

TOWN BOARD  
OCTOBER 14, 1998

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 Supervisor at 7:30 p.m.

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

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Ask you to join us in the pledge of allegiance.

Before we start our first public hearing, just a public service announcement. This afternoon the tower outside our Police Department was struck by lightning. We have had some damage. The 911 system is down. We have all calls referred to Albany County. Presently they are there working on the phone system hopefully to have it hooked up before the end of tonight. We have probably lost a couple of computers. We had some very frightened individuals. There were no injuries and I sent the employees home from Town Hall at 3:15 this afternoon. But, the bang and the explosion, I think, some employees felt it was a bomb that had hit this building. So, we have had a little excitement here already today. But, everyone will be back to normal tomorrow. If you are not able to reach Town Hall, we're still without phone service but will be here and feel free to stop in and visit if you have any questions or comments for us.

First item on tonight's agenda is a public hearing to consider Local Law amending the Code of the Town of Bethlehem rezoning a parcel of land presently zoned C Commercial to Light Industrial. The location is Route 9W, Selkirk. I would ask the Clerk to read the call of the 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 14, 1998 at 7:30 p.m. to consider proposed Local Law No. 11 of 1998 concerning rezoning of property from C General Commercial District to Light Industrial District for the lands located on the west side of U.S. Route 9W and in the vicinity of the former Wickes Lumber Site as described below:

Local Law  
rezoning  
C General  
Commercial  
District to  
Light  
Industrial

All that tract or parcel of land more particularly bounded and described as follows: Beginning at a point in the center line of pavement on New York State Highways known as U.S. Route 9W, said point being the point of intersection of said center line of pavement with the common boundary line between the Town of Bethlehem on the North, the Town of Coeymans, on the South; thence Westerly along the common boundary line between the Town of Bethlehem, on the North, the Town of Coeymans, on the South to the point of intersection with the center line of Coeymans Creek Onesquethaw Creed; then in a generally northerly direction, and upstream along the center line of Coeymans Creek Onesquethaw Creek, as it winds and turns, for a distance of some two thousand (2000) feet to the point of intersection with the center line of a stream entering Coeymans Creek Onesquethaw Creek) from the East; thence in a generally northerly direction, and upstream, along the center line of said stream which enters Coeymans Creek of Onesquethaw Creek from the East some two thousand (2000) feet Northerly from the common boundary line between the Town of Bethlehem and the Town of Coeymans), as it winds and turns, to the point of intersection with the Southerly property line of lands of Penn Central Transportation Company formerly New York Central Railroad

Company), said lands being a part of the Alfred e. Perlman Yard formerly known as Selkirk Yards); thence Southeasterly along the southerly and Southwesterly) property line of said lands of Penn Central Transportation Company and along the prolongation Southeasterly of said property line, to the point of intersection with the center line of pavement on U.S. Route 9W; thence Southerly along the Center line of pavement on U.S. Route 9W to the point of intersection with the common boundary line between the Town of Bethlehem, on the North, and the Town of Coeymans, on the South, said point being the point and place of beginning.

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 David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk, CMC  
TOWN CLERK

State of New York)  
County of Albany )

JAMIE WILLIAMS of the Town of Bethlehem, being duly sworn, says that she is the Office Assistant of 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 30 day of September 1998.

/s/ Jaimie Williams

Sworn to before me this 30 day of September 1998.

/s/ Kathryn Olsen  
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 Sept. 30, 1998, 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  
14th day of October 1998.

/s/ Catherine T. Picarazzi  
Notary Public

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson 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: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.

Noes: None.

SUPERVISOR FULLER: Mr. Kleinke is here this evening. He is representing the Flachs' who have purchased the Wickes site. And, this is a request for a change in zoning and the Town Board at a meeting back in September suggested we take a look at rezoning 266

acres which go along with the Wickes site. Not owned by the Wickes site, I might add. Go ahead, Ed, if you...

MR. KLEINKE: One of these microphones.

TOWN CLERK NEWKIRK: Yes, the pa, I don't know if it will stretch over there though if you are trying to go to your map.

MR. KLEINKE: Well, it's not turned on.

TOWN CLERK NEWKIRK: It should be.

SUPERVISOR FULLER: Or we can move the map if you would like.

COUNCILMAN LENHARDT: Maybe we blew a fuse too. This one isn't.

ATTORNEY KAPLOWITZ: None of them are working?

TOWN CLERK NEWKIRK: None of them are working? This one isn't it?

SUPERVISOR FULLER: Is it turned on?

ATTORNEY KAPLOWITZ: No, that's not working.

TOWN CLERK NEWKIRK: There it is. There we go.

COUNCILMAN DAVIS: Yes, now it is on.

MR. KLEINKE: Okay. Thank you very much. For everyone's benefit my name is Ed Kleinke. I am a landscape architect. I am here on behalf of Flach Industries which is a business here in town and with me is Wayne Flach, who is President of Flach Industries and Henry Digresser who is Vice President of Flach Industries. So, if there are any questions for them, they will be happy to answer them.

MR. HOHL: Can you stand on the other side so we can see what you are addressing?

MR. KLEINKE: We initiated this request and for the folks behind me, excuse my back. The... as part of the purchase of what we know formerly as the Wickes site located on 9W in the Selkirk area. This site was purchased by Flach Industries earlier this year. On this map that I have with me, I have shown the location of the site. The dark line along the bottom is the Town line. To the bottom is the Town of Coeymans, above it is the Town of Bethlehem. The site is located just north of there and it is located in the center of the shaded area.

As Mrs. Fuller has said, the Town Board at their meeting in September decided to expand the area for consideration of a rezoning from the 25 acres that Flach Industries owns to about 265 acres which is this area that I have shaded on this map. This area encompasses the C Commercial district that presently exists on our zoning map and is the boundaries of that C Commercial district. So, all encompassing the request is to change from C Commercial to Light Industrial.

Our request was initiated as a result of the Flach's purchase and their interest to use the buildings that were established by Wickes on the site that exist there. There are presently about 77,000 square feet of building area and these buildings were constructed over a period of 30+ years by Wickes. They established that facility in 1959 and it was permitted by Special Permit granted by the Zoning Board of the Town for a lumber yard, for retail sales of building products. Over the years they expanded that use from builders supply and lumber to light manufacturing of building components, warehousing and storage and built a number of buildings there now comprising the 77,000 square feet. It is the intent of Flach Industries to utilize those buildings, to stabilize the ones that are in poor condition and to maintain the site and to utilize those buildings for light industrial purposes, kinds of things that Wickes did. They would like to use them for storage. They would like to use them to some light manufacturing uses.

They would like to be able to use also, for example, as the showroom for Wickes for associated sales of products. The building area, however, I should say... they don't have one particular use or client that would take all of the building, so there are several ways to approach it and their interest was to change to light industrial to allow these kinds of uses to be permitted by right. It is anticipated that they will market and lease the buildings that exist there. They have no plans at the present time for the remaining property which is about 12 acres that's undeveloped to build anything at this point in time.

As we talked in September, the purpose of expanding the district was to allow consideration for a greater area to be rezoned to light industrial. The 265 acres consists of all of this area that is shown on the map. There is about 100 of those acres that are relatively constrained for development purposes by the... by reason of slopes and stream and ravine valleys and power line right-of-ways and such. There is about 165 acres that potentially can be developed. That's close to 40 percent of the site... close to 60 percent of the site, 40 percent is constrained. So, for development purposes, about 165 acres out of the total.

Access to the site is provided by 9W and we feel that Route 9W as a major route can handle the traffic that would go in and out of the site at least as far as the Wickes development and Flach Industries development goes. We see the kinds of vehicles entering and exiting being consistent with the usage that Wickes had over the years there. Certainly there will be some truck activity and some vehicle and personal car activity. But, we don't see it in any greater extent of numbers than previous by Wickes.

The area also is surrounded by other kinds of land uses to the north is Hoffman Street and there are several residences that exist that's contained within this larger area. To the south there is a residence on the corner of Pictuay Road and 9W. To the west is land undeveloped and further to the west is land area that's zoned rural not zoned. To the north on this map are the Selkirk rail yards. To the upper right on the map is the Selkirk hamlet area. Most of the area... it's surrounding zoning rural unzoned, Heavy Industry to the north, Residence B across 9W on the east side and Heavy Industrial beyond that to the east. I have provided the Board with some maps that show the areas that this map shows and also listing that those acreages to give you an idea of development type areas.

Our initial application that we presented to the Board, we included some information about existing zoning, about history of the site, some environmental type related information, photographs and hopefully enough information that you can make a decision.

Without taking a lot of time, we can certainly answer questions or provide anything else the Board is interested in.

SUPERVISOR FULLER: Are there any questions from the Town Board at this point? Are there any questions from the audience? And, I would ask that you have to come to the microphone and just identify yourself for the record of the public hearing.

MRS. JORDAN: I don't have to... you will be able to hear me, I am an educator, so I am used to speaking to large groups. My name is Arlene Jordan. First, I would like the Town Board to consider an adjournment of this hearing until a later date when the people in the community can be notified appropriately. A year and a half ago, a neighbor of ours was going to... wanted to have a variance for shrubbery business, we all received letters in the mail from the Town. That certainly wasn't an impact like this is going to be on our community and our area. This was advertised in the Spotlight. The Spotlight didn't even see fit to advertise the bypass. People in our area do not get the Spotlight. We use the News Herald, is that correct? (to the audience) And, this is not a way to get the people out and hear what we have to say about this. I don't see... I understand why Flach wants this rezoned, his particular parcel. Why is the Town encompassing all the other area? This is a nature area. There is a creek. If you zone it Light Industrial, what about the run-off? We already have to deal with GE Plastics and the smell and

the run-off that goes with that. We certainly don't want this in our backyard. And, what happens to the wildlife... there, those are farms down there. I think this is being railroaded through and I feel the Town is not being responsible to us, the taxpayers, in that area. And, I would like a response first of all to my adjournment request so that the people in that area can be notified appropriately so they can attend a meeting.

SUPERVISOR FULLER: This is in response to the area other than the Wickes property?

MRS. JORDAN: That whole area where people would be impacted, from the railroad tracks, to the town line, to down Pictuay Road... there is a tree farm down there... now I know the tree farm is not going to be zoned but it borders against it. There's Syd Wagner's farm, that farm has been in this community... I don't know how long... longer than I have been in this community and my husband's family has been here. I don't want to see that turn into Light Industrial. I don't think anybody does. And, I don't think you are being responsive to the people in that community.

MR. HOHL: Nobody was notified of this September 12th meeting.

SUPERVISOR FULLER: I think tonight's meeting is a public hearing. There isn't any decision being made this evening. This is an opportunity for the public to come in and speak with the Board.

MRS. JORDAN: But, we don't know there is a public hearing. You know how I found out, my neighbor happened to see it in the Spotlight. I don't get the Spotlight. They are anti-education. That's one of the reason I don't support the Spotlight. But, I am not... you know, we get the News Herald. It wasn't even put in the Times Union which goes to everybody in the community.

SUPERVISOR FULLER: The question on notification... usually a zoning change is before the Zoning Board and they are the ones that would be sending out letters. This is the first one that would come before the Town Board. So, what is the procedure on notifying the community when there's a public hearing? Is there any way other than the advertising?

ATTORNEY KAPLOWITZ: No, you just set a public hearing and advertise it. What you are thinking of in the other situation, I am sure, was probably a variance from the Board of Appeals which requires...

MRS. JORDAN: But, this is going to be a bigger impact. I don't care what policy says. Policy is the rules you have to go by. However, what about the people... the taxpayers in our community? What about us? Don't you want to make us happy? Don't you think you owe us something? Don't you think you owe us to contact us when there's something like this going to happen? Don't you think we have the right to know that?

SUPERVISOR FULLER: Well, I hope that you are expressing concerns that you have here tonight and that's the purpose of the public hearing.

MRS. JORDAN: But, what about all the people that don't know there is a meeting tonight that live in that area?

SUPERVISOR FULLER: I don't know how to...

MRS. JORDAN: Well, I just told you how. You know where we all live. You have the tax maps. You know every single person in that area. We pay our taxes. We are asking that... if you need the stamp money, I will give you the stamp money to send us a letter letting us know when the hearing is going to be.

SUPERVISOR FULLER: Well, I also think it's a community of 28,000 people and every decision that is made affects the entire community. It is not a decision based on one area. It is the Town of Bethlehem and that's what we need to focus on.

MRS. JORDAN: Are you going to have to live next to it? That's the bottom line. Do you want to live next to GE Plastics, I don't. That's why I don't live next to it.

COUNCILMAN DAVIS: GE Plastics would not be able to locate there.

MRS. JORDAN: I am not saying they are moving over there. I am just giving that as an example. Do you want to live next to this? Do you want to live in an area zoned Light Industrial? Answer me.

COUNCILMAN DAVIS: It is a moot question, you know, I just...

MRS. JORDAN: Why is it a moot question? I didn't move, it wasn't zoned Light Industrial when I moved there.

TOWN ATTORNEY KAPLOWITZ: There are some uses that would be objectionable and some that wouldn't be objectionable.

COUNCILMAN DAVIS: That's right.

TOWN ATTORNEY KAPLOWITZ: So, moot...

MRS. JORDAN: So, we only have your word to that.

TOWN ATTORNEY KAPLOWITZ: It's moot and that... you don't have my word for anything. I am just saying some uses that I haven't even thought about maybe objectionable and others may not be. That's a future problem.

MS. MOSKOWITZ: Can I just comment for her? You also...

COUNCILMAN LENHARDT: Can you identify yourself?

SUPERVISOR FULLER: Excuse me.

MS. MOSKOWITZ: My name is Laura Moskowitz and I go to Bethlehem High School and I was just wondering... do you think that all of the jobs that are going to be created?

MRS. JORDAN: Do you want to live next to a Light Industrial area? Do you want to live next to a construction site?

MS. MOSKOWITZ: Well, there'd be jobs for our town people, why should I ... it.

SUPERVISOR FULLER: I don't think we need to debate in the audience.

MRS. JORDAN: You know what... I'll sell you my house. You're going to be graduating from high school soon, come on over. You can live there.

COUNCILMAN LENHARDT: Can I ask a question?

SUPERVISOR FULLER: Sure.

COUNCILMAN LENHARDT: Ma'am, are you familiar with the differences between Light Industrial and C Commercial that is presently zoned... or presently allowed in the Flach area?

MRS. JORDAN: Well, commercial isn't exact different from industry. Industry in...

COUNCILMAN LENHARDT: No, according to our Code, if you look at the uses, there are very subtle differences between Light Industrial and C Commercial. And, I hazard to guess by what you are saying that the uses allowed in that C Commercial would be just as objectionable as Light Industrial.

MRS. JORDAN: So, why does he need... why do you need to rezone it if it is so little difference? Why do you need to rezone it?

COUNCILMAN LENHARDT: He was just asking for Flach Industries portion which was Wickes Lumber.

MRS. JORDAN: Correct. But, why does he even need to ask for that if there is... if the differences are so minute that, no big deal.

COUNCILMAN LENHARDT: I guess that's a question to Mr. Kleinke.

MR. KLEINKE: The differences... there are several uses which are permitted in a Light Industrial district that are not permitted in a C Commercial district. All of the retail uses, etc. that are allowed in a C Commercial district are also allowed in a Light Industrial district. In addition, uses such as warehousing, material storage, and manufacturing are permitted in the Light Industrial but not in the C Commercial. Flach Industries is in the business of...

MR. HOHL: Wickes was doing it.

MR. KLEINKE: ... for... pardon me?

MR. HOHL: Wickes was doing it.

MR. KLEINKE: Wickes was doing it as I said earlier, under Special Permit from the Zoning Board of the Town of Bethlehem.

MR. HOHL: So, why can't he get that?

MRS. JORDAN: Are you familiar with the Clark Industries warehouse down at the Port of Albany and what's being housed in that warehouse? Herbie Clark's? Yea, that's... hey that could be right over there too. Is the Town Board familiar with that? Um, that could... really attractive and a good thing to have in our community.

SUPERVISOR FULLER: I think that the Town Board is looking at is part of the LUMAC plan that was discussed here for many years and part of creating a Light Industrial area in Town for economic development to take a look at office park, technology.

MR. HOHL: That was signed into effect...

SUPERVISOR FULLER: It hasn't, this is a start. The plan is not being adopted in total.

MR. HOHL: We only refer back to the LUMACs when it benefits you people but when it benefits the Town ... we don't use LUMACs.

SUPERVISOR FULLER: Yes, the LUMAC plan is for the entire Town.

MR. HOHL: That is not what I was told.

SUPERVISOR FULLER: I think that the people that were affected by it were in the minority.

MRS. JORDAN: I know for a fact that people in that area, you didn't even call them.

SUPERVISOR FULLER: And, that was the concern that we, the Town Board had, to make sure everyone's concerns were heard. And, that's why the plan has not been adopted to this day. We are taking a look at some of the areas that it will be impacting by it. Yes.

MRS. JORDAN: I know for a fact that people whose land is going to be changed in zoning, were not even notified. Correct?

AUDIENCE: Yes.

MRS. JORDAN: That's... my land is next to, there land is in this big area.

SUPERVISOR FULLER: Is your land impacted by this?

MRS. JORDAN: Is it impacted right... presently is it in the site, no. Will it be impacted if this is rezoned, I believe so. And, that's before or after the bypass goes in next door to us too. That the Town doesn't seem to be doing anything to fight that either? So, all be a little handy area over there. We feel like the Town of

Bethlehem care about their lives. People over in Selkirk, we don't have time for them. We pay taxes.

MR. HOHL: I feel like I live in Coeymans more than I live in Selkirk.

SUPERVISOR FULLER: Well, I am sorry that you feel that way. I have to tell you I am afraid that we, as Town Board Members, don't single out a particular hamlet of the Town of Bethlehem. It's the Town of Bethlehem.

MR. HOHL: You never see anything written in the paper about south of that railroad bridge.

COUNCILMAN LENHARDT: I would like to address the issue of notification because that concerns me and I am sure it concerns my colleagues. Hasn't there been a policy in the past or it was my understanding and tell me the specific instances where it applies, where when a zoning change or a zoning variance is about to be discussed that landowners within a 200... if that's the right number...

TOWN ATTORNEY KAPLOWITZ: It is.

COUNCILMAN LENHARDT: Foot radius of the property receives a letter.

SUPERVISOR FULLER: For Zoning Board.

MR. FLANIGAN: For Zoning Board only.

COUNCILMAN LENHARDT: But the Zoning Board deals with these same issues that we are dealing with right now.

MR. FLANIGAN: No, it doesn't.

MR. LIPNICKY: No, it doesn't.

TOWN ATTORNEY KAPLOWITZ: Not really, George.

SUPERVISOR FULLER: It's the variance rather than the change in zoning.

MR. FLANIGAN: Not the Town Board.

TOWN ATTORNEY KAPLOWITZ: They are either granting a Special Exception, Special Permit or a Variance. And, the Town Law says you will notify everybody within 200 feet, which we do. In this case, it only requires that notice be advertised in the paper. I hear what you are saying but there are a couple things I would take issue with in a friendly way. There is always... almost always someone from Ravena News Herald at these meetings, almost always. Whether they print or what they print we can't determine. But, I mean all this has been going on... I just want you to be aware of it. Anything we send to the Times Union or the Spotlight also gets sent to the Ravena News Herald for everything.

MRS. JORDAN: But, you didn't put the notice of the hearing per se in the paper that most people get in our area.

TOWN ATTORNEY KAPLOWITZ: Well...

MRS. JORDAN: You put it in the paper that people in Delmar get.

TOWN ATTORNEY KAPLOWITZ: Let me explain that. The law requires where we advertise. We don't always have something to say about it.

MRS. JORDAN: How does the law require that?

TOWN ATTORNEY KAPLOWITZ: Years ago, the law required that you use the second class newspaper. We didn't have one in Town, the only one near by was the Altamont Enterprise and for years -- I am talking about 20 years ago -- the Town advertised in the Altamont Enterprise which was foolish for the same reason you are pointing out. Delmar became... the Town of Bethlehem and the Spotlight became whatever it was necessary to qualify and we had to start advertising there. The

first of the year at the organizational meeting, every year, we list the official newspaper of the Town which is Spotlight for... you have to do that, you have no choice. It reaches more people than anyone else but there's nothing to prohibit us from doing additional. We have once a year maybe we will put something in the Times Union hoping that reaches a lot more people. But, we pay a fantastic... like 5 times as much to advertise in the Times Union.

MRS. JORDAN: I understand that.

TOWN ATTORNEY KAPLOWITZ: So, we do that very rarely.

MRS. JORDAN: A letter to all of us would have been fine. It probably would have cost you a lot less and would have kept your constituents happy, at least to know that you are informing us. We voted for you people to be on the Town Board. You know, besides paying taxes, we do vote.

TOWN ATTORNEY KAPLOWITZ: Believe me, no one understands that better than we do. I just want to make the point, however, that the Ravena News Herald is here, whether one thing is more important or more newsworthy at one meeting or another is something we don't have any say over. But, someone is usually here and we hope that, you know, they bring back the word.

SUPERVISOR FULLER: Mr. Kelly is here.

MR. KELLY: There was a front page story in the Ravena Herald about 3 weeks ago.

SUPERVISOR FULLER: It's been in a couple times.

MR. KELLY: We have...

MR. HOHL: About the bypass.

MR. KELLY: We would like to have the advertising, frankly, but we don't at this point. But, there was a front page story.

MR. FLANIGAN: You got another question in the back.

SUPERVISOR FULLER: Mr. Samsel.

MR. SAMSEL: I am a resident of the Town for 47 years.

COUNCILMAN DAVIS: They need to come up to the microphone.

SUPERVISOR FULLER: I need you to come to the microphone. It's a public hearing and everyone needs to hear what each of you are saying.

MR. SAMSEL: My name is Bob Samsel. I am a resident of the Town for 47 years. I think that if you want to be a good citizen you can't wait for the Town to mail you a letter. You show up at the meetings and you get the paper and you know what is going on. Now, I am in favor of this project for the simple reason it creates jobs and it creates taxes for the Town. That property laying down there is doing nothing for us right now.

MR. HOHL: Where do you live?

MR. SAMSEL: I didn't interrupt you. I hope the Board proceeds with this, I am very much in favor of it.

MR. HOHL: All right, now I am not interrupting you, where do you live?

MR. SAMSEL: I live in Selkirk.

TOWN ATTORNEY KAPLOWITZ: You better get them back on questions.

MR. SAMSEL: The same place you do. Are you looking for a fight, we'll step outside.

TOWN ATTORNEY KAPLOWITZ: Tell them to go back to questions.

SUPERVISOR FULLER: This is only for questions. Please come to the mike with your questions, comments. I am not asking whether you are in favor or in opposition yet, I am asking for comments only at this time.

MR. HYSERMAN: Good evening. I am Brian Hyserman. I live on Hoffman Street, right in back of this property. You talk about traffic, okay, coming in and out. Wickes Lumber, 15 years ago, you are not talking about what I deal with every day now, okay. Second off, are all the wetlands in the back and on the side of there. When they bought this property they knew what it was zoned at. Why change it? And, why change all the way around? Why not just that little piece that he bought? Those are my questions.

MR. KLEINKE: Happy to answer. Okay. The application by Flach Industries is for the 25 acres that they own. And, after discussion with the Town Board, the Town Board on their initiative decided to take a look at the larger area simply because the larger area is zoned C Commercial and they thought, perhaps, there were opportunities for light industrial beyond the 25 acres that Flach Industries own. The question of wetlands, we realize that there are soils on the site and on the larger area that are not good soils that are reflective of wetland type soils and wetland type vegetation. Any new development that would occur, not only Flach Industries site, but on the larger greater area would require consideration of wetlands, Federal wetlands would require delineation and examination of them.

My reference to traffic, and I realize that the volume of traffic on 9W certainly has increased over the years, from the perspective of the use of the site, it's our view that the use of the site -- vehicles in and out of the site onto 9W -- would be comparable to what Wickes has had in the past. Granted that there is more on 9W I... certainly we all realize that.

MR. HOHL: In the LUMACS book, that you referred to before, there is a lot of land over there, areas of it, that says conservation land, greenways... now, that's all going to be rezoned and knocked down flat so the animals...?

SUPERVISOR FULLER: We have not said that.

MR. KLEINKE: I provided some information to the Board relative to the 265 acres and we have done some preliminary calculations just showing that about 70 of those acres really aren't development type acres because of slopes and ravines and the stream areas. So, realistically, this total area cannot be developed to the great extent of its boundaries because of those constraints. So, if any development would occur would consider those limitations just by the very nature of them.

SUPERVISOR FULLER: Would you be so kind as to give me your name for the record?

MR. HOHL: Ray Hohl.

SUPERVISOR FULLER: I knew what it was but I needed you to give it to us officially.

MR. JASCINSKI: Good evening. My name is Robert Jascinski and I do live on Bender Lane in Glenmont. And, I... all the minds are probably here at this time saying, well he is not in the area. One of the things I think that you have to look at is that Flach Industries is asking for a variance and you have to look at Flach Industries itself. It is a known name and I think you have to look at the fact that they do own property in Coeymans and other locations and they have always improved their property and they've aesthetically brought it up to standards that are acceptable by lots of people. And, that's one of the things you also have to look at. You can't just look at a piece of land and say it doesn't matter who has it or what they are going to do with it. You gotta look at a past history of that business and I think they have been a good business and been good to the community. Thank you.

SUPERVISOR FULLER: Thank you. Are there any other questions or comments? Yes.

MR. FINKE: I will speak loud. My name is John Finke. I own Finke's Equipment Company on the southern most part of this 9W corridor and will be affected by this zoning change. We weren't notified in writing or anything but we read it in the newspaper and knew to come here. I would like to speak in favor of this zoning change as our company has requested this both formally and informally for 21 years, since I came up here and started my business. And, as I stand here today, I speak on behalf of the 26 people that we employ, most of which are residents of this Town. I agree with Mr. Jascinski, that you have to look at the Flach family's track record, and all the real estate that they do own and they have improved every bit of it. They are taking an abandoned site that the buildings were going to fall down. They are going to improve it and clean it up and create jobs. This 9W corridor is a very likely area for this expansion. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. JORDAN: My son works for John Finke, so... I just want to say I think that Flach have cleaned it up. I am very pleased with the way it looks and I am not against them getting a variance. I am against deciding that the whole area should be rezoned. That's... I don't know where the Town gets off deciding that... the Town Board when we're the people impacted. And, without even asking us. No one has called us... said oh, you think this is a good idea, we live there. I understand why he wants to have it changed. I mean... and he has improved it already, it looks a lot better. And, I am not against industry, however, I don't want it in my backyard either. I know that that area is probably going to turn into that but I am going to loose money. My house is not going to be worth anything. John Finke moved away from that area. He is out... further out now, he's got away from that industrial zone. You know, his business is there, he needs it to be in light industrial. But, if you are living there, and you are a taxpayer, you don't want all that in your backyard.

SUPERVISOR FULLER: Is there anyone else that has any questions?

COUNCILMAN LENHARDT: That's all right, I just wanted to address it.

SUPERVISOR FULLER: Thank you, Ed.

MS. KAPLAN: My name is Emily Kaplan. I understand the zoning and your deciding to expand. I believe it is positive to expand and yet not go into the ravines as you said. You cannot or it is... the type of industry that would be able to develop into the wetlands would be .... aware of what they are looking at. Would it be possible to expand it without going into the wetlands?

COUNCILMAN DAVIS: You can't go into the wetlands.

TOWN ATTORNEY KAPLOWITZ: You can't go in them anyway.

SUPERVISOR FULLER: They can't.

MS. KAPLAN: They can't do that? Okay.

MR. HOHL: Why they are filling...

MR. KLEINKE: There are limitations on the kinds of land that can be developed realistically. Step slopes and ravines and streams, Federal wetlands -- those aren't areas that realistically can be developed or legally can be developed.

MS. KAPLAN: And, why would they be included in the expansion in the zoning?

MR. KLEINKE: Well, the zoning districts that were established years ago by the Town had boundaries to them and those boundaries, in the case of this district, came to the center of the creek and on the west anyway and on the north to the boundaries of the railroad property and on the east the boundary is 9W and on the south the boundary is the Town line. And, that's just the way the district was

described but within the district development can or cannot occur based on the kind of land that exists there.

MS. KAPLAN: Okay, so within this rezoning why would you not leave out the part that is currently undevelopable to an extent? Why would you not just limit it to where the major industries would be?

MR. KLEINKE: I suppose if the Town wanted to redefine the boundary and draw a line around the edges of the ravines, they could.

MRS. JORDAN: Why couldn't it just be along 9W? Why does it have to go back in?

COUNCILMAN LENHARDT: Can I address part... a question?

SUPERVISOR FULLER: Yes.

COUNCILMAN LENHARDT: Originally when Mr. Kleinke came in representing his clients, they were asking for a rezoning of what was the Wickes property, the 12 acre... 25 acres.

SUPERVISOR FULLER: 25 acres.

COUNCILMAN LENHARDT: 25 acres. They came before this Board and wanted to up... change the zoning from C to Light Industrial. At that time, we listened to them and we thought the entire parcel there that has been identified in the past as C zoning would include more than just Flach's so we would not be addressing a possible change of a spot... a spot zone. This would encompass something that was in the LUMAC plan and at the same time it has been all surveyed and all of the boundary descriptions have been identified which makes the process a lot less costly. And, that is the reason we decided to hold a public hearing to hear what the citizens in that area and the rest of the Town feel about rezoning that area at the same time accommodating the original request.

MR. HOHL: ... the land around Flach Industries, what used to be Wickes is currently for sale. Now, if we get a change in zoning, would Flach Industries purchase the rest of that land?

SUPERVISOR FULLER: That is a question for Flach Industries.

MRS. JORDAN: It is owned by Callanan's Industries right now.

SUPERVISOR FULLER: I don't know who would purchase the land but that is not a concern that we have.

MR. HOHL: That sounds like what the deal is.

COUNCILMAN DAVIS: No.

SUPERVISOR FULLER: Well, we're not involved in any deals, we are holding a public hearing to hear the input on the rezoning question.

MR. HOHL: If he can't get his zoning changed, he won't be buying the rest of the land.

MRS. JORDAN: Could he respond to that?

MR. DIGESER: No, that's not true. We were... just interested for the Wickes property. We weren't...

SUPERVISOR FULLER: Mr. Kleinke, you need the mike.

TOWN CLERK NEWKIRK: Yes, he has to come.

TOWN ATTORNEY KAPLOWITZ: Please, start off with your name.

MR. DIGESER: My name is Henry Digeser. I was a resident of Delmar for many, many, many years. I moved to Athens recently, 10 years ago but... and I am a Principal of Flach Industries. We were interested in buying Wickes and we weren't interested in buying land around Wickes. In fact, a number of people asked us to buy their property around there. We looked at it but we just aren't interested at this

point. Not that I am saying 10 or 20 or 30 years from now if things really pop or something, we wouldn't change our minds but believe me, the only reason we bought Wickes and we asked for the zoning change was it will just provide us a greater... a better way to market the property.

SUPERVISOR FULLER: Okay, at this time are there any other questions? Okay, I would ask if you would come to the mike to speak in favor of the zone change or in opposition.

MRS. JORDAN: I would just like a point of clarification, what do you do next after this hearing?

SUPERVISOR FULLER: I need to hear from everybody here in this room and then it would be back on another agenda.

MRS. JORDAN: That's what I... Okay.

SUPERVISOR FULLER: But, I can't tell you until I hear from everyone that's here this evening.

COUNCILMAN DAVIS: Who would like to speak.

SUPERVISOR FULLER: Yes.

COUNCILMAN DAVIS: And, hopefully we will hear from those people who have opposition or support.

MS. SMITH: My name is Eileen Smith. I live on Hoffman Street, right next to his proposed... whatever you want to call it. We've lived there with Wickes. We've lived there with the change in 9W when they widened 9W there. We're also going through the bypass. The increase in traffic right now in that area is outrageous. And, until somebody can explain to us why the entire area has to be rezoned, which would include my mom's house, and my aunt's house and well, there's only the 3 houses on our street so. But, I just really would like to know why all of this has to be done. Why the entire area has to be rezoned for industry, whether it be light. I just, I am not in favor of it at all.

SUPERVISOR FULLER: It's basically economic development, jobs.

MS. SMITH: I'm not against jobs either...

SUPERVISOR FULLER: Help with the taxes.

MS. SMITH: ... you know, but the biggest thing is, you've got an increase in traffic on 9W as it is compared to what was there. You've got an awful lot of trucks and with the proposed bypass that's maybe going down that way, that's going to increase it up there more. And, what is that going to... how are we going to ever get out of our road onto 9W with the increase in traffic. And, that is my main concern right there. We've got children that live in the road. It may not be a big road but there are still children there. And, that is my main concern. I'm not, you know, downing anybody that wants to bring in jobs. But, the whole thing is safety, traffic and why would it have to affect my... you know, my home when he just wants to change it to industry and somebody explain what industry is.

SUPERVISOR FULLER: Light Industrial. We will...

MS. SMITH: You know, you've got a variety of industries and if you are going to have, you know, a small industry then what are you going to go to next. It's going to be bigger. And, I know that for a fact at one time there was going to be a race track behind my parents' house. So, now...

SUPERVISOR FULLER: And, that's exactly what the land is, it was the quarter house race track proposed years ago.

MS. SMITH: And, this is... you know and it's like wait a minute... all right, if we can put that there and then he has to have that all rezoned. I don't understand, I really don't.

SUPERVISOR FULLER: He has only requested 25 acres.

MS. SMITH: I know and what I am asking is, why is the Town saying that they want to rezone the entire area? That's my main thing right there.

MR. HOHL: If the Town Board is so worried about getting jobs, why did they knock down the big shopping mall up at the end of Town? That would have put a lot of jobs in Town.

COUNCILMAN DAVIS: Are there other people?

MS. MOSKOWITZ: ... is there any way that you guys could like compromise on this....

MR. HOHL: Yea, you can buy my house.

MS. MOSKOWITZ: What?

MR. HOHL: You could buy my house.

MS. MOSKOWITZ: I know... I understand that you guys are mad about that but I am wondering if... I know that you are mad and I know that... do that there. I am just wondering if you guys could compromise on it. I'd even....

MRS. JORDAN: I think she has a good point. She is a young person and she can... trying to come to a solution that will make everybody happy.

MR. HOHL: Excuse me, why...

SUPERVISOR FULLER: I think the only solution this evening is for the people that are here to be able to have the opportunity to tell the Board how they feel about it. And, there is a lot of people I see in this room that have not spoken and I want each of you that would like to comment on this to please come to the microphone.

MR. HOHL: I have one other question, please.

SUPERVISOR FULLER: Yes.

MR. HOHL: You asked us to speak out loud so we can be heard. Why do you speak amongst yourselves and we can't hear you?

SUPERVISOR FULLER: I am not speaking with anyone other than the audience.

COUNCILMAN DAVIS: We're not speaking amongst ourselves, except to ask that the people that haven't spoken have an opportunity to speak instead of hearing from the same people. That's generally what's done. That we hear from everybody and to make a judgement I would like to hear from everybody who has an opinion.

MR. JASCINSKI: Bob Jascinski. I am going to speak for the change. I also ... I have lived in a commercial zone and commercial zones are to me dream zones. You're taking a big area and you are dreaming that some day it's going to be developed and everything and I see no reason why at this time to hold Flach from developing his portion because of dreams that everybody has on a bigger zone which may never take place. The gentleman asked about the piece of property on the end of Bender Lane and 9W where you were going to put a big shopping mall and everything and it was brought about probably the cancellation due to the fact, just like we're having here now. You are having a public meeting and everybody is expressing it and everything else. And, I was adjacent to it and I was for it, yet it didn't go through. So, it's the majority of the people and it's for the Town itself. And, as I say, these zones sometimes are dreams. And, as I say, I have lived in a dream zone and nothing every happened to it. I've lived in the house and it has never changed. So, I am for this. Thank you.

SUPERVISOR FULLER: Thank you.

MR. DAVITT: My name is Dan Davitt and I am a resident of the Town of Bethlehem and I do pay taxes. This gentleman brings up about dreams, I see a lot of young faces here, a lot of young faces. Here is right what he is saying is a dream. It's a dream for maybe this developer but it is an opportunity for a lot of us. It's an opportunity for... if you build it, we will come. There's an entrepreneur here created jobs. If we don't have this, where else can we go. Where else is the future going to be if we don't have opportunities for smaller development companies to grow big, to go out of this park and to go into a bigger park and to become a GE? If we don't have this, and I am in favor of this, I think it is important. It's important to the young folks. We can't rely solely on the GEs. If you look at today's paper, how many people are getting laid off? How many people are getting laid off? Not many? Did you read the paper today, ma'am? There's over 3,000 people being laid off today.

MRS. JORDAN: Unemployment rate is the lowest it has been in a long time.

MR. DAVITT: I mean... I just do, I think it is important for our community. We do not have an industrial development area for small businesses to go to house a small 5,000 to 10,000 square foot start up. Have you been in any industrial parks lately?

MRS. JORDAN: Oh, yes.

MR. DAVITT: Have you been to the Town of Colonie, their Jupiter Lane?

MRS. JORDAN: I taught in the Town of Colonie.

MR. DAVITT: Their Jupiter Lane industrial park which is zoned higher than this, industrial F. It is a gorgeous industrial park, gorgeous. They are house to a lot of companies. Good companies, well paying jobs. We're not talking about retail jobs at \$6.00 an hour. We can't live on that. We don't want that in our community. Leave that to Crossgates.

MR. HYSERMAN: Why don't you take your tent and live there then. You're not the one whose got to live .....

MR. DAVITT: I'm not... I'm not saying... you know I...

MR. HYSERMAN: You are worried about them, you are not worried about the people who are living right ...

MR. DAVITT: I understand that. You...

MR. HYSERMAN: you don't...

MR. DAVITT: You chose to...

MR. HYSERMAN: Take your tent and go in the middle and live in GE or something.

MR. DAVITT: I'm not arguing that fact.

MR. HYSERMAN: .....on the property line and he puts in a parking lot right in back of a field that...

MR. DAVITT: I am in favor of this.

SUPERVISOR FULLER: Yes.

MRS. SHAPIRO: What kind of control do you loose with this change in zoning?

AUDIENCE: Can't hear you.

TOWN ATTORNEY KAPLOWITZ: Quite a bit over the uses that are allowed. You know, substantial lose... you are allowing a lot more uses that would not otherwise be there.

MRS. SHAPIRO: Yes, will you have the right to say no to specific industries? I mean what kind of... exactly what kind of... are you giving...

TOWN ATTORNEY KAPLOWITZ: Based on certain criteria, John, right?

MRS. SHAPIRO: ... are you giving away?

TOWN ATTORNEY KAPLOWITZ: Not in every case, Mrs. Shapiro.

SUPERVISOR FULLER: John, would you do me a favor. If I can interrupt for a minute, would you go through and list what is included in a Light Industrial zone.

MR. FLANIGAN: It would take me an hour.

MR. LIPNICKY: I got it right here, if you want it.

SUPERVISOR FULLER: Can you do it quicker than a half hour?

COUNCILMAN DAVIS: And, also what's currently allowed in the current zoning. I think that needs to be compared.

MR. HOHL: Could you compare the 2 zones.

MR. LIPNICKY: That's going to take a long time. That's going to take a half hour to go through the list.

COUNCILMAN LENHARDT: Right, that's what she asked for.

MR. FLANIGAN: That's going to take a long time.

MR. LIPNICKY: It's going to take a half hour to go through the list.

MR. HOHL: I got all night.

MR. LIPNICKY: But, we...

COUNCILMAN LENHARDT: We don't have a time limit on public hearings.

MR. LIPNICKY: ...can go through the additional uses that it would allow.

COUNCILMAN DAVIS: The additional.

MR. FLANIGAN: I will be glad to tell you.

TOWN CLERK NEWKIRK: Whoever is going to speak, please get to the microphone.

COUNCILMAN DAVIS: Jeff, can you stand up, please.

MR. LIPNICKY: The additional uses that would be permitted following site plan approval from the Planning Board...

AUDIENCE: We can't hear.

TOWN ATTORNEY KAPLOWITZ: Can you speak...

TOWN CLERK NEWKIRK: The silver one, that one.

MR. LIPNICKY: The additional uses that would be permitted following site plan approval by the Planning Board are printing, lithography, or publishing plants and public or municipal garages. The additional uses that would be permitted by a special exception -- this would require approval of the Zoning Board of Appeals -- would be fair grounds, circus grounds, airports, heliports, lumber yards, riding/boarding stables, crematories, what is defined in the Code as other motor fuel station, cleaning and dying establishments, and drive in/outdoor theaters. And, additional uses which would be permitted by right -- meaning that there's basically no review by any Town board -- would be warehousing, freight and trucking terminals, manufacturing plants, research testing and experimental laboratories, bottling works and stone and monument works.

Those are the additional uses.

MRS. SHAPIRO: That is potentially everything.

MR. HOHL: These would be businesses that could run 24 hours a day?

SUPERVISOR FULLER: We haven't gotten that far. This is simply a question of rezoning. We haven't built a business and we haven't brought them in here yet. I am sure you are hearing all over New York State the shovel ready sites. You are looking at other communities that are getting businesses. You are getting jobs elsewhere they are not coming to Bethlehem. No one on this Board is looking to put up smoke stakes and in this day and age they are long gone. These are to get in with the 20th century, you have your office park, technology parks. There are a lot of exciting things happening in other communities.

MRS. SHAPIRO: No, I understand that these are not coming in now and you don't care to invite them. But, what I am saying is, are you losing control if such an industry decides to come in. Then, will you have the right to say no.

SUPERVISOR FULLER: No, we are not. Yes.

MRS. SHAPIRO: Yes.

COUNCILMAN LENHARDT: For site plan and for zoning things.

SUPERVISOR FULLER: Need a Speedes permit, we have gone through that before. Is there anyone else wishing to speak in favor or in opposition?

MR. MINSHELL: Gene Minshell. I reside at Vagele Lane in Glenmont. And, for the people behind me here, I have 4 other parcels of property in Selkirk. I would just like to go on record as being a rural landowner member, the association which kind of takes into consideration what's going on in our properties and outlying lands, whether they be big property owners or little postage stamp homes. I would just like to say I am definitely in favor of this particular program turning this into Light Industrial. Thank you.

SUPERVISOR FULLER: Thank you. Arlene, I want everyone else to speak.

MRS. JORDAN: Okay, all right.

SUPERVISOR FULLER: And, then I will get back to you.

MRS. JORDAN: Oh, I didn't know somebody else was coming.

MR. WATKINS: I am a landowner on 9W, my wife is and family and we are in favor of this.

SUPERVISOR FULLER: We need your name.

MR. WATKINS: Oh, Vern Watkins. We are in favor of this. We think it will enhance the values of your homes because you'll have more people that you can sell the houses to for other purposes. And, you will be able to get a customer easier, we believe. And, the Flach Industries, I don't know the people but you know, they're good residents of the Town, they are doing a nice job. They have a lot of employees here and you know, how else do you get people to work if you don't have a place to put them and to house them and they are making this expansion. You know, I think it is going to help the area and I don't think it is going to hurt your houses. I think you will wind up being able to... how many acres do you have there?

MRS. JORDAN: I have about an acre. I did real estate too. I know that it will hurt the value. You don't put a residential in a commercial or light industrial and expect to get your value back from your house.

MR. WATKINS: Well, you know, it depends what you do with...

MRS. JORDAN: You want to buy it?

MR. WATKINS: I don't know.

MRS. JORDAN: I got 2 houses in fact, want to buy both?

MR. WATKINS: Well, we'll go look at them.

MRS. JORDAN: Maybe we can make a deal.

MR. WATKINS: But, you know...

SUPERVISOR FULLER: Mr. Watkins, the purpose of tonight's public hearing is to address the Town Board with concerns. How you feel, in favor or in opposition. Not to debate with other property owners.

MR. WATKINS: Okay. We need people to be employed in Bethlehem from the entire areas and our own Town. We have to have our sons and daughters have a place to go to work and if we stop them here. You know, I don't know where... what we are going to do. I mean and they can maybe go to Saratoga or something like that where they have this progressing zoning but I think it is very necessary that we get into the 21st century here. And, do this type of thing. It certainly... we are lucky to have the Flach's to do it with to start with, they are nice people. I mean from what I can see of what they have done. So, I am very much for it. Thanks.

SUPERVISOR FULLER: Anyone else wishing to speak in favor or in opposition?

MR. RUTNIK: Matt Rutnick, I am a resident of the Town of Bethlehem and I am in favor of this very much because I feel that the Town of Bethlehem it's room for opportunity... sorry, it's room for opportunity, room for economic growth and more jobs in our community. And, I feel that we have to make some sacrifices to allow this to happen. If we didn't make sacrifices, we wouldn't be driving cars, we would still be behind horse and buggy. So, we make sacrifices, that's the way it is. So, let's go for it.

SUPERVISOR FULLER: May we have your name again?

MR. RUTNIK: Matt Rutnick.

SUPERVISOR FULLER: Thank you. Anyone else wishing to speak?

MR. MOONEY: My name is Brenton Mooney and I am a resident of Delmar as well as a lot of the people who have spoken tonight. And, as this lady here has mentioned, one of her concerns is about the area concerning the rezoning, strictly around the ravine. In her concern about around the ravine she mentioned her opinion about what would happen to the nature and all the animals along the ravine. Maybe if Flach Industries would purchase this land or it went in the rezoning other industries could not purchase the land and build upon the ravine although it is illegal because it is wetlands, and like most of the people I agree with the jobs and everything for the unemployment cause like the fellow mentioned in the paper today there's the unemployment... well, not the rate but the amount of people who are unemployed is going up. So, I am in favor for it.

SUPERVISOR FULLER: Okay. Anyone else in favor, in opposition? Is there anyone who has not spoken that would like to speak?

MS. KAPLAN: I grew up right here in Delmar and so I do not have your experiences but I do go cycling 3 times a week and my route takes me on 9W back by GE, Corning Glass, the airport and it's extraordinarily well kept, beautiful landscaping. And, as far as traffic goes, yea there are trucks, they pass you but you know we're not to go there... if you live there they only go certain times of the day. I am definitely in favor of this. I hope our Town expands.

TOWN CLERK NEWKIRK: Excuse me, we need your name.

MS. KAPLAN: Emily Kaplan.

TOWN CLERK NEWKIRK: Thank you.

MR. PLUDRZYNSKI: My name is Tom Pludrzynski and I have a question. How many jobs is it going to open up to the public, like an estimated number you are figuring, do you think?

SUPERVISOR FULLER: On your 25 acres, would you like to tell us how many jobs? On the other acres, we don't know.

COUNCILMAN DAVIS: There is no way to know.

MR. KLEINKE: I really can't give you a reasonable or a good answer.

MR. PLUDRZYNSKI: Can't give an estimate?

MR. KLEINKE: Do you know, in the facility now? Would you .....

MR. DIGESER: It would be a wild guess. But, I would guess, I think... we can't... I'm guessing around 25, 30 people. And, I would .....

You know, there is some room in front, we could build some more but again... we don't have any plans at this point. So I would say within a year it might be 25 people.

MR. PLUDRZYNSKI: It seems like a small number.

MR. DIGESER: What?

MR. PLUDRZYNSKI: It seems like a small number, like opening up so many jobs.

COUNCILMAN DAVIS: That's just the one parcel.

SUPERVISOR FULLER: That's just the small parcel.

MR. DIGESER: You got to look at it...

MR. PLUDRZYNSKI: How many acres does the Flach Industry own?

COUNCILMAN LENHARDT: 25 acres.

COUNCILMAN DAVIS: 25.

MR. KLEINKE: 25 acres.

MR. PLUDRZYNSKI: Which 25... what area?

MR. KLEINKE: Right kind of in the middle. The remainder, there is 265 acres.

MR. PLUDRZYNSKI: Which area is the wetlands?

MR. KLEINKE: The wetlands are along ravine areas that are shown on the left side of the map here. But, if all that were to be developed, we are finding around in the Capital District, light industrial uses that are generating literally hundreds of jobs by nature... the difference light industrial is today versus years ago. There are labor intensive light industrial uses that are being constructed and are being put in place in the various communities in the Capital District. So, we would expect those kinds of facilities to be... have an opportunity to come here and with them the associated jobs. To give you a number -- I don't think would be fair to give you a number because I just don't know what it would be.

MR. FINKE: To give you an example of what our place of business on 9W, we are making 8 positions available between now and June 1st to add onto our employment.

SUPERVISOR FULLER: Yes.

MRS. JORDAN: Um, I've a couple of thoughts. He speaks about the Town of Colonie, I grew up in the Town of Colonie. I am very familiar with the Town of Colonie and I know that they do environmental studies when they go into an area. The Town does themselves and I happen know one of the people who has done it for the Town. That doesn't mean that the residents are happy. If you are familiar with the Town of Colonie, you see people moving out of

the Town of Colonie, are moving to the northern boundaries. I know that for a fact, I work in the Town of Colonie. They don't want to live next to this either. I applaud the young people here that have been speaking up. I understand that their concerned for jobs for the future. They want to have a place for employment but I wonder if they understand what it means to live in your home. To build your home, work your whole life and no one seems to care, that you have to move or your going to have to live next to an industry. You know, think about your parents, how would they feel if next door to your house where you live now they are going to build a warehouse and your parents worked their whole lives to have this home. You know... I... somebody has to sacrifice but do you like it to be you. Do you want it to be you? I don't want it to be me. I understand your need for jobs but there are areas where this won't impact people. It won't impact nature. Have you been over in that area? We have so... such a variety. We have deer, we have coy dogs -- they're not a great thing to have but we have them -- we have all kinds of birds in the area. We have raccoons, we have opossum. People come to fish in that creek that runs on Pictuay Road. Kids used to swim there. I don't know if it's too safe with the run off that we get but this is an area... some people... like this lady that sat here, her family lived there... her parents lived there... that's been a family home. For the Wagners, they are 90 years old, been in their family. The Wagner cemetery is on his property, a little private cemetery. Those things are important to people. Industry is not all that matters in this world. Once you have destroyed the green, you can't take it back. That's why we have the Adirondack Park Agency. That's the largest preserve in the whole nation, other than in Alaska. We're preserving it for you and for your children.

SUPERVISOR FULLER: Yes.

MR. MAGUIRE: My name is Mike Maguire and I go to Bethlehem Middle School. I would just like to make a comment about the wildlife. I mean... well... sorry... I mean any time you go to GE or Owens Corning at night, you always see wildlife there. I mean occasionally one might get hit but... that's life but...

SUPERVISOR FULLER: What kind of wildlife might you get hit by?

MR. MAGUIRE: Oh, you can see deer, raccoons, opossums. I mean they've learned to like live with us basically. So, I mean we also learn to live with them. And, also well wildlife and also you mentioned that you have industrial in your backyard but most people already do or commercial because I live in Glenmont. I mean, like not even a mile away from me I have K-Mart and all those other places over there. It is all abandoned now. People could put businesses in like... I don't know make profit off of make new jobs like they are going to do here. But, I am for this and I think that would be a good idea to build their light industrial factories or whatever it is but I am not really sure so. I guess that's it.

SUPERVISOR FULLER: Thank you, Mike. Mike, what grade are you in at the middle school?

MR. MAGUIRE: 8th.

SUPERVISOR FULLER: I think your teachers need to give you an A+ for coming to a Town Board meeting and standing up in front of all of these adults.

COUNCILMAN LENHARDT: Would you have done that in 8th grade?

SUPERVISOR FULLER: Congratulations, I hope you will come back again and see us.

MS. CAPONE: My name is Suzanne Capone. When I was a small child I went to school here. Then subsequently it became Town Hall. The people who lived around here were petrified of the concept of having this change to Town Hall. Now, we've all learned to adjust. We've all learned to accept what was given. You talk about your wildlife, Labor Day weekend I sat on my front step and watched the dog catcher scrape a opossum off the road. We have deer in our backyard. We have wildlife, you just have to learn to reach an equilibrium. You

have to look what's good. Light industry does not necessarily mean GE. There are plenty of industrial businesses that work 9 to 5 in and out. The people are there, their quiet. They are very good neighbors. They pick up the property. They are an asset to the community. We're a Town that is starving for a tax base. We are just a bedroom community. And, if we don't get a tax base pretty soon, we are going to end up like those towns in the mid-west and ultimately we'll be death valley of the northeast.

SUPERVISOR FULLER: Thank you. Is there anyone else who would like to speak before I close the public hearing?

COUNCILMAN LENHARDT: Can you get up to the microphone please?

MS. MOSKOWITZ: I am in favor of this but I was just wondering if you researched and made sure that there are no like endangered species or plants or anything there in the wetlands or anything? But, I am in favor of it. I agree totally with him. I think he is a very smart little boy.

MR. MEAD: I am John Mead. I am the President of the Rural Landowners of Bethlehem. We've talked about this and our group is pretty much in favor of this particular type plan because this is the type thing we have been telling the Town Board that we should have in the Town. We need more business, we need more jobs. Our children and our grandchildren are going to need jobs. As far as... jobs are going south. The large businesses are going Mexico, to China, so on and so forth. They're downsizing. What you need is these smaller businesses that's the only place that's creating jobs. Like this man over here says, he's got some... he's going to put on 8 more jobs. He is a small business. That's the kind of people that are creating jobs in this country. This country needs more jobs. I talked to one of our Congressmen the other day, he said he is not sure that we could put boots on our soldiers from American boot manufacturers. So, we can't keep chasing people that want to create and workers out of our communities. It is going to be the same in another community as it is for you in this community. There's... it's just the same problem, not in my backyard. But, somebody, somewhere has to start and this particular community, that is a good spot because of what was there before and the surrounding land that's there. As far as wild animals go, I probably live in the wild animal capital of this Town. But, and I tell you they'll survive alongside of General Electric. I'm not too far from there. I am not too far from Owens Corning. They will survive. They're is so many in my area, that I'd be happy to see some of them gone. But, and I am not an animal hater, I am just... it's just a bad balance, that's the problem. So, I guess that's about all I've got to say but I did want to say I was in favor of this and our organization is pretty much in favor of it. Thank you.

SUPERVISOR FULLER: Thank you.

MS. CHIOFALO: Yea, I have a question for the Flach Industries.

COUNCILMAN LENHARDT: Can you identify yourself, please.

SUPERVISOR FULLER: We need your name.

MS. CHIOFALO: Fawn Chiofalo. I live in Glenmont and I was wondering, do you guys own the property of that big church right near Petrol? Is that your property?

SUPERVISOR FULLER: No.

MS. CHIOFALO: That's not the same Flach, okay. Also, like I agree with the fact that there should be like jobs and stuff, you know, but like I think that like I have grown up on Magee Drive and I've seen like the old plaza like stop function and like they built a new plaza and stuff but usually it has been like a rural area and it's been nice. It's kind of quiet and I would like to see it stay that way because I don't know... that's just my... but I mean if we want like industrial and stuff we can go to Colonie for that if we want, you know. But, that's all I wanted to say.

SUPERVISOR FULLER: Thank you. May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to close the public hearing at 8:42 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.

Noes: None.

  
Town Clerk

The Supervisor convened the regular Town Board meeting following the close of the public hearing.

Proposal to  
rezone from  
C commercial  
to Light  
Industrial  
referred to  
Albany County  
Planning  
Board

Supervisor Fuller said the proposal to rezone a parcel of land from C Commercial to Light Industrial at the location of Route 9W, Selkirk has been referred to Albany County Planning Board and Albany County has 30 days to respond to the application. Mr. Lipnicky noted the County does not meet until October 15th. The Supervisor noted this item will be back on the agenda, indicating she was not sure of the date. She said she will notify the Ravena News Herald so that everyone will be informed. Question was raised as to why the application was forwarded to the Albany County Planning Board. Mr. Lipnicky, Town Planner, explained the law requires this submission and noted the reasons. Question was further raised that if the County responds negatively, whether the Town can do this. Mr. Lipnicky said if the County responds in the negative, the Town Board must have a super majority to override that decision. Town Attorney Kaplowitz noted 4 out of 5 of the Town Board Members would have to agree rather than 3 out of 5.

Mr. Kleinke indicated he spoke with the Albany County Planning staff and they informed him that they are making a recommendation to the full Board to consider to local consideration. He said this is not official, that was the expectation. Supervisor Fuller said there is a possibility then that this item could be back on the agenda on October 28. Councilman Burns asked if it was possible to send out letters to be sure everyone is aware of this happening. Supervisor Fuller said the concern she has is that it impacts everyone in the community. Further discussion of the possibility of letters was discussed. Town Attorney Kaplowitz noted the public hearing has been closed. Supervisor Fuller noted residents may send letters to her and they will be distributed to each of the Board Members. Town Attorney Kaplowitz further noted the decision of the Board is to be determined by the public hearing record. He said the letters will be read if they are sent in. Councilman Lenhardt said any letters or phone calls that are received in opposition, he would like to know how the resident feels about the Flach Industries property.

Supervisor Fuller thanked everyone for their attendance. She noted the date of the meeting for this item will be in the Spotlight and the Ravena News Herald and requested those in attendance spread the word.

Hearing began: 8:50 p.m.

SUPERVISOR FULLER: The next public hearing is to consider proposed Local Law amending the Code of the Town of Bethlehem, for Increased Protection for Public Health, Safety and the Environment from Exposure to Dangerous Pesticides. Ask the Clerk to read the call of the 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 14, 1998 at 8:00 p.m. to consider proposed Local Law No. 12 of 1998, concerning adding a new Chapter to the Code of the Town of Bethlehem Providing for Increased Protection for Public Health, Safety and the Environment from Exposure to Dangerous Pesticides.

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 David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk, CMC  
TOWN CLERK

Local Law  
new chapter  
Environment  
from exposure  
to dangerous  
pesticides

State of New York)  
County of Albany )

JAMIE WILLIAMS of the Town of Bethlehem, being duly sworn, says that she is the Office Assistant of 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 30 day of September 1998.

/s/ Jaimie Williams

Sworn to before me this 30 day of September 1998.

/s/ Kathryn Olsen  
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 Sept. 30, 1998, 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  
14th day of October 1998.  
/s/ Catherine T. Picarazzi  
Notary Public

The motion was made by Ms. Burns and seconded by Mr. Lenhardt 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: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.

Noes: None.

- - -

SUPERVISOR FULLER: Thank you. The local law that is before the Town Board this evening is a law that came about. We worked on it beginning... I think it was in February or March. Committee came together. It was the Citizens for Pedestrian Safety -- Kay McEneny chaired the committee, Nancy Scholes, David Blumkin, Judy Enk, Carol Nemore... am I missing anyone else? Gregg Sagendorph is in the back of the room. Dave Austin is here. Doris Davis and myself served as the committee members. We met and discussed it bright and early a few mornings and worked to help to make the Town property only of the Town of Bethlehem as of the year 2000 not using pesticides. I must go back to say that we were not a community, not a town, that was using these pesticides. It was more the Roundup, Surflin in very small dose. We did not do internal spraying of any kind in our buildings. There are perhaps some questions before we go to those speaking in favor or opposition and I would open that up to the Town Board Members first for questions.

COUNCILMAN LENHARDT: I have to ask a question, I know the answer already, but just for the public record. This proposed local law suppose after the sunset provision kicks in, an insect infestation occurs on a piece of Town... or within a Town building what options do we have to take care of that infestation.

SUPERVISOR FULLER: We have emergency procedures in place, the resolve number 9 on your local law. Should the Town Supervisor upon consultation with the Pest Management Committee to the extent practicable determine that a human health or safety emergency warrants the use of a pesticide that would otherwise not be allowed under this local law, the Town Supervisor shall have the authority to issue an exception based on the following criteria: the pest infestation poses an immediate threat to human health or safety; viable effective alternatives consistent with this local law do not exist; any pesticide used of all available choices must have the least acute and chronic toxic effect on human health or safety; and underlying causes of the pest infestation are addressed in order to prevent future outbreaks.

COUNCILMAN LENHARDT: Thank you.

SUPERVISOR FULLER: And, we can go on about stinging insects in the park for Mr. Austin. The pest infestation poses an immediate threat to human health or safety, Mr. Austin is able to act immediately without consultation with the Town Supervisor.

Any questions or comments from the audience?

MR. DUSHEK: My name is Louis Dushek and I have a broad background in science and economics from Cornell University. And, I understand that it's Roundup that's your problem on the Town?

SUPERVISOR FULLER: Yes.

MR. DUSHEK: For... that's an herbicide. And, I was interested in its breakdown and I am glad there are some students here taking notes. I inquired of the Cooperative Extension what happens to Roundup in the environment. They didn't know. They have no information on what happens. They suggested I contact the DEC. So, I picked up the phone and called the DEC and got told of somebody up there regarding what happens to Roundup in the environment. And, behold, they did not know. They don't have any idea. They recommend that I contact the Health Department. So, I contacted the New York State Health Department and got some information. And, Roundup goes by many names. And... but, let me back up a few seconds here.

The word pesticide in this document that is presented... read to us, is a little misleading. Pest means anything, you or me or anything else. It doesn't coincide with somebody else. They probably should have had herbicides, fungicides and insecticides, a little bit more accurate. You see, I am a Cornelian, depend on accuracy.

Now, I went and I got this information from the New York State Health Department and it's subject... title is Extension Toxicology Network information, Pesticide information profile. I am not going to read you the whole thing but I underlined a few things. Roundup, it is practically non-toxic to skin exposure with reported dermal LD50 values greater than 5,000 milligrams... for kilogram for acid and isopropal means salt. Which means it is not too toxic to people. Now, further on, fate in human and animals. The Roundup is poorly absorbed from the digestive tract and is largely excreted and exchanged... unexchanged by mammals. Ten day after treatment was... there was only minute amounts in the tissues of rats fed Roundup -- I am using Roundup as a common name instead of the scientific one -- for 3 weeks. Cows, chickens and pigs fed small amounts of Roundup had undetectable levels in muscle tissue, fat... levels in milk and eggs were also undetectable. Roundup has no significant effect... potential to accumulate in animal tissue, that's us. Now, carcinogenic effects, it appears that Roundup is not a carcinogenic material.

Now, this is only one of the elements that you have to use as an insecticide, fungicide or herbicide on the Town property and it is an economic factor for you folks and me. I pay taxes and if you can't use Roundup to kill poison ivy, you are not going to pull it and everybody is going to get affected by poison ivy. Now, this is... I would like to know the people who put this together beside you folks, you are the victims, I am quite sure, but the background of the people who helped... who helped write this thing would be very interesting. Thank you.

SUPERVISOR FULLER: You are welcome. Mr. Dushek you have a copy of this local law?

MR. DUSHEK: Do you want a copy, fine.

SUPERVISOR FULLER: I gave you a copy of the local law, you have it all.

MR. DUSHEK: Yes.

SUPERVISOR FULLER: Anyone else wishing to speak?

MS. BELL: Hi, my name is Laurie Bell. I was wondering is that material dated of when those studies were done?

MR. DUSHEK: Pardon me, speak into the microphone, please.

MS. BELL: Is that material dated on when those studies were done?

MR. DUSHEK: This is '98 information.

MS. BELL: Okay. I do have a question. I have a copy of the law here. In resolve 6 and 7 it mentions that effective immediately and effective January 1st of '99, we won't be using toxicity category 1 and 2. What is category 1 and 2?

SUPERVISOR FULLER: Judith Enk can answer 1 and 2 quicker than I can fumble through all these papers to give you the answer to that.

MRS. ENK: Yes, that's a classification use study from the Environmental Protection Agency. It matches the warning labels on the products. So...

SUPERVISOR FULLER: Judy, can you come up to the mike, please. With the public hearing, I am sure you are all tired of me asking everyone to come to the mike. We need to have it recorded and it doesn't pick up from this machine if you are not coming to the mike.

MRS. ENK: Good evening. My name is Judith Enk and I am a Senior Environmental Associate with the New York Public Interest Research Group, NYPIRG. The question is what's ... 1 and 2 means in the proposed ordinance. This mirrors language from Environmental Protection Agency regulations. Toxicity category 1 generally means the most toxic pesticides that are sold for use on the market. Toxicity 2, less toxic than toxicity 1 and then you sort of work your

way down the ladder and it mirrors the warnings that you find on the labels of pesticide products.

MS. BELL: Where does Roundup....?

MRS. ENK: I don't have my Roundup information on me. I don't think it is toxicity category 1. It's 3 until... it's an herbicide. And, whenever you buy a product it will say what the classification is right on it.

MS. BELL: All right.

MR. BLUMKIN: Good evening, my name is David Blumkin and I am a Member of Bethlehem Pesticide Watch and I was fortunate enough to work in the work group that helped develop the language for this resolution. And, just to address this gentleman's comments about Roundup, the facts about Roundup are that glyphisae, the active ingredient in the pesticide mixture is what has been determined to be... have no carcinogenic effects and some of the reports that are written about when he mentioned Roundup, I think he is probably talking more about the active ingredient glyphisae. There are... in the pesticide mixture of Roundup the vast majority of the mixture is what is called the inert ingredients. I don't think that anything that this gentleman could bring forward to give us any toxicity information about the inerts because we don't know what they are. The EPA has reported that Roundup uses what is called a surfactive -- an ingredient which is considered an inert in the Rounder products that is highly toxic. It's called POEA and it is used as an additive to help the pesticide mixture adhere to plant leaves and absorb into the plants. And, there has been studies done on POEA that have determined that it is highly toxic. We also don't know the synergistic effects of the combined chemicals that are combined together into the pesticide mixture. What that combination or synergistic effect would be on people. There is just not enough evidence available to tell what effects it can have. There have been a number of reported incidences of acute effects from Roundup exposure. At the very best, the very least, is probably in terms of health safety unknown right now. But, there is evidence to suggest that it can cause problems and I think to, you know, to be on the safe side, you know, using these chemicals should be an absolute last resort. I am in favor of this resolution, I hope to work to develop the language and, you know, I would like to see... you know, see the Town vote in favor of it.

SUPERVISOR FULLER: Thank you.

MRS. MCENENY: I am Kay McEneny from the Bethlehem Pesticide Watch. I also worked on this proposed ordinance. I would like to respond to Mr. Dushek question about the qualifications of the persons who worked on the ordinance. Can you hear me there?

MR. HOHL: If you speak at the microphone, we will hear you.

MRS. MCENENY: Okay. Well I would like to look at you, is that okay with the Board?

SUPERVISOR FULLER: Sure.

TOWN ATTORNEY KAPLOWITZ: Sure.

MRS. MCENENY: I would like to say that we came forth with our concerns to the Town from a conservative viewpoint, that being that the health effects of a lot of pesticides are only just beginning to be understood and that we propose that the Town err on the side of conservatism rather than err on the side of using... continuing to use the pesticides and impose any risks to public health. We don't report to the .... however, we did have excellent resources to draw upon and that was the environmental advocates in Albany and also the New York Coalition against pesticides. Both of whom have experienced, knowledgeable staff members to provide information. None of us purports to be a scientist who can pinpoint with accuracy what the exact cause and effect of these chemicals is. We do know, however, that there is a huge body of evidence growing... a body of evidence that is growing that suggests that a lot of humans and a lot

of life health problems are caused by environmental exposures including pesticides. And, we think that it would be a good idea to limit our exposure to those particularly that of our children. We know that children react to chemicals in general in a much quicker and more concentrated form than adults do. And, we think that this is a good idea. With the exposure to environmental contamination... are increasing serious health problems, only beginning to understand what we've done to ourselves. The only thing we can do at this point is accept the fact that fortunately we can do something positive for the environment and this proposed law is an example of representative government at its best. The law is designed to protect public health and safety and the environment. Our view against those good aims. The Town Board is acting prudently in this case by erring on the side of conservatism and recognizing that pesticides are pervasively dangerous and we don't need to know the exact cause and effect. We don't need to know what quantity, when and where the exposure cause the increase in rates of cancer and human endocrine disruption, reproductive problems, aberations, and mutations in wildlife. We don't need to know that before we choose to act prudently to limit our exposure and that of our children to these chemicals. Also, provide some models for other governments and for other public entities, such as boards of education. And, perhaps, even for individuals to consider their own use of these pesticides and whether they want to continue to expose themselves to these kinds of risk. So, I hope that I have answered your questions. We feel that we have good information. We felt that we had more than enough information to propose what seems like good and prudent government. And, we think that the Town has done an excellent job in showing leadership by proposing to enact this law. Bethlehem Pesticide Watch wholeheartedly supports the law and we hope that others will come forward this evening to express their opinion about whether or not they would like their Town to expose them, however inadvertently, to however small quantities of dangerous chemicals or whether they would be more pleased if their government enacts this law and they don't have to worry any longer about their cat walking by the side of the road, about their young child rolling, perhaps, in the playground at one of the Town parks or on the fence line where sometimes pesticides have been used in small quantities to eradicate what are essentially problems that can be addressed in alternative manners. And, that's all I have to say.

SUPERVISOR FULLER: Thank you, Kay.

MR. DUSHEK: May I answer that please?

SUPERVISOR FULLER: I would like this not to turn into a debate right now. We just had that at the last public hearing. If I can... we have a long agenda ahead of us tonight.

MR. BARNET: Hi, my name is David Barnet. I live here in Elsmere and I want to commend you for moving forward on this kind of concept. While I haven't seen the actual text of the law that you are proposing from the sound of it and from the detail that you provided, it seems as if it provides a good common sense approach to deal with the issues that are really of the most concern in terms of public health. And, to try to eliminate the use of pesticides in situations that, perhaps, we have gotten used to using those kinds of chemicals but, perhaps, were really not needed perhaps in the first place. I am familiar with some of the experts that you've drawn on and I appreciate their expertise and I think that you've done a good job of trying to get some of the best people involved and I hope that, perhaps, that we can use the example of the Town government as a way of, perhaps, extending this kind of approach in other areas of the Town. I know we had a nice article just recently in the Albany newspaper about a local golf course that has taken this kind of alternative approach...

SUPERVISOR FULLER: Colonial Acres.

MR. BARNET: ...and, perhaps... I happen to live next to the Normanside Golf Course so I am familiar with other organizations that, perhaps, aren't as familiar with those alternatives and I hope that, perhaps, through educational efforts about what the Town is

doing, we could see other businesses, other organizations take up a similar approach.

SUPERVISOR FULLER: Thank you. We can have extra copies of this available tomorrow in the Clerk's office. Give us until tomorrow afternoon so we can get some copies made for those that would like their own copy. Anyone else wishing to speak in favor or in opposition? Either way.

MS. KELLEHER: Hi.

TOWN CLERK NEWKIRK: Just turn it back around.

MS. KELLEHER: Okay. I'm Michelle Kelleher. I am a Physical Therapist in this community and I work with breast cancer patients who have complications following treatment and I just want to remind the community about the high rates of breast cancer that we have and I think... I commend this. I think it is just wonderful that we're addressing it now so that we can bring down some of these rates. We don't really know if it's totally due to pesticides but if we can bring down the levels in this community we are doing a great service to the community. And, I am also seeing quite a few young children with all kinds of chronic pain problems that we don't know where they are coming from and we need to be aware that our kids are breathing the air at a lower level to the ground than we are and they're being more affected than we are. So, we have to think about them. So, I am very glad to see that this is happening.

SUPERVISOR FULLER: Thank you.

MR. LA FORTE: I'm John LaForte and I live at 153 Dumbarton Drive. I came to hear the zoning hearing and I just want to say how delightful it was to hear all the young people speak out. It was very refreshing.

But, then I stayed for this and heard some things that were pretty alarming. I feel somewhat relieved when I heard you say that they're more sound reasons for using the pesticides and pest controls. I'm not familiar with the law in detail only what I read in the Spotlight, but I suspect and am concerned that, perhaps, it doesn't give you enough of a loop hole. I heard a lot of information tonight that was hysterical science, all kinds of speculation on mutations and things of that sort. And, that's kind of ridiculous just because we can't pronounce the words doesn't mean that we should be fearful of these chemicals. As a matter of fact, chlorine gas, a very toxic gas, used to kill soldiers in the World War I, you know, is used by us -- am I to assume then because of the chlorine... the dangers of chlorine that we wouldn't use it in our swimming pools or in our drinking water. Can you imagine what this dialogue would have been like some years ago when it was first proposed that chlorine be used in our water and we didn't know what the long term effects would be?

Let me tell you something also, we were concerned about the... our children and someone mentioned concerns about breast cancer, the facts of the matter seem to be that more and more science is finding toward genetic factors that's being the predominate reasons for the cancers such as prostate cancer, breast cancer, colon cancer and another thing that comes to mind -- last summer my wife noticed a spot on my granddaughter's stomach and on close inspection, my daughter found it to be a tick and removed it. And, you can imagine the concern that we all had as to whether or not we would see the symptoms of lime disease. Am I to understand then, unless we have an infestation of ticks in the Town park that Dave Austin wouldn't be able to spray against it?

Not too far from here, New Jersey for example and I guess Massachusetts, reported equine encephalitis as being carried by mosquitos. Again, am I to assume that if we get one report of encephalitis that we cannot spray for mosquitos? The... not too long ago, now many lawns in Town, for example, had these big brown spots in them and until people started to use grub control, this was a pervasive scene in the Town. Now, since people use grub controls, you don't see that so much any more. You can still tell which lawns

haven't been treated. Am I to believe then that when brown spots show up on the playing fields that Dave can't treat for that?

I... another situation some years back, my daughter was working on a survey crew in the Town and got into some poison ivy along the road and your heart would bleed for how she suffered and had to go get shots for it so on and I think the Town took care of it very nicely by putting herbicide on the poison ivy. Am I to believe then that if poison ivy was discovered on the bike paths and jogging paths on the playing field that we wouldn't eradicate it using the tools and weapons that we have? I don't think so. I think that you ought to give yourself a lot of latitude in where and when to use it. And, I have great faith in people like Gregg Sagendorph and Dave Austin to...

SUPERVISOR FULLER: And, they were involved in this.

MR. LA FORTE: I heard you say that, Sheila. But, I would give them a little more latitude in when and where to use these pesticides.

SUPERVISOR FULLER: It's human health and safety that's involved. I think there is latitude built in.

MR. LA FORTE: Well, I hope so. As I pointed out there were just a few instances, one case of tick might not be enough justification, one cockroach in Town hall is not an infestation. But, I would suspect that we'd want to take care of it.

SUPERVISOR FULLER: Back to your initial point, I failed to mention that we have a resolved here, notwithstanding any other provision, the local law shall not apply to the following: pesticides used for the purpose of maintaining a safe drinking water supply; at drinking water treatment plant; wastewater treatment plants; reservoirs; related collection distribution and treatment facilities; pesticides used for the treatment of swimming pool water; anti-microbial pesticides; pesticides and contained baits for the purpose of rodent control; and pesticides classified by the U.S. Environmental Protection Agency, is exempt materials.

I also have to tell you that a few years ago, back about 13 years ago, the Town used to spray for mosquitos and they had stopped.

MR. LA FORTE: Yes.

SUPERVISOR FULLER: And, I can tell you that I have a son that had encephalitis after the Town had stopped spraying for mosquitos.

MR. LA FORTE: That can occur. They didn't spray enough.

SUPERVISOR FULLER: He is alive and well.

MR. LA FORTE: It's not a funny subject.

SUPERVISOR FULLER: Certainly we can always see a problem with everything that we do. There is a downside and an upside but I think the benefits of this lean toward the higher side.

MR. LA FORTE: Well, you know, you say that but you can see and sense the direction we're going in. Next it is the schools, obviously, and Mr. Gill from the school, I think, acted very responsibly in applying herbicides to get rid of the poison ivy. After the schools, it's the Town's people. I mean, you know, it is a constant erosion and taking away these weapons that we have that are only stipulated as being some dire... or resulting in some dire consequences. It's just hysterical science that we keep getting bombarded with. Thank you.

SUPERVISOR FULLER: Thank you.

MR. DUSHEK: May I have just about 3 minutes, please? I would like to give a little education here to the environmentalists, please.

Everything that... all chemical elements, compounds go in a cycle. I'll give you an example, oxygen is used for combustion in people make carbon dioxide -- goes to trees, makes oxygen. That's a simple cycle. Now, these chemicals that are made for killing fungi insects

and diseases and vegetation also have cycles. And, they break down to the individual elements that are in the environment, all around us. Now, there are very few that become carcinogenic, very few. And, these... even powerful insecticides break down and they are not carcinogenic, many of them. Now, you were referring to the environmental groups who don't have expertise to make these decisions and comments. And, that is what is called parroting inaccuracies. And, if you want to... and all these students who are sitting here, I challenge them to go study chemistry and the English language and good penmanship and do research on what happens to the chemicals in the environment and you will find out it is a wonderful experience and we are blessed with the science of chemistry.

I will give you an example, everybody eats potatoes here -- let me see your hands. Everybody eats potatoes. All right, I'll tell you what happens to the potatoes. You used to buy them and they sprouted in a few days, they don't sprout any more. You know why? Before the potato is harvested, the farmers spray the field with sprout inhibitors. It kills the vines, goes... it's a herbicide that goes into the tuber and you buy it and it will not sprout and you are eating all of this growth inhibitor. That's just one example and there are dozens of them in our environment. How many eat toufu, the product from soy beans, let me see your hands. You've had it in cheese made out of it. And, today, they produce soy beans that are resistant to Roundup. They plant the soy beans, right here in Albany County, the beans are up about 4 inches, they spray it with Roundup, it kills all the beans, the beans come up and they harvest a bumper crop of soy beans to sell on the market and goes to all the soy bean products. Now, if that isn't an education, I'll eat my shirt. And...

MRS. SHAPIRO: You know the same company... the same company that produces that Roundup also makes the pills to treat breast cancer. They are making millions on that.

MR. DUSHEK: Okay.

MRS. SHAPIRO: You cause the breast cancer, then you make millions to treat it.

MR. DUSHEK: But, the Roundup does not cause cancer.

SUPERVISOR FULLER: Is there anyone else wishing to speak in favor or in opposition? I need you to come to the microphone.

GENTLEMAN: Are you just taking general comments or people to say they for or oppose the resolution?

MR. GARDNER: I am Joe Gardner. I live on Carson Road in Delmar. I would like to compliment the Board on their excellent approach to this issue and I think you are doing a great job. I am obviously in favor of this resolution. The... I'd like to elaborate a little on the discussion that has taken place so far on Roundup. What you are talking about is a herbicide that destroys part of the plant life. What it does, it destroys biodiversity so it really throws everything into a kilter as far as the balance of nature that existed -- for example, before World War II we didn't pile these chemicals out on our yard every month like the fellow next door does. I've got a lawn, I haven't used chemicals on for 7 or 8 years. And, I guarantee you that my grass is just as green and... as some of these that get chemicals every week but they're sort of a chemical green if you notice. Anyway, the real threat is what... when you destroy biodiversity, you're creating all kinds of other problems. And, it wasn't until after World War II when they... and this is what Jim ... has pointed out, with the coalition against the use of pesticides. During World War II they had to develop a chemical industry for chemical warfare and after the war they didn't have a market for chemical warfare so they started selling chemicals to home owners and to the agricultural industry and we're just being loaded with all kinds of chemicals -- at the supermarket, out in the lawn -- you are increasing your kids and your pets... incidence of cancer 3 to 6 times. So, you know, we're really just trying to get people educated about this monkey business about chemicals because, sure, the university -- I went to Cornell too -- but that doesn't prove anything because the big universities get big money from like

Monsanto who produced these chemicals. And, you're just being sold a bill of goods buddy.

MR. DUSHEK: This is chemical research.

MR. GARDNER: Yea, they get paid by Monsanto and General Electric and folks like that and they're something we are trying to overcome.

SUPERVISOR FULLER: Is there anyone else? Thank you, Mr. Gardner.

MR. GARDNER: I really appreciate what you folks are doing.

SUPERVISOR FULLER: Thank you. Judy, one second, there is a gentleman here who wasn't sure if he could just make comments or had to speak in favor or opposition.

MR. IWANOWICZ: Well, I am proud to announce that I would like to speak in favor. My name is Peter Iwanowicz. I actually live across the street in 1 Roweland Avenue. I have only lived in the Town for a year. Before I address the pesticide things, I've got to say thanks for putting in the crosswalk.

SUPERVISOR FULLER: Your welcome.

MR. IWANOWICZ: It was very difficult to cross the street to get to the library up until a couple weeks ago. It's great to see. Living in Albany prior to this was the same problem, there was no crosswalk to go to the City hall in Albany. So, it's nice to see that.

It is also nice to see the government sitting down with citizens and working in a partnership with citizens here in the Town to develop this ordinance. I think that's really, truly what we would like to see more of happen both here in Bethlehem and elsewhere in the country. This government working in partnership with citizens to develop sound solutions and to eliminate the use of unnecessary chemicals. So, I applaud you and applaud the citizens that stepped forward to work on this. I've had the pleasure of working with them over my career and they are a good group of people. Very knowledgeable, they draw upon the best resources to develop this proposal so, it is really great. I also want to commend you for taking a leadership role. As I understand it, the Town of Bethlehem is the first town in Albany County to follow Albany County's lead in phasing out the use of pesticides on Town property and that's quite an accomplishment to be proud of and I think the citizens that helped you get that far, you know, should be commended as well.

So, I just speak in favor of the ordinance. I think it will be a good positive step for the Town and a good example to set for other towns and the community to follow as well.

SUPERVISOR FULLER: Thank you.

MRS. ENK: Good evening. I will try to be quick. I know the hour is late and you still have a Town Board meeting ahead of you. My name is Judith Enk. I work for the New York Public Interest Research Group, NYPIRG. I am also here on behalf of Environmental Advocates, a State-wide environmental group that also wants to speak in support of this ordinance. I think it's very comprehensive. It gives the Town the leeway that is needed. We know that pesticides are purposely designed to kill living things, whether it is insecticides, herbicides and I think that is all captured quite clearly in the language of this ordinance. The problem is that when you use pesticides a lot of times it affects what is called non-target organisms. That's you and me. That's wildlife that isn't intended for the effect. I co-authored a report that was released last week which I will give you a copy of called, Plagued by Pesticides -- an analysis of New York State's 1997 pesticide use and sales data. And, what we found in the report is that large quantities of pesticides are being used across the State and looking at data provided by commercial pesticide applicators and sellers of pesticides, we found that over 1/3 of the pesticides used in New York, in fact, contain carcinogenic material. That is one of many health concerns that we have associated with the use of pesticides. There are short term health concerns -- like respiratory problems, skin irritation -- and

there are some very serious long term concerns including cancer, hormone disruption and reproductive abnormalities.

Now, I think this has to be looked at in the context that there are many non-toxic alternatives that allow you to deal with pest problems. I brought one with me tonight. It looks like a pesticide but it's not, it is called Poison Free Ant and Roach killer and there is a whole line of these products. And, the active ingredient is mint oil, sodium laurasulphate -- which is something you find in shampoo -- water, mineral oil and CO2. This will deal with a pest problem without the associated poison impacts and, I think, that there is a tremendous consumer demand for this.

I want to congratulate Town Supervisor Fuller, Town Board Member Doris Davis, Mr. Sagendorph, Mr. Austin and most notably the citizens in the Town who have come together to draft this proposal. I think it is a model for other people in the Town. It is a model for the school. I do hope the schools will look at this. And, I think as Kay McEneny says, it really errs on the side of caution. Every year we are learning more scientific and medical data so I think this is a very prudent and reasonable approach.

SUPERVISOR FULLER: Thank you, Judy.

MRS. NEMORE: I'll be quick, I hope. My name is Carol Nemore and I live at 184 Roweland Avenue. I am a Member of Bethlehem Pesticide Watch and as you know, I am greatly in support of this local law. I joined Bethlehem Pesticide Watch because in my work in the State Senate, as an Environmental Analysis, I had been working on the breast cancer registry law and during the course of the information gathering, it became apparent that science was emerging that more and more young children were developing very bizarre cancers and reproductive problems and there was strong evidence to suggest that it was coming from environmental sources, and particularly synthetic chemicals. And, we have what 10s of thousands of synthetic chemicals in the environment. And, only a few hundred are actually registered at EPA and their not... a registry with the EPA doesn't necessarily mean it's a safe product it just means it has gone through a certain procedure. So, that's why I became a member of this Bethlehem Pesticide Watch and I would like to just read a little statement here.

I think that the enactment of the pesticide sunset law would be a real victory not only for public health and environmental quality but for community process. I really love this community. That is why I join community groups and come to public meetings like this and write letters to the editor and speak out on issues like pesticides because I love where I live. People show their love and respect for Bethlehem in many different ways. By caring for their homes, by taking walks, talking to neighbors, by being soccer moms, and community volunteers and even town officials. But, all too often, however, residents show their concern when the Town is doing something that they don't like. The public is angry. They believe that the Town is doing something wrong, petitions are filed, meetings are called. Hundreds of people may come to the meeting. And, the public becomes something to be dealt with. But, our case was entirely different. We are a group of citizens, a small group, we approached the Town with the idea of adopting a town law modeled on the one that was just passed in Albany County.

Our mission was not in response to a crisis. It was not in response to anything wrong that we thought the Town had done. We simply had an idea about how things could be done better from an environmental health perspective. At the time, we expected to have to pressure the Town to take the step. But, that was not the case at all. The Supervisor and Town officials responded with complete openness. They checked it out with the City of San Francisco which was the first city in the nation to phase out its pesticide use 3 years ago. And, once they were convinced that this idea was feasible, the Town agreed to meet with us to draft a pesticide sunset law.

In a series of early morning meetings in a cooperative and friendly atmosphere, together, we drafted the Town's pesticide law. It has been an exceedingly rewarding process for Bethlehem Pesticide Watch

and I would like to personally thank Sheila Fuller, and Doris Davis, and Gregg Sagendorph, and Dave Austin for all your contributions.

And, several months ago I discovered this poster, it's called how to build a community. I bought it but I didn't know where to hang it in my house, not many people would see it. I thought of many community leaders that I could give it to but I couldn't decide among so many deserving people. People who work to improve our community with hardly any thanks or appreciation. Choice was too difficult. So, I would like to give this poster to Sheila Fuller with the hope that there's a place for it in Town hall so that all members of our community can read it and, perhaps, be inspired to contribute something each in their own individual way to this wonderful community.

SUPERVISOR FULLER: Thank you. We will have it in our hall out there. And, Carol, I apologize for saying I hope you are not going to read all that. I didn't know what it was. Thank you.

Is there anyone else wishing to speak in favor or in opposition or comments?

MS. BELL: I am Laurie Bell. I don't know if I made it clear before, I am 100 percent in favor of this. I think it would set a great example for the communities and it would say a lot for us that we care more for our children and our environment than we do about the appearance of our grounds. I do have one question though, why are we waiting to the year 2000 to do this as opposed to January of 1999?

SUPERVISOR FULLER: We will start in January of 1999 but complete ban January 2000. And, it is just to give our Parks & Recreation and our Highway Department chance to try others between now and then. We needed to give them some time. We couldn't just cut it off today.

MS. BELL: Why not?

COUNCILMAN DAVIS: To determine alternatives that are effective.

MS. BELL: So, that in the coming year, they will be working on figuring out what to do...

SUPERVISOR FULLER: Yes.

COUNCILMAN DAVIS: Yes.

MS. BELL: ... to control the... Okay.

SUPERVISOR FULLER: Yes.

MR. WISDAR: My name is Caleb Wisdar and I live here on Winne Road in Delmar and I just want to commend the Board for its wisdom in putting together this proposal. I am 100 percent in favor of it and I agree wholeheartedly that it's important to err on the side of conservatism rather than on the side of danger. Thanks.

SUPERVISOR FULLER: Thank you.

MR. MEAD: John Mead. I am going to speak with the other hat this time, Vice President of Albany County Farm Bureau. I'm going to speak in opposition to this because, of course, I'm a little worried about where... there was one gentleman said it was after they are done with the Town, it's going on to somewhere else and I am wondering where that somewhere else is going. Hopefully, it is not the farm. Also listened to another gentleman, he talked about where he thought it was going to go to the homeowner but I don't think you need to worry so much about the homeowner as you do the farmer because he's the guy that makes the food for you. And, they are going by a lot of things that EPA tells them. EPA has been with Mr. Gore's help, has passed some bad legislation now for pesticides of which can possibly, if they don't turn around and use some reason, make the United States an importer of food rather than an exporter. And, I... the reason why I... I don't want to get into the farming part of it too much but what I wanted to do is, I am hoping that the Town Board, if they are thinking about adopting this, are not going

to be our enemy as farmers rather than being an asset and a help to us when we come to this battle with the EPA. So, just keep that in mind would you please. Thank you.

SUPERVISOR FULLER: Thank you, John.

MR. MEAD: One other thing I will say, they talked about the cancer rate but actually the cancer rate has been going down -- an article I just read the other day due to people eating more vegetables and the more vegetables have herbicide in them. The other thing about the importing of the food also, is that the foreign... the food that is grown in foreign countries such as Brazil and Mexico and so on and so forth, is sprayed day after day. They just keep putting more spray on to kill the bugs. Now, in this country, what we use is what they call integrated pest management and they actually go out -- there's actually people at this point go out and count bugs in the field. And, they will go out and spray a little spot over here where there is a lot of bugs. They will leave the rest of the field alone. They don't spray the whole field. So, that uses less pesticide. But, if you ban the pesticide completely, then what happens is, it goes to the foreign country and those guys just keep spraying. Every time you see, oh it's so many days, go out and spray it again. Remember they still use DDT there too.

MRS. SHAPIRO: That's why so many of us buy organic foods.

SUPERVISOR FULLER: John, this is on Town owned property only.

MR. MEAD: I realize that but it's... you know, what I mean is, it's a beginning. There's always a foot in the door and then the other foot comes in the door.

COUNCILMAN DAVIS: We did think about that.

MR. MEAD: Okay.

SUPERVISOR FULLER: We gave it a lot of thought and we discussed it at great length.

COUNCILMAN DAVIS: We did think of that.

SUPERVISOR FULLER: Yes.

MS. KAPLAN: Emily Kaplan. I am in favor of this and if it doesn't work I will happily chip in for the first rent a peacock fund, a proven California method.

SUPERVISOR FULLER: Is there anyone else?

COUNCILMAN DAVIS: How about buy one rather than rent?

SUPERVISOR FULLER: That's right.

MR. ROONEY: Hi, I'm Terry Rooney. I live on Glendale Avenue in Elsmere. I think it is... I am in favor of it. I want to say I think it is a conservative approach. To me it reminds me a bit of integrated pest management. I don't think it's... I don't think we're saying that in an emergency we can't use these things. I think it's just getting us on record as being for an alternative as opposed to just spraying the heck out of it. I spent about 3 years in the United States Army and I'll never forget being in the field and having huge tank trucks coming through with DDT and just spraying us till we couldn't see the guy next to us. I think we are on the right track with this.

SUPERVISOR FULLER: Thank you, Terry.

MRS. SCHOLES: Hi, I'm Nancy Scholes. And, as you know, I've worked on the pesticide ordinance this summer with you and as you know, I am wildly in favor of it. I just have to add my 2 cents, sorry I can't be as eloquent as Carol. But, I would also like to very much thank Doris Davis, Sheila Fuller, especially Dave Austin and Gregg Sagendorph whose departments will really be impacted by this ordinance. Thank you very much.

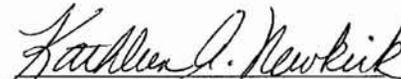
I am concerned that there is a concern here from a few people in the audience -- Mr. Mead, Mr. LaForte, Mr. Dushek -- Mr. Dushek I am also a Cornell graduate, I am not a scientist, I'm a public health nurse -- and I think if you really take the time to read this ordinance, it is very tightly and well worded. And, I think that your concerns and fears and issues can be addressed if you really read it carefully and we'd be glad to sit down with any of you at any time to go over it and discuss these things and your concerns. So, please feel free to contact any of us from Bethlehem Pesticide Watch. Thank you.

SUPERVISOR FULLER: Thank you. May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to close the public hearing at 9:40 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.

Noes: None.

  
Town Clerk

The Supervisor reconvened the regular Town Board meeting following the close of the public hearing.

Supervisor Fuller asked for a motion to adopt Local Law No. 11 of 1998 amending the Code of the Town of Bethlehem to add a new chapter regarding increased protection for public health, safety and the environment from exposure to dangerous pesticides.

Adoption of Local Law 11 Increased protection from pesticides

The motion was made by Mrs. Davis and seconded by Ms. Burns to adopt Local Law No. 11 of 1998 amending the Code of the Town of Bethlehem adding a new chapter regarding Increased Protection for Public Health, Safety and the Environment from Exposure to Dangerous Pesticides. The motion was passed by the following vote:

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

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Councilman Johnson thanked the Committee indicating they did a great job.

Supervisor Fuller thanked everyone for attending the meeting and for their help.

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The next item on the agenda was a recommendation from the Traffic Safety Committee for consideration of stop signs on Wakefield Court at Grantwood Road. Could advertise on Oct. 28, 1998 and hold public hearing November 12, 1998 at 7:30 p.m.

The motion was made by Mr. Johnson and seconded by Ms. Burns to hold a public hearing on November 12, 1998 to consider proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, for stop signs on Wakefield Court at Grantwood Road. The motion was passed by the following vote:

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

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Parks and Recreation accept donations

The following item was a request from Administrator, David Austin, Parks and Recreation Department, for acceptance of donations for period the July 1 through Sept. 30, 1998.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to accept the following donations as recommended by Administrator, David Austin, Parks and Recreation Department with thanks:

- Selkirk Park by Lehmann's Garage \$150.
- Sign for Selkirk Park by F & R Safety Products \$250. value
- Selkirk Park by G.E. Plastics \$500.
- Selkirk Park by Security Supply Corp. \$500.
- Brass emblem by Bethlehem Lions Club \$300. value
- Pipe, stone & Topsoil by Track & Field Booster Club \$400. value
- Ping pong table for the pit from Phyllis Hillinger \$200. value.

The motion was passed by the following vote:

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

- - -

The Supervisor noted the elves from General Electric were at the Selkirk Park, along with Mr. Austin, last Saturday working very hard planting trees and shrubs and doing landscaping. She said we are a very fortunate community to have General Electric. Councilman Davis said all the other groups, as well. She said it is really looking good.

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The next item was a request from David Austin, Administrator, Parks and Recreation Department, for approval of Seasonal Personnel.

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

Parks and  
Recreation  
approve  
Seasonal  
Personnel

Recreation Instructor at \$5.15 per hour

Patricia Eames  
118 Salisbury Road  
Delmar, NY 12054

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Recreation Supervisor at \$6.00 per hour

Rachel Frone  
91 Dorchester Avenue  
Selkirk, NY 12158

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Recreation Supervisor at \$5.70 per hour

Michelle F. Pope	Justin R. Harbinger
8 Peel Street	7 Nathaniel Boulevard
Selkirk, NY 12158	Delmar, NY 12054

Michael P. Conway  
20 Huntersfield Road  
Delmar, NY 12054.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.

Noes: None.

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The next item was a recommendation from Building Inspector, John Flanigan, for approval of Dumping Permit for 309 Elsmere Avenue, Delmar. Supervisor Fuller said the permit is to allow earth, sand and soil but would prohibit construction and demolition debris.

Approval  
from Building  
Inspector  
for Dumping  
Permit

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the issuance of a dumping permit for Gregory A. Burnham for 309 Elsmere Avenue, Delmar. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,  
Ms. Burns.

Noes: None.

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The next item was a request from Commissioner of Public Works, Bruce Secor, for authorization to go to bid for one (1) Portable 8 inch Self-priming Centrifugal Highhead Pump. Could advertise Oct. 28 and open bids at 3:00 p.m. on November 17, 1998.

The following resolution was offered by Mr. Ms. Burns and seconded by Mr. Lenhardt:

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) portable 8 inch self-priming centrifugal highhead pump, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 28th day of October, 1998 and that bids be received up to 3:00 p.m. on the 17th day of November, 1998 at which time the bids will be publicly opened and read.

Resolution  
and request  
from  
Commissioner  
of Public Wor  
go to bid for  
Portable 8  
inch Self-  
priming  
Centrifugal  
Highhead Pump

The resolution was adopted by the following vote:

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

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Commissioner  
of Public  
Works to  
hold Public  
Hearing  
for Grievance  
Day of 1999  
Sewer Tax  
Rolls

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 1999 Sewer Tax Rolls. Could advertise October 28, 1998 and hold the public hearing November 12, 1998.

The following resolution was presented for adoption:

WHEREAS, 1999 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 8:00 p.m., on the 12th day of November 1998, 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 28th day of October 1998.

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 Mrs. Davis, seconded by Mr. Johnson and was duly adopted by the following votes:

AYES: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson  
Ms. Burns.  
NOES: None.

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Commissioner  
of Public  
Works for  
approval to  
use Rist-Frost  
Associates  
supply soft-  
ware for  
year 2000

The next item was a request from Commissioner of Public Works, Bruce Secor, for approval to use Rist-Frost Associates from Glens Falls, NY to supply the new software and required programming to make the computer application complete for the Year 2000 at the New Salem Water Purification Plant. And to approve C.T. Male Associates of Latham, NY to prepare the engineering drawings for the replacement of the 12" main in North Bethlehem.

Supervisor Fuller asked for a motion to approve the use of Rist-Frost Associates from Glens Falls, NY to supply the new software and required programming to make the computer application complete for the Year 2000 at the New Salem Water Purification Plant.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve Rist-Frost Associates, Glens Falls, NY to supply new software and required programming to make the computer application complete for the Year 2000 at the New Salem Water Purification Plant.

Councilman Burns questioned the fact that she did not see any cost indicated for this work. Mr. Secor said the copy of the proposal includes the cost and was submitted to each Board Member. Councilman Davis affirmed that the information contained the cost. Councilman Burns further asked if this was budgeted. Mr. Secor noted this item was included in the Capital Reserve monies expenditure that was previously approved in July. It was not a budgeted item. Councilman Davis noted this was all discussed previously. Mr. Secor agreed, noting he did not recopy the July 20, 1998 Memorandum.

The motion was passed by the following vote:

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

Supervisor Fuller asked for a motion to approve the second part of Mr. Secor's request for C.T. Male Associates of Latham, NY to prepare the engineering drawings for the replacement of the 12" main in North Bethlehem. The Supervisor noted this was also on the July agenda.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve C.T. Male Associates of Latham, NY preparing the engineering drawings for the replacement of the 12" main in North Bethlehem. The motion was passed by the following vote:

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

Approval for  
C.T. Male  
Associates of  
Latham  
preparing  
engineering  
drawings for  
replacement  
12" Main

The next item was to acknowledge receipt of Conditional Approval of Final Plat for the Clearview Subdivision, Wemple Road, Glenmont from the Planning Board for information purposes.

The following item was to acknowledge receipt of Preliminary Plat for Meadowview Subdivision, Wemple Road, Glenmont from the Planning Board for information purposes.

Acknowledge  
receipt of  
Conditional  
Approval Final  
Plat Clearview  
Subdivision

The next item was to acknowledge receipt of Preliminary Plat for the Autumn Woods Subdivision, Brockley Drive, Delmar from the Planning Board for information purposes.

The following item was to approve the Town Board minutes of September 9 and September 23, 1998 as submitted.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the Town Board minutes of September 9 and 23, 1998 as submitted. The motion was passed by the following vote:

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

Acknowledge  
preliminary  
plat Autumn  
Woods sub-  
division  
Approve minutes  
of September  
9 and 23, 1998

The next item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of a sewer easement and water line easement from Beverwyck, Inc., Phase 3, North Bethlehem.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the acceptance of a sewer easement and water line easement from Beverwyck, Inc., Slingerlands, NY. The motion was passed by the following vote:

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

Engineering  
Services  
accept sewer  
easement and  
water line  
easement of  
Beverwyck

The next item was a request from Engineering Services Administrator, Michael Cirillo, to accept deeds and easements for the Westland Park Subdivision - Section 4.

The motion was made by Mrs. Davis and seconded by Mrs. Burns to approve the acceptance of deeds and easements for the Westland Park Subdivision - Section 4. The motion was passed by the following:

Engineering  
Services accept  
deeds and  
easements for  
Westland Park  
subdivision -  
Section 4.

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

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Highway  
Superintendent  
vehicles  
at auction

The next item was a request from Gregg Sagendorph,  
Superintendent of Highways, to sell vehicles at auction.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to  
approve the sale of vehicles at auction as requested by Highway  
Superintendent, Gregg Sagendorph. The motion was passed by the  
following vote:

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

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Supervisor Fuller asked if anyone wished to address the Board.  
There were none.

Executive  
session

The motion was made by Mrs. Davis and seconded by Mr. Johnson to  
meet in Executive Session following the close of the regular Town  
Board meeting to discuss negotiations. The motion was passed by the  
following vote:

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

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The motion was made by Mr. Lenhardt and seconded by Mrs. Burns  
to adjourn the regular Town Board meeting at 9:48 p.m. The motion  
was passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.