

TOWN BOARD
OCTOBER 23, 1991

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: Kenneth J. Ringler, Supervisor
 Frederick C. Webster, Councilman
 M. Sheila Galvin, Councilwoman
 Charles Gunner, Councilman
 Sheila Fuller, Councilwoman
 Bernard Kaplowitz, Esq., Town Attorney
 Bruce H. Secor, Commissioner of Public Works
 Philip Maher, Comptroller
 Jeffrey Lipnicky, Town Planner
 Brian Lastra, Assessor
 Chuck Wickham, Traffic Safety Committee
 Greg Smith
 Charles Herr, Traffic Safety Committee
 Phyllis Van Alstyne
 Janis K. Schoonover
 Karyn Yaffee
 Debbie DePuccio
 Kristen Jones
 Danielle M. Wagner
 Dorothy Alliger
 Paul F. Hulslander
 Debby A. Hulslander
 Linda M. Hulslander
 Mark Hansen
 Carolyn Arber
 Maria DeGaetano
 Dana Fori
 Herbert Williams
 John Thompson
 Velda Lozata
 Ty Yacono
 Fred Luck
 Paul Noonan
 Helen R. Washburn
 Kelly Jenkins
 Tory McKenna
 Ken Watson
 George H. Hart
 Evelyn Freudenriech
 Maddy Kadish
 Nicki Reidy
 Jaci Braga
 Shaun Mahony
 Pat Tully
 Kristen B. Luberda
 Joshua Brown
 Dorothy Seagle
 Andrew Hudacs
 Charles & Faith Fuller
 Elma Disonell
 David E. Frick
 William McMullen, III
 William McMullen, Jr.
 Ilaina Jonas, Times Union Representative
 Carolyn M. Lyons, Town Clerk

Supervisor Ringler welcomed all to a regular meeting of the Bethlehem Town Board, and in particular he wished to welcome the members of our Participation in Government class from Bethlehem Central, and he hoped they learned a lot about local government while they are here tonight.

The first item on our agenda is a public hearing to consider a Senior Exemption, Local Law No. 6 of 1991. He asked the Town Clerk to read the call of the hearing.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, Albany County, New York at the Town Hall, 445 Delaware Avenue, Delmar, NY on the 23rd day of October, 1991 at 7:30 p.m. to consider Local Law No. 6 of 1991 to implement Section 467-c of the Real Property Tax Law by amending the Town Board resolution adopted on December 12, 1990 regarding the income eligibility level for certain persons to receive real property tax exemption based upon age and income as follows:

Public
Hearing
Local Law
No. 6 of
1991
Senior
Exemptions

<u>Income Range</u>	<u>% Exemption</u>
Up to \$19,199.99	15%
Up to \$19,799.99	10%

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

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
CAROLYN M. LYONS, TOWN CLERK

STATE OF NEW YORK)
COUNTY OF ALBANY)

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper 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 9th day of October, 1991.

/s/ Kathryn Olsen

Sworn to before me this 11th
day of October, 1991
/s/ Bruce A. Neyerlin
Notary Public, Albany County

STATE OF NEW YORK)
COUNTY OF ALBANY)

CAROLYN M. LYONS, 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 October 9, 1991, a Notice of Public Hearing, a copy of which is hereby attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Carolyn M. Lyons

Sworn to before me this
17th day of October, 1991
/s/ Kathleen A. Newkirk
Notary Public, Albany County

- - -

The motion was made by Mr. Webster and seconded by Mrs. Fuller that the Notice of Hearing, Affidavit of Publication and Affidavit of Posting Notice be indented on the minutes of the public hearing. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

The Supervisor indicated that the State Legislature has the authority to enable localities to give a Senior Citizen exemption. Usually on an annual basis they attempt to increase that exemption for economic reason, inflation and so forth. The Town of Bethlehem has historically taken advantage of the maximum exemption available to Senior Citizens and this basically brings the exemption up close to

\$20,000.00 - \$19,799.99 and a person would be eligible for a ten percent exemption. There is a scale down to a fifty percent exemption for those who earn less than \$14,999.99.

Supervisor Ringler continued that the public hearing tonight allows anyone to ask any questions that they may wish to ask about this, and then we open it for anyone who would like to speak in favor and anyone who would like to speak in opposition. Our Town Assessor, Brian Lastra is with us this evening if anyone has any questions before we begin. He asked if anyone had any questions regarding this proposal. No questions were asked.

The Supervisor then asked if there was anyone who would like to speak in favor of this proposal. No one spoke.

He then asked if there was anyone who would like to speak in opposition to this proposal. Again, No one spoke.

Supervisor Ringler indicated that he would entertain a motion to close the public hearing.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to close the public hearing at 7:35 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

Beverly M. Lyons

Town Clerk

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

The Supervisor stated as no one has spoken either in favor or in opposition, he would recommend that we take action on this Local Law No. 6 of 1991.

Local Law
No. 6 of 1991
Adopted
Senior
Exemption

The motion was made by Mr. Gunner and seconded by Mr. Webster that Local Law No. 6 of 1991 be adopted to Amend Chapter 111 Taxation - Article I Section 111.1 of the Code of the Town of Bethlehem permitting a partial real property tax exemption to persons who turn age 65 between March 1 and December 31 of a calendar year for an income level of \$19,199.99 for a fifteen percent exemption and an income level of \$19,799.99 for a ten percent exemption, effective immediately upon filing with the Secretary of State. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

See Local Law No. 6 of 1991 following page 104 .

The Supervisor indicated that they had another public hearing that begins at 7:45 p.m. and they would skip down to item No. 3 Consideration of Planning Department recommendation on Route 396. At our last meeting we had substantial discussion, we had a presentation by our Town Planner, we had a great deal of correspondence from various interested parties and we, although not required, basically had a public hearing at our last meeting and allowed a lot of public input onto this issue. Tonight is the turn of the Town Board to deliberate and make a recommendation as to where we are going to go with this proposal. To get it started let me just give a brief background. We started with the State of New York, and he personally started over two years ago, trying to get them to do something with their road, Route 396 belongs to the State of New York. The State of New York likes to throw the football back to localities and that is what they did with 396 and they said to us the Town of Bethlehem will do something either a new truck route or something, but you have to do all of the planning and tell us what to do with our road, so we put our Planning Department

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Bethlehem
Town
~~Village~~

Local Law No. 6 of the year 19 91

A local law to Amend Chapter 111 Taxation - Article I Section 111.1 of the Code of the Town of (Insert Title) Bethlehem permitting a partial real property tax exemption to persons who turn age 65 between March 1 and December 31 of a calendar year.

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Bethlehem as follows:
Town
~~Village~~

Article I Section 111.1 - Add -

<u>INCOME</u>	<u>PERCENTAGE OF EXEMPTION</u>
Up to \$19,199.99	15%
Up to \$19,799.99	10%

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 19 91 of the ~~(County)(City)~~(Town)(Village) of Bethlehem was duly passed by the Town Board on Oct. 23, 1991, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after _____ (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ 19____, (Elective Chief Executive Officer*) in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after _____ (Name of Legislative Body) disapproval) by the _____ on _____ 19____. Such local law was (Elective Chief Executive Officer*) submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after _____ (Name of Legislative Body) disapproval) by the _____ on _____ 19____. Such local law was subject to (Elective Chief Executive Officer*) permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Carolyn M. Lyons Town Clerk
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: October 24, 1991

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Albany

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Bernard Keshing
Signature

Town Attorney
Title

~~CITY~~
~~CITY~~ of Bethlehem
~~VILLAGE~~

Date: October 24, 1991

to work on this and came up with the proposal that is being considered at this point in time. Even if we do adopt this proposal, we have no authority to implement it. We have to forward it to New York State and the ball goes back to them again and ask them to consider it and to take appropriate action. So that is the point that we are at tonight and he would like to ask the Board Members if they would to offer their thoughts on it based upon the information and discussions that we have had.

Discussion
Route 396
Truck
Traffic

Councilwoman, Sheila Fuller, indicated that she would like to apologize for not being here at the last meeting, but she assured them that she did receive the minutes of the meeting and she has received the letters from the different business people and residents of the community. She herself was very frustrated to find that this was a problem that we as a Bethlehem Town Board had to deal with since it is a New York State highway, and her understanding and research on the problem shows back as far as 1988 this Town of Bethlehem did serve notice to the Department of Transportation. She is very concerned about the safety, she thought this was the number one concern, and she did think that we as a Town Board need to address the safety issue as well as many other issues connected with New York State 396. She thought that the State Department of Transportation has not responded to our Town and she thought that we need to go back to them with several options and this not being the only one of moving the tractor trailers off of the road.

Councilman, Frederick C. Webster, stated that he would like to echo Mrs. Fuller's comments, and he thought that it was quite obvious anyone who has been on Route 396 or been in the Selkirk Fire House or anything in that area, that something has to be done. This recommendation of the Planning Department appears to be a viable option. He felt that we should send the report on to New York State and hopefully this will open up some dialogue between all interested parties involved including Conrail the New York Thruway and all of the area businesses and the neighborhood groups down there. He thought that we should submit the report and send it on to New York State for their perusal.

Councilwoman, M. Sheila Galvin, indicated that she agreed that the safety issue must be addressed and she thought that this was particularly important especially given the summary of accident reports that have been presented to us. She, also, thought that despite the fact that those did not involve tractor trailers they still were an indication of the safety problem and the tractor trailer traffic in that area certainly has to be a contributing factor. She agreed wholeheartedly that the problem should not be a Town problem and the State has to face up to their responsibility in this and while this may not be the best solution of all, she thought that this was the one that we have all examined and decided to go with it to remove the tractor trailers.

Councilman, Charles A. Gunner, indicated that he guessed he wanted to take a little longer, he had a little statement that he wanted to make and basically it deals with the same situations that each one of the previous council people have spoke to, and he was very concerned with safety but also many applications to a solution rather than just one or possibly two. He thought that they would know how he feels about the action of State of New York Department of Transportation after he read this. After the meeting of last October 9th I reviewed the minutes and researched a variety of reports related to the report which we are talking about on truck traffic on New York State Route 396, moreover, I am aware that much has been said and written about 396 problems and I was appalled at the lack of action, leadership, participation and direction given to this problem by the New York State Department of Transportation. Instead of saying that again I will call that NYSDOT from here on out so that when you hear NYSDOT that is what I mean. Consequently, I cannot accept the support of one or two recommendations of the aforementioned Route 396 report to stand alone as the Bethlehem Town Board's only recommendations to NYSDOT. However, I would accept that recommendation to be among, or those recommendations to be among, other specific recommendations that we forward to NYSDOT. I have come to this conclusion because 1. I believe that NYSDOT has not taken seriously or given low priority to the short and long term resolutions to assisting in mitigating the

Route 396 problems. 2. Mr. Lipnicky, our Town Planner, stated at the October 9th meeting that the recommendations in the 396 report do not solve the problem in the long view or long run he thought were his exact words. 3. A chronology of past actions and communications and the introduction of the Route 396 report demonstrates a lack of action on NYSDOT to correct our Town's truck concerns on Route 396. Eight out of nine or ten communications there brought forth no action from NYSDOT.

Councilman Gunner continued the final report of the 9W Corridor Study of March, 1989 which I have been told was forwarded to NYSDOT had twenty-two suggestions for capital improvements of roads in that area. Two of those suggestions seventeen and nineteen dealt with the Selkirk Bypass, no action from NYSDOT. The governments of New York State, different regional governments, county government, our Town government and certain quasi State agencies have a vested interest in the resources, services, taxation and employment that assist the economic well being of the industrial area in the southwestern area of our community, and, also, effects the whole region, because they employ and their related truck stops employ a thousand people and they are a significant economic force. However, the people of the Hamlet of Selkirk should not have to share the human cost of this road alone. 6. The recommendations we make to NYSDOT should not be just short term band aid of what is needed for temporarily resolution, but rather a combination of short and long term action that will resolve the problem. In my idea the purpose of government is to do for people what they cannot do for themselves and this is what I expect of NYSDOT and the agencies they can muster. 7. If we send only short term solutions to what is needed, NYSDOT may select the short term band aid as a solution to a long term problem, ergo, we will all be sitting here again discussing this in the not to distant future, and number 8. we should be willing to sit with NYSDOT, however, and other involved parties, to assist in formulating a plan for a forward direction of short and long term solutions to this problem, therefore, he would like to make a motion, is it in order, and Supervisor Ringler indicated go ahead, Mr. Gunner. Councilman Gunner moved that we forward the following recommendations to NYSDOT regarding Route 396.

Resolution
Adopted
To Forward
Recommendations
To NYSDOT
For Route 396
Truck Traffic

WHEREAS, we believe that New York State Route 396 does not meet the necessary safety, structural and design features, acceptable noise pollution levels nor the service qualities that are desirable and or needed by the citizens of the Hamlet of Selkirk and the industries' truck drivers, employees and investors that it serves.

NOW, THEREFORE, BE IT RESOLVED that we respectfully request your action and/or reply to the following recommendations concerning New York State Route 396:

1. The implementation of the following most applicable and needed safety controls on truck traffic while a selected Selkirk Bypass project is being planned by your department:

- a. Development of sidewalks along the New York State right-of-way in the Hamlet of Selkirk.
- b. Reducing the speed in the Selkirk Hamlet to 20-25 m.p.h.
- c. Restricting truck traffic on route 396 to size, weight or type (Tractor Trailer, Dump Trucks, etc.) of truck vehicles.
- d. Assisting with obtaining enforcement services to augment Township efforts.

2. Implement the development of plans for New York State Department of Transportation Route 396 Bypass now!

The foregoing resolution was presented for adoption by Councilman Gunner, was seconded by Councilman Webster and was duly adopted by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

The Supervisor asked if there was discussion and he would have to say himself, Charlie I think that he has to concur with your recommendation, a band aid may be necessary but we don't want DOT to forget that whatever they do has to be a long term solution and that there are many interests at stake in what they do. He thought that, as you know and everyone knows, he has been rather displeased with the way they handed this back to us and he realizes they have fiscal constraints but there is a potential there that we can't live with and he thought that by working together by motivating the State through the efforts of the residents and he knew the trucking companies and now that he thought that we have their attention and we are part of this, he thought that we can get DOT hopefully to move. The Supervisor asked if there were any other comments.

Councilwoman Fuller indicated that hopefully we would have DOT's attention also. Councilwoman Galvin stated that she believed that it was important that we not set aside the immediate concerns though while looking to the long run, she thought that we also have to make sure that DOT deals with the immediate problems. Supervisor Ringler stated that he believed that Charlie's motion covers that. Charlie said he believed that this says that they should take the interim steps and that is the reduction of the trucks and so forth to do it, but to be looking at the long term and don't forget what the long term is. Councilwoman Galvin indicated that she just wanted to be very sure that it is clear that something has to be done quickly. Supervisor Ringler indicated that it would be.

Supervisor Ringler stated that the next item we would go back to item No. 2 a public hearing for amendment to the Traffic Ordinance 30 miles per hour speed limit on Beaver Dam Road for its entire length. He asked the Town Clerk to read the call of the hearing.

NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT
TO THE TRAFFIC ORDINANCE
OF THE TOWN OF BETHLEHEM

Public
Hearing
Speed
Limit
Beaver
Dam Road

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 23rd day of October, 1991 at 7:45 p.m. to consider amending the Traffic Ordinance of the Town of Bethlehem in the following respect:

I. Amend ARTICLE II, SPEED LIMITS, Section 1 (c) Thirty Miles Per Hour, be adding a new paragraph 88 to read as follows:

88. Beaver Dam Road for its entire length.

II.

Repeal ARTICLE II, SPEED LIMITS, Section 1 (d) Forth Miles Per Hour Section 3 - Beaver Dam Road from its intersection with Route 396 and its intersection with Route 144.

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

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
CAROLYN M. LYONS, TOWN CLERK

STATE OF NEW YORK)
COUNTY OF ALBANY)

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper 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 9th day of October, 1991.

/s/ Kathryn Olsen

Sworn to before me this 11th

STATE OF NEW YORK)
COUNTY OF ALBANY)

CAROLYN M. LYONS, 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 October 9, 1991, 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/ Carolyn M. Lyons

Sworn to before me this
17th day of October, 1991
/s/ Kathleen A. Newkirk
Notary Public, Albany County

The Supervisor thanked the Town Clerk

The motion was made by Ms. Galvin and seconded by Mr. Webster that the Notice of Hearing, Affidavit of Publication and Affidavit of Posting Notice be indented on the minutes of the public hearing. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

Supervisor Ringler announced that this public hearing is a second public hearing on this issue. Originally we had received a recommendation and let him back up ever further, we had received a petition initially from the neighbors on Route 396 recommending that the speed limit be reduced to 30 miles per hour in a section of it and to thirty-five in another section of it. Our Traffic Safety Committee after reviewing this and the current speed limit is forth miles per hour, our Traffic Safety Committee had recommended a reduction to thirty-five miles per hour. At the last public hearing there was input from the residents suggesting that that wasn't sufficient, the Traffic Safety Committee explained their rationale behind it, several of the Board Members, if not all he thought rode the road themselves and determined that after listening to those comments it might be more appropriate to go to the thirty miles per hour and before we could take action on that we do have to have another public hearing, advertising exactly what it is going to be. So what we are suggesting is that the entire length of Beaver Dam Road from Route 396 to Route 144 would become thirty miles per hour.

The Supervisor asked if there were any questions regarding the public hearing.

Marilyn Picarazzi indicated that she just had one question and this was regarding and she did not want to be out of order, but she did come in late, and she was trying to find out if we have any input into what you said before about the truck traffic or is it a done deal. Supervisor Ringler indicated that right now they have recommended that it is over with, our recommendation is done. Mrs. Picarazzi asked in other words nobody here has a right to say anything tonight, right? Supervisor Ringler indicated well we have tried not to, because we had done a lot of discussion last week, we basically have forwarded it on to the State at this point in time. Mrs. Picarazzi stated in other words we are not going to get anything? Supervisor Ringler stated no that is not what the recommendation was and Mrs. Picarazzi continued that she knew what their recommendation is and she knew that she was probably out of order, and she begged their indulgence, but just one little tiny time, but this could be a very long time before DOT did anything because of our budget constraints and she just - Supervisor Ringler indicated but you have got to understand that motion suggested that they take an interim action which may very well be what we said in our report that they should do, we did not say to not do anything until they - and Mrs. Picarazzi stated that she realized that but she just thought that maybe of what was spoken last week, this week it was going to be approved, but apparently it isn't going to be as far as limiting

the number of trucks. Supervisor Ringler stated that this was part of the recommendation and we have said that they should do that as an interim basis, but we are telling them not to use that as the solution to this problem. Mrs. Picarazzi thanked the Town Board.

Supervisor Ringler indicated now regarding the speed limit on Beaver Dam Road, you snuck that one in on me Marilyn, Laughter - he asked if anyone had questions regarding the speed limit on Beaver Dam Road. No questions were asked.

The Supervisor asked if anyone would like to speak in favor of the proposal. Marilyn Picarazzi indicated that she thought that the speed limit should definitely be reduced to thirty miles an hour it is a very dangerous area there.

Supervisor Ringler asked if anyone else would like to speak in favor of the proposal. No one else spoke. He then asked if anyone would like to speak in opposition to the proposal.

Mr. Charlie Herr stated that he thought he gave them his position on speed limits at the October 9th meeting but he just would like to point out that if you pass this what is going to result is about ninety percent of the users of Beaver Dam Road are going to be in technical violation of the speed limit and that to him is very very unreasonable. Supervisor Ringler asked wouldn't you say the same thing for the Northway though and Mr. Herr indicated that he absolutely would, that is unreasonable on there too, there is no questions about it, except it is not the eighty-five or ninety percent there is only about fifty percent in violation on the Northway, the degree is a little different. However, with the speed limit of thirty, somebody doing thirty-five miles per hour is subject to arrest and that is about eight-five percent of the traffic using Beaver Dam Road and to him that is unreasonable and he did not think anybody on the Board would feel to happy getting a ticket for doing thirty-five miles an hour on Beaver Dam Road. Now if you leave it up to the Police Officer's discretion and the Court's enforcement, but that is what your are technically placing the motorist, and he did not think that was reasonable for most of the motorist using Beaver Dam Road. He drove it the other day, he drove the whole length at forty miles per hour except near the railroad tracks where you would slow down because of the railroad tracks, and to him there was no problems, you could see well and forty miles per hour was not to fast in his opinion for Beaver Dam Road.

Supervisor Ringler indicated at the speed limit of forty miles per hour how many people are breaking the law. Mr. Herr responded that he did not remember the figures, but probably about fifty percent he was not sure, he thought that the eighty-fifth percent speed was about forty-three of something like that which means - Supervisor Ringler asked so when we put those new signs up won't that reduce the amount of violators because they realize that they will be breaking the law. Mr. Herr replied No it will increase the number of violators because it won't change the speeds very much at all. Supervisor Ringler continued you are talking eighty-five percent now would be violating, but once we go to a new speed limit, are you suggesting that eighty-five percent will still be violating it. Mr. Herr responded, No, right now violating the forty mile per hour is about twenty-five percent he was not sure, but violating the thirty-five miles per hour is probably eighty-five percent, thirty you will have probably ninety percent in violation. To give you an example of how this feels and why motorists don't come to object to these low speed limits he did not know, he went and drove Wemple Road the following day and that has a thirty mile per hour limit and he drove it at thirty miles an hour because he just wanted to test it out and he really irritated the person behind him because he was obeying the speed limit, so he would have to recommend at least you go back to the thirty-five for the Traffic Safety Committee's recommendation or consider a shorter piece of thirty and letting the rest stay at forty instead of going the whole length at thirty for the entire road.

Supervisor Ringler thanked Mr. Herr and asked if anyone else would like to speak in opposition.

Mr. Ron Selkirk indicated that he was opposed to the way that we are being tied up in the Selkirk area - it is forty miles an hour on 9W

now, thirty miles an hour all the way through Selkirk on 396 and it is getting so that you can't go anyplace, there are more and more stop lights and we are out in the country and we come up here to do our shopping and we have got to plan another half hour to an hour to get here and back home and you are just tying us up and there is no enforcement of the speed limits. Now he drives truck, he goes through Selkirk quite a lot, and last week he was passed at the double line in front of Ricardo's Studios right next to the railroad tracks and there was a Bethlehem Police Car right there at the Fire House and there was no enforcement. A driver, another friend of his, went through there the other morning and he was doing the thirty miles an hour and he was passed by Cottage Lane where it is also double lined and these are only two instances and it has happened to him many other times. Now if we don't have any enforcement, what the heck is the sense of having these rules?

Supervisor Ringler asked if anyone else would like to speak.

Hazel TeRiele stated that she agreed with Mr. Selkirk in a way and she lives on Beaver Dam Road and she was the one that circulated the petition because the cars go by her house because they think it is a short cut through there, but she was sure that Ronnie doesn't drive that road like she drives it, or doesn't have kids there playing and there are a lot of kids there playing and driveways and it doesn't make any difference if you put thirty they are going to drive forty, because they always drive ten miles over the limit, but right now it is forty and they drive fifty and sixty-five and she feels that if it is lowered they will at least come down lower.

The Supervisor asked if anyone else would like to speak and if not he would entertain a motion to close the public hearing.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to close the public hearing at 7:56 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes:

Carolyn M. Lyons
Town Clerk

The regular Town Board meeting was again convened immediately following the close of the public hearing.

Supervisor Ringler asked if the Town Board was inclined to take any action tonight? Councilman Webster indicated that he would move for adoption.

Amendment
To Traffic
Ordinance
Adopted
Speed Limit
Beaver Dam
Road

At a regular meeting of the Town Board of the Town of Bethlehem, Albany County, NY held on the 23rd day of October, 1991 at the Town Hall, 445 Delaware Avenue, Delmar, NY

PRESENT: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
ABSENT: None.

The Town Board of the Town of Bethlehem, Albany County, NY does hereby amend the Traffic Ordinance adopted on the 17th day of July, 1968 and last amended on the 9th day of October, 1991 as follows:

I. Amend ARTICLE II, SPEED LIMITS, Section 1 (c) Thirty Miles Per Hour, by adding a new paragraph 88 to read as follows:

88. Beaver Dam Road over its entire length.

II. Repeal ARTICLE II, SPEED LIMITS, Section 1 (d) Forty Miles Per Hour, Section, Section 3 - Beaver Dam Road from its intersection with Route 396 and its intersection with Route 144.

The foregoing amendment to the Traffic Ordinance will take effect ten days after publication.

The foregoing amendment to the Traffic Ordinance was presented for adoption by Mr. Webster, was seconded by Ms. Galvin and was duly adopted by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Gunner, Ms.Galvin, Mrs.Fuller.
Noes: None

- - -

WHEREAS, the Town Board has adopted an amendment to the Traffic Ordinance of the Town of Bethlehem and it is necessary that the said amendment be published, according to law,

NOW, THEREFORE, BE IT RESOLVED, that the said amendment be published in THE SPOTLIGHT, a newspaper published in the County of Albany and having a circulation in the Town of Bethlehem on the 30th day of October, 1991.

The foregoing resolution was presented for adoption by Ms. Galvin, was seconded by Mr. Gunner and was duly adopted by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Gunner, Ms.Galvin, Mrs.Fuller.
Noes: None.

The next item on the agenda was a request from Kenneth Hahn, Receiver of Taxes & Assessments, to make refunds of water rents for the month of September totaling \$20.29.

Overpayment
of Water
Rents
Sept. 1991

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that refunds of water rents in the amount of \$20.29 for the month of September, 1991 be made to persons whose names appear on the list furnished by the Receiver of Taxes & Assessments and on file in the office of the Town Clerk. The motion was passed by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Gunner, Ms.Galvin, Mrs.Fuller.
Noes: None.

The Supervisor next acknowledged receipt of the Preliminary Plat for CEDAR RIDGE, Section 1 Subdivision from the Planning Board for information purposes only. No action is required by the Town Board.

Preliminary
Plat
Cedar
Ridge
Subdivision

Supervisor Ringler next asked for approval of the Town Board Minutes of August 28, 1991 as corrected and distributed on September 11, 1991 and Town Board Minutes of September 11, 1991 distributed on September 25, 1991.

Town
Board
Minutes
Approved

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the Town Board Minutes of August 28, 1991, as corrected and Town Board Minutes of September 11, 1991 be approved as submitted to the Town Board. The motion was passed by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Gunner, Ms.Galvin, Mrs.Fuller.
Noes: None.

The Supervisor indicated that he would next entertain a motion to authorize us to change the regular meeting of the Town Board on December 25, 1991 to Thursday, December 26, 1991.

Town
Board
Meeting
Date
Changed

The motion was made by Mrs. Fuller and seconded by Ms. Galvin that the regular Town Board Meeting scheduled for Wednesday, December 25, 1991 be changed to Thursday, December 26, 1991 at 7:30 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner. Ms. Galvin, Mrs. Fuller.
Noes: None.

Assignment
of House
Numbers
Old Route 9W
and
Shanks Place

The Supervisor indicated that next they have a request from the Department of Public Works for assignment of house numbers on Old Route 9W and Shanks Place. The Engineering Department has completed the work to establish house numbers on Old Route 9W and Shanks Place. Shanks Place is a new name and as you can see the Engineering Department worked with the neighbors and landowners to come up with that name.

The motion was made by Mrs. Fuller and seconded by Ms. Galvin that the house numbers as outlined by the Department of Public Works, Engineering Department be and they hereby are established for Old Route 9W and Shanks Place effective in a six month period of time. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

SHANKS PLACE

Property Owner	Proposed Number
Stanley Brooks	19
George and Eileen Bronson	23

OLD ROUTE 9W

Louise M. Corning	22, 38
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Councilman Gunner indicated that even though we have advertised and he gets a few residents, there are homes that do not put their numbers on their house and also when the winter comes people put up storm doors and sometimes covers their numbers. Our Fire Departments have advertised our Town government has advertised to make sure that your number is visible at a place where it can clearly be seen in case their is need in an emergency. Thank You.

EMS
Seminar
Emergency
Management
Office

Next the Town Board received a request from Mr. Brennan, Director of Emergency Operations Office for permission for Mr. James Reagan to attend an EMS Seminar at the Hilton Hotel in Albany and again it would just be the registration fee that is paid in line with current procedures.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that at the request of J. E. Brennan, Director of Emergency Management Office, Mr. James Reagan be and he hereby is authorized to attend the EMS Seminar at the Hilton Hotel in Albany on November 22-24, 1991, with his registration fee only to be paid. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

Substitute
Election
Inspectors -
Republican

Next was a request from the Town of Bethlehem Republican Committee for appointment of substitute Poll Clerks for District 2 and District 22. District 2 John O'Brien and District 22 Jack Audino.

The motion was made by Ms. Galvin and seconded by Mr. Webster that John O'Brien, 29 Preston Road, Delmar, NY be and her hereby is approved as a Poll Clerk for District 2 to replace Charles Alford and Jack Audino, 17 Weiser Street, Glenmont, NY as a Poll Clerk for District 22 to replace Thomas Dowling for this year only be and they hereby are approved as recommended by the Town of Bethlehem Republican Committee. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

Next was a request from John Flanigan, Building Inspector, for issuance of a Dumping Permit for Dr. William S. Jones - Tri- Village Airport - LaGrange Road, Slingerlands for a one year period of time. We have reviewed this and would recommend approval the Building Department office has been monitoring the previous permit and have not found any problems. There are conditions as recommended by the Engineering Department.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that a Dumping Permit be issued to Dr. William S. Jones and Adrienne Jones for Tri- Village Airport for a period of one year to dump 10,000 cubic yards of clean fill, sand, etc. on their LaGrange Road property in Slingerlands to fill in the ravine between the barn and cornfield to improve the existing road and solve water and drainage problems with the following stipulations.

Dumping
Permit
Dr. William
S. Jones -
Tri-Village
Airport

1. All fill shall consist of clean dirt and waste excavation material. No other construction material will be allowed.
2. All side slopes shall be placed no steeper than 1' vertical on 3' horizontal.
3. As soon as any portion of the filling is completed, that area shall be graded to allow for proper drainage and then seeded to minimize wind and rain erosion.
4. LaGrange Road is a private road. However, if material is tracked onto municipal owned highway, it shall be cleaned immediately or all operations shall cease. It shall also be the applicants responsibility to maintain the site in a neat and orderly manner at all times.
5. Care must be taken not to place fill on neighboring property.

The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

Next Supervisor Ringler acknowledged receipt of the Final Plat Approval for DEVONSHIRE HILLS Subdivision from the Planning Board, again for informational purposes only.

Final
Plat
Approval
Devonshire
Hills

Next was a request from David Austin, Administrator of Parks & Recreation Department. for approval of Seasonal Personnel.

Recreation Instructor III at a rate of \$7.50 per hour.

Jude Grimley
49 Forest Avenue
Albany, NY 12208

The motion was made by Ms. Galvin and seconded by Mr. Webster that at the request of David Austin, Administrator of Parks & Recreation Department, Jude Grimley, 49 Forest Avenue, Albany, NY be and she hereby is appointed to serve as Recreation Instructor III at the rate of \$7.50 per hour at the pleasure of the Town Board. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.

Next was a request from Mr. Bruce H. Secor, Commissioner of Public Works, to authorize proposed improvements to the DESD Pump Station - Rockefeller Road Primary Treatment Facilities and he would read his Memo into the record for the information of the people that are here:

MEMORANDUM

TO: Town Board Members
FROM: Bruce H. Secor, Commissioner of Public Works

DATE: October 18, 1991
 RE: DESD Pump Station - Rockefeller Road
 Primary Treatment Facilities

The existing primary treatment facilities (bar screen and grit chamber) at the main DESD pumping station at Rockefeller Road are more than 50 years old and in need of upgrading. We have investigated a number of alternatives to provide more efficient screening and grit removal.

The problems at this facility are compounded by the aging sanitary sewer infrastructure. Pieces of broken pipe, chunks of concrete and brick are being washed down the pipe lines to this station. The existing bar screen and grit chamber are inadequate for this task and require frequent maintenance and manual cleaning. Chunks of materials that pass through the bar screen cause damage to the expensive pumping equipment and additional problems in the force mains, interceptor sewer and sewage treatment plant.

The proposed improvements will provide a mechanically cleaned bar screen with a narrower bar screen opening. A modern automated grit removal system (Pista-grit unit) is also proposed to greatly improve grit removal. These new facilities will be enclosed in a new primary treatment building with loading hopper to transfer waste materials into a dump truck for disposal at sanitary landfill.

The new facilities will protect the pumping equipment and reduce some of the grit loading at the Cedar Hill sewage treatment plant.

This project was submitted to the Capital Improvement Committee. The Committee recommended this project to the Town Board. The estimated costs are \$300,000.00. Funds for this project are available in the BSD Capital Improvement Account (Major Maintenance).

Detailed plans and specifications were prepared by the consulting firm of J.K. Fraser Associates. A copy of these plans is on file with the Town Clerk.

I request that the Town Board authorize this project and advertise for competitive bids as outlined in the proposed "Notice to Bidders" (copy attached).

Please contact me if you have any questions or need any further information.

Supervisor Ringler asked if there were any questions as Mr. Secor was here. No questions were asked and the Supervisor asked if anyone would like to offer the motion to approve this project and authorize going to bid.

Authorized
 Proposed
 Improvements
 To DESD
 Pump Station
 Rockefeller
 Road and
 Going To Bid

The motion was made by Mr. Gunner and seconded by Ms. Galvin that the Town Board does hereby approve the proposal for improvements to the DESD Pump Station as outlined in Mr. Secor's Memorandum of October 18, 1991 and to advertise for competitive bids as outlined in the proposed Notice to Bidders attached. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
 Noes: None.

Executive
 Session

 The Supervisor indicated that he would entertain a motion to conduct an Executive Session to discuss a personnel matter at the end of this meeting.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that the Town Board meet in Executive Session following the close of the regular Town Board Meeting to discuss a personnel matter. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
 Noes: None.

Supervisor Ringler asked if there was anything that anyone else would like to bring to the attention of the Town Board at this time. No other business was discussed and the Supervisor indicated our students have lucked out a short meeting and they did not go to the School Board tonight.

The motion was made by Ms. Galvin and seconded by Mr. Webster to adjourn the regular Town Board Meeting at 8:07 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
Noes: None.


Town Clerk

No formal actions was taken at the Executive Session.