your residence, is where they have to stop at Union Avenue.

MR. CRESAP: Which is Union Avenue? The one... the "T" at the very end?

MR. SAGENDORPH: The "T" at the very end. Brockley Drive is at one end of Frederick and Union Avenue is at the other end. You are within of Union Avenue so traffic should... if they are going to obey the stop sign, traffic should be slowing down as they are in front of your house to stop at Union Avenue heading in an eastbound direction.

MR. CRESAP: But, starting from the other end, coming that way, they can go like mad and they can break the stop within 50 feet. That was the direction in which I chased down the driver. They were coming to Union Avenue stopping. And they were going zing and they laid on the brakes and just about left black tire marks and went right through the stop sign and out the other side.

MR. SAGENDORPH: Right. And, I'm not sure the answer to those...

MR. CRESAP: They rolled through the stop sign though. But, if we have a stop sign in front of our house, even if they rolled through the stop sign in front of our house, they would have been going 5 miles an hour instead of the... I can't say the speed... but it seemed very fast to me. So, you are saying put the stop sign on the...

MR. SAGENDORPH: On Elwood Road. On the dead end stub where your driveway comes out onto Elwood Road, the stop sign would be coming out of that stub street and it would be across the street, coming down Elwood Road from Orchard Street.

MR. CRESAP: And, what's the thinking there? I mean why... with the speed that is built... that's a dead end street essentially.

MR. SAGENDORPH: Right.

MR. CRESAP: People don't barrel down the dead end street.

MR. SAGENDORPH: It's actually addressing the first 2 paragraphs saying that

there is no traffic control at that intersection. So, by putting them on Elwood Road, as per... well, your request states that you need traffic control at that intersection. We're putting them on Elwood so we do designate right-of-way at that intersection. Because Frederick Place is 1200 feet long, Mr. Cresap lives within 300 feet of the end of it. If we put the stop signs on Frederick Place at that location, it still gives you 950 to 1000 feet on Frederick Place without a stop sign. If you were going to use the stop signs for speed control, they should be in the center of Frederick Place, not way at one end. So, that's why I deferred to put the stop signs to designate right-of-way at all the intersections on the connecting streets to the through street.

DEPUTY SUPERVISOR LENHARDT: Also the speed limit on that street is 30 miles per hour. But I do know that coming, especially from Brockley around the end of the school day, I've seen them exceeding that going in... I guess that would be an easterly direction. Is there anyone in the audience wishing to speak in opposition to this proposal?

Hearing none, I will entertain a motion to close the public hearing.

The motion was made by Ms. Burns and seconded by Mrs. Davis...

MR. CRESAP: One question?

DEPUTY SUPERVISOR LENHARDT: Yes... Excuse me.

MR. CRESAP: I'm sorry to interrupt but... so, the new arrangement that this gentleman is forming to adopt, do we have any opportunity to discuss the merits of his design or this new design or is that...

DEPUTY SUPERVISOR LENHARDT: Not at this public hearing. This is just for the stop signs on Elwood, Charles, Wallace with the intersection of Frederick Place, Wallace at the intersection of Crimson Leaf Drive and Crimson Leaf Drive west at the intersection of Brockley Drive. That's what this public hearing is about.

MR. CRESAP: Okay and will there be an opportunity some time down the road to talk about the arrangement of the stop signs?

DEPUTY SUPERVISOR LENHARDT: After this public hearing is... the departments of the Town are always open.

MR. CRESAP: That's fine.

The motion was made by Ms. Burns and seconded by Mrs. Davis to close the public hearing at 8:35 p.m. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

Town Clerk

Deputy Supervisor Lenhardt reconvened the regular Town Board meeting following the close of the public hearing. He asked if the Board wished to take action on the proposed Local Law.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve adoption of Local Law No. 14 of the year 2001 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Section 119-10, Stop Intersections, adding stop sign on Elwood Road, north and south at intersection of Frederick Place; stop sign on Charles Boulevard, south at intersection of Frederick Place; stop

sign on Wallace Drive, south at intersection of Crimson Leaf Drive; and stop sign on Crimson Leaf Drive west at intersection of Brockley Drive, Delmar. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: Mrs. Fuller.

HEARING BEGAN: 8:34 p.m.

DEPUTY SUPERVISOR LENHARDT: The final public hearing scheduled for 8:30 p.m. to consider proposed local law concerning establishment of a temporary moratorium on Adult Uses. I ask the Clerk to read the notice of public hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on October 10, 2001 at 8:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law concerning the establishment of a temporary moratorium on "Adult Uses".

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

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

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

- - -

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 26th day of September 2001.

/s/ Elizabeth Bradt

Sworn to before me this 26th day of September, 2001.

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

- - -

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on September 26, 2001, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
9th day of October 2001.
/s/ Catherine T. Picarazzi
Notary Public

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DEPUTY SUPERVISOR LENHARDT: Thank you, Kathy. I will entertain a motion that we accept the notice.

The motion was made by Ms. Burns and seconded by Mrs. Davis to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

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I'm going to ask Mr. Alessi to address this but just before he starts, I have here with the proposed local law concerning a temporary moratorium, is a letter from Donald R. Odell for the Albany County Planning Board to Jeffrey Lipnicky, Town Planner, Town of Bethlehem. The Town of Bethlehem, Town Board regarding a local law to place a temporary moratorium on Adult Uses for the entire Town for 9 month with the ability to renew twice at 3 month intervals. Albany County Planning Board recommendation: no significant or intercommunity impact as called for in the New York State General Municipal Law Section 239.

Do you want to...

TOWN ATTORNEY ALESSI: this is a local law that addresses adult uses. They are defined in this proposed moratorium. It's what you would expect that adult uses would be. The purpose of this local law is to be a stop gap. And, a stop gap exists because presently the Town of Bethlehem does not have regulation of adult uses. And, what that means is an adult use could occur any place virtually in the Town of Bethlehem. It could appear next to a church, could appear next to a school, it could appear in other inappropriate places. And, the purpose of this local law is to say that there will be no applications that will be received, no applications processed, no approvals given by any Town official, a board, or agency for adult type uses until the Town goes through and develops regulations and laws if what is what the Town Board sees fit to do to regulate these so that their locations are in a place that is considered appropriate. This is not a movement to authorize or to have proliferated adult uses. This is something to deal with U.S. Supreme Court cases that say very clearly and New York Court of Appeals cases – our highest courts in both the country and the state – that say that you cannot ban these uses entirely. They implicate First Amendment, freedom of expression and free speech, so that your regulation is limited to time and location.

You cannot regulate content. So, this moratorium as proposed would give the Board the opportunity to have this looked at and to come up with proposed laws and regulations again if they see fit.

DEPUTY SUPERVISOR LENHARDT: Thank you, Bob. Anyone in the audience that has questions regarding this? I will entertain anyone that wishes to speak in favor. Please address...

MR. FLANIGAN: I appreciate the moratorium being proposed because I know that it is a problem when I presented this to the Board several months ago or a month or two ago, there were many questions on where we do it, how we do it and this would give us the period of time to do it in the right direction and do it right so

we don't have a problem court wise.

I notice in this morning's paper that there was another community in the north country that just not too far up the Northway who did the same thing of putting in 9 month moratorium on there as Rotterdam has tried to do and Scotia. They've all... you know, everyone around us has done this and I think it is a good move to do this because as I explained to you having done some review with this problem is that there are many ways to do it and some of them are very, you know, very large ordinances and some of them are very small ordinances. But, you got to get to the point and definition is in here... I would speak in favor of it.

DEPUTY SUPERVISOR LENHARDT: Thank you. Is there anyone else wishing to speak in favor? Anyone wishing to speak in opposition? Hearing none, I will entertain that we close the public hearing.

The motion was made by Mr. Plummer and seconded by Ms. Burns to close the public hearing at 8:43 p.m. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: Mrs. Fuller.

Town Clerk

Deputy Supervisor Lenhardt reconvened the regular Town Board meeting following the close of the public hearing. He asked if the Board wished to take action on the proposed local law.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the adoption of Local Law No. 15 of the year 2001 concerning establishment of a temporary moratorium on "Adult Uses". The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: Mrs. Fuller.

The next item on the agenda was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of appointment of Assistant Administrator, Parks and Recreation Department. Deputy Supervisor Lenhardt said the appointment was for Karen Hoogcamp, Slingerlands, NY at a grade 16, step 1 at a salary of \$35,872, effective October 11, 2001.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the appointment of Karen Hoogcamp, Slingerlands, New York to the position of Assistant Administrator, Parks and Recreation Department, at a grade 16, step 1 salary of \$35,872, effective October 11, 2001. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: Mrs. Fuller.

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

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the following appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department:

Recreation Program Director at a rate of \$10.50 per hour

Raymond F. Linstruth
33 Albin Road
Delmar, NY 12054.

The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

The next item was a request from Commissioner of Public Works, Bruce Secor, for approval of setting a public hearing for Grievance Day for the 2002 Sewer Tax Rolls. Could advertise October 31, 2001 and hold public hearing November 14, 2001.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the setting of a public hearing on November 14, 2001 at 7:30 p.m. as requested by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

The next item was to set the public hearing with regard to the Tentative 2002 Town of Bethlehem Budget.

The motion was made by Ms. Burns and seconded by Mr. Plummer to approve setting the public hearing regarding the Preliminary 2002 Budget for the Town of Bethlehem at 7:30 p.m. on October 24, 2001. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

The following item was to adopt a Resolution in Support of the Bethlehem Energy Center, Glenmont. Councilman Plummer explained the Town has already supported this proposal. He said this is the sale of the Niagara Mohawk facility to PSEG. He said this resolution is for the Town Board to support the applications that have gone in to get the permits needed so PSEG can expand the facility. He said the permits come from the Department of Environmental Conservation, the Army Corps of Engineers and also the New York State Board on electric generation siting. This acknowledges that the community supports that. The School Board has supported it, the IDA has supported it and it is a project that is very important to the Town, according to Councilman Plummer.

The following Resolution in support of the Bethlehem Energy Center, Glenmont, Town of Bethlehem was presented for adoption:

**RESOLUTION IN SUPPORT OF
THE BETHLEHEM ENERGY CENTER**

WHEREAS, PSEG Power New York Inc. (PSEGNYS) intends to redevelop the existing Albany Steam Station site into a more efficient and higher capacity power plant to be known as the Bethlehem Energy Center (BEC), and

WHEREAS, the BEC would provide immediate and substantial environmental benefits by replacing the existing Station with a new state-of-the art facility and reduce both air emissions and water intake from the Hudson Rive, and

WHEREAS, the BEC would represent a substantial investment which promotes economic development and bolsters the regional economy, as well as creates new and continuing employment opportunities, and

WHEREAS, PSEGNYS and the Bethlehem industrial Development Agency have agreed to a long-term Payment In Lieu of taxes Agreement which has the support of the Town of Bethlehem;

NOW, THEREFORE BE IT RESOLVED, the Town of Bethlehem supports the BEC Project and PSEGNYS's applications for the permits and other authorizations needed for the redevelopment of the Albany Steam Station into a new power plant to be known as the Bethlehem Energy Center, including PSEGNYS's applications to the New York State Board on Electric Generation Siting and the Environmental Siting Board for a Certificate of Environmental Compatibility and Public Need under Article X of the New York State Public Service Law 9Case 97-F-2162), to the New York State Department of Environmental Conservation (DEC) for federally-delegated air and water discharge permits, and to the United States Army Corps of Engineers (COE for permits authorizing work in Waters of the United States, and

BE IT FURTHER RESOLVED, that Town of Bethlehem requests the Siting Board to act promptly and grant the Certificate and

BE IT FURTHER RESOLVED, that Town of Bethlehem requests DEC and COE to ct promptly ad grant the permits applied for by PSEGNYS.

The foregoing resolution was presented for adoption by Mr. Plummer, seconded by Mrs. Davis and passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

The following item was to adopt a Resolution regarding the Good Samaritan Lutheran Home, Inc. project. Deputy Supervisor Lenhardt said Councilman Plummer, Member of the IDA, will address this item. Councilman Plummer noted this allows Good Samaritan, a not-for-profit, to refinance its debt by using the IDA revenue bonds. It is a formality that enables them to deduct the interest from the bonds for their Federal tax purposes, he said. It has no net effect to the Town of Bethlehem's tax base because Good Samaritan is not paying taxes now because it is a not-for-profit. He said this helps Good Samaritan's cash flow, allows it to stay in business and is a positive project.

Councilman Plummer offered the following resolution, and moved its adoption:

RESOLUTION OF OCTOBER 10, 2001

**RESOLUTION APPROVING THE ISSUANCE OF CERTAIN BONDS
BY THE TOWN OF BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY
TO FINANCE A PROJECT FOR GOOD SAMARITAN LUTHERAN HOME,
INC.**

WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 582 of the Laws of 1973 of the State of New York (herein collectively called the "Act"), the Town Board of the Town of Bethlehem, County of Albany, New York (the "Town Board") has heretofore appointed the Chairman and members of Town of Bethlehem Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of the State of New York, the certificates required by Section 856 of the General Municipal Law of the State of New York; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to issue industrial development revenue bonds to finance the cost of the acquisition, construction, reconstruction and installation of one or more "projects" (as defined in the Act), to acquire, construct, reconstruct and install said projects or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Good Samaritan Lutheran Home, Inc. (the "Company") has presented an application (the "Application") to the Agency, a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider issuing its civic facility revenue bonds in the principal amount of not to exceed \$5,000,000 (the "Bonds") in order to finance all or a portion of the cost of undertaking a project (the "Project") consisting of (A) the acquisition by the Agency of an interest in (1) certain real property consisting of an approximately 1.651 acre parcel of land located at 141 Rockefeller Road in the Town of Bethlehem, Albany County, New York (the "Land"), (2) the existing 67 adult bed facility containing approximately 33,800 square feet of space located thereon (the "Facility"), and (3) the machinery and equipment and other personal property related thereto located thereon and therein (the "Equipment") (the Land, the Facility and the Equipment hereinafter collectively referred to as the "Project Facility"), all of the foregoing to constitute a licensed adult home to be operated by the Company and any other directly or indirectly related activities; (B) the financing of all or a portion of the costs of the foregoing by the issuance of its civic facility revenue bonds in one or more issues or series in an aggregate principal amount not to exceed \$5,000,000 (the "Bonds"); (C) the granting of certain "financial assistance" (within the meaning of Section 854 (14) of the Act) with respect to the foregoing, including exemption from certain sales taxes, deed transfer taxes and mortgage recording taxes (collectively with the Bonds, the "Financial Assistance"); and (D) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Town Board has been advised by the Agency that the Agency proposes to issue, subsequent to the adoption of this resolution, its civic facility revenue bonds from time to time in a principal amount sufficient to fund all or a portion of undertaking the Project, together with incidental costs in connection therewith, which principal amount is presently estimated to be in an amount not to exceed \$5,000,000; and

WHEREAS, the Company has requested that interest on the Bonds be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 145 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excludable from gross income for federal income tax purposes unless the issuance of the Bonds shall be approved by this Town Board after the Agency has conducted a public hearing thereon following reasonable public notice; and

WHEREAS, on October 10, 2001 the Agency held a public hearing to consider both the issuance of the proposed Bonds and the nature and location of the proposed Project, and a report of said public hearing has been made available to each member of this Town Board prior to this meeting; and

WHEREAS, pursuant to Section 147(f) of the Code, the Town Board desires to allow the interest on the Bonds to be treated as excludable from gross income for federal income tax purposes;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the

Town of Bethlehem, New York as follows:

Section 1. For the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 145 of the Code, the Town Board, as the elected legislative body of Town of Bethlehem, New York, hereby approves the issuance by the Agency of the Bonds, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Agency and shall never be a debt of the State of New York, Town of Bethlehem, New York or any political subdivision thereof (other than the Agency), and neither the State of New York, Town of Bethlehem, New York nor any political subdivision thereof (other than the Agency) shall be liable thereon.

Section 2. This resolution shall take effect immediately.

The resolution was duly seconded by Councilman Burns and the resolution was duly adopted by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

The following item on the agenda was to approve the Town Board minutes of September 12, 2001.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the Town Board minutes of September 12, 2001 as submitted. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

Deputy Supervisor Lenhardt asked if anyone wished to address the Board.

Town Attorney Alessi noted there was litigation commenced over sales tax in the County of Albany. He said the litigation was between the Albany County Executive and the Albany County Comptroller and indicated the Town of Bethlehem was named in the litigation. He said this was an important issue to the Town because there were substantial dollars at issue. The Comptroller initially took the position that he was going to withhold all of the sales tax revenues that were due to the Town –not just the Town of Bethlehem but other towns and there was over 2 million dollars at issue. He said they moved for an interim order from the court to require that the dollars not in issue be released. The court granted the request to do so, he said. What remained, according to Town Attorney Alessi, for the court to decide was what census was to be used in determining the sales tax revenues for this year. He said the decision was just received and we were successful in persuading the court that the census to be used was the one that was the most favorable to us and the bottom line is that that means that the Town of Bethlehem stands ready to get approximately \$230,000 in additional sales tax revenue. He said, unfortunately, the County Comptroller has appealed this decision and without going into the details, he said by his merely filing the appeal, it stops the affect of the decision which further holds up getting the additional revenue. He said we are evaluating our options at this point. He said litigation always takes a little bit longer than persuasion and other methods. He said they are trying to get the County Comptroller to relent from his position so that the Town can receive the \$230,000 in sales tax revenue. He said he will report further to the Board on whatever happens in that appeal and litigation.

Deputy Supervisor Lenhardt thanked Town Attorney Alessi.

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Deputy Supervisor Lenhardt asked for a motion to adjourn to Executive Session to discuss police contract negotiations.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve adjourning to Executive Session following the close of the regular Town Board meeting to discuss police contract negotiations. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

The motion was made by Ms. Burns and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 8:54 p.m. The motion was carried by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.