

TOWN BOARD  
OCTOBER 27, 1993

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Deputy Supervisor at 7:30 p.m.

PRESENT: Frederick C. Webster, Deputy Supervisor  
M. Sheila Galvin, Councilwoman  
Charles Gunner, Councilman  
Sheila Fuller, Councilwoman  
Donald DeAngelis, Esq., Acting Town Attorney  
Kathleen A. Newkirk, Town Clerk

ABSENT: Kenneth J. Ringler, Supervisor

DEPUTY SUPERVISOR WEBSTER: Okay, let's settle in, if you would please. Call together a regular Town Board meeting. Welcome the students from Bethlehem Central for their Participation in Government class. Hold it down now if you would and pay attention or you will not get credit for this.

ATTORNEY DE ANGELIS: There will be quiz at the end of the program.

DEPUTY SUPERVISOR WEBSTER: It is a little difficult for the people in the back to hear if we have any undertones so please keep the noise level down so people in the back can participate in this meeting.

Consider  
application  
proposed PRD  
Wemple  
Developers  
Route 9W and  
Wemple Road

The first item on the agenda tonight is to consider an application from Wemple Road Developers for proposed PRD at the intersection of Route 9W and Wemple Road, Glenmont, Town of Bethlehem. I think we have a couple of people here from the developers, Mr. Biscone and Mr. Neri.

MR. NERI: Yes. Many of you may recall that we were here approximately a year ago or so asking for this same proposal and I will just give you a little history so you know why we are back here again. I believe you all have a copy of the Town Planning Board decision on this matter. It indicates that although the parcel was deemed an appropriate site for a PRD, there was a question as to density. At the time that Mr. Biscone and myself were before the Planning Board, we were locked in a contract with a developer and were limited in our ability to comprise with the Planning Board and reduce that density.

Since that time, we are now out of that contract and brought back to the Board a similar proposal, however, this one has been scaled down, we believe, to meet the density requirements that came as a result of our discussions -- our numerous discussions with the Planning Board. The Planning Board was very helpful in assisting us and working with us and trying to come up with an acceptable proposal. It did come down, basically, to the density of the units on this parcel.

We have come back now with a project that has a density of 5.02 units per acre. I believe Mr. Webster disagrees with my math but I just checked it again and I think it comes out to 5.03 which is 168 units on 33.4 acres of property. You will note that there is one corner that is remaining commercial, a proposed retail project. The upper little quadrant will be part of the residential PRD.

We are asking for the Board to refer this back to the Planning Board. We are asking for the Town Board to be the lead agency as it was previously and I believe for a negative declaration. Basically it is the same proposal scaled down as a result of our meetings with the Planning Board.

Be happy to answer any questions that the Board may have regarding the proposal.

DEPUTY SUPERVISOR WEBSTER: I just had a couple of questions quickly. The recommendation back to you from the Planning Board was to go with approximately 4.5 units.

MR. NERI: No, the recommendation, I think the recommendation -- the verbals that we had back and forth at our last meeting was a compromise figure of around 5, would be acceptable. I think what this letter says, is that under the current zoning it would be no more than 4.5 dwelling units, 5.1 under the multiple.

MR. BISCONE: It is 5 under the corridor study and 4.5 under the other study, neither of which has been adopted. But, current zoning would have allowed 8 but the Planning Board wanted the 4.5 or 5 and all of the give and take, 5 was the figure that was repeated over and over again by each... the vast majority of Board members.

MR. NERI: We were trying to work with the 3 different -- the 9W corridor study, the proposed LUMAC (at the time it was the proposed LUMAC) study and trying to come up with a number that was going to meet those various lands.

DEPUTY SUPERVISOR WEBSTER: I think my numbers is a little bit off then, perhaps I will call on Mr. Lipnicky, our Planner, he has a memorandum to the members of the Board which gives us a description of what happened at the Planning Board and the requirements of the 9W corridor study or the recommendations of the 9W corridor study, the current zoning, the Planning Board recommendation and your 2 proposals. Jeff, could you...

MR. LIPNICKY: Yes. Basically, we looked at the time -- there was no exact recommendation from the Planning Board. Different Members of the Planning Board had different figures in mind in terms of what is the preferred or overall density of the site. In general, that ranged somewhere between 4.5 and 5 units per acre. If you look at the Route 9W corridor study, the Route 9W corridor study made recommendations in this area for Planned Districts but essentially said Planned Districts at no greater density than what exists now and there was a simple reason for that. And, that is that the Route 9W corridor study tried to address to a large extent future traffic problems on Route 9W and to increase densities over what currently exists don't make any sense if one of the objectives of the study was to minimize traffic generation in the Route 9W corridor area.

If you look at the existing zoning code, the existing zoning code permitted densities are 5.1 units per acre, this is most of the site -- I shouldn't say all of it but most of the site at a line at approximately here, is located in an "A" residence district which allows 5.1 units per acre. On the Route 9W draft regulations that we came up, recommended about 4.5 units per acre for the proposal here.

When we first got this back and took a look at it, and again, the Planning Board hasn't looked at this but both myself and the Chairman of the Planning Board, Mr. Barr, have looked at it and we cannot see any substantial change in this proposal versus the previous proposal. What we have here is a situation in which the number of units have been decreased by only 12 total units and although the applicant suggests there are 33 acres involved in the total parcel, there are 2 things that you should consider. 1. Is that the map that he is showing, shows a new zoning district line located over here, so what he is proposing at least on the map in which he submits is that the PRD section would be this section of the site. And, this section of the site amounts to about 30 acres so that by our calculations what we have is a unit density that is actually 5.94 units per acre. Another thing that you should bear in mind here is that when this was up before the Planning Board, the applicant had also suggested to the Board that -- suggests to the Board whether or not the Board would go for the idea of eliminating what he had previously shown as commercial use in this section of the site -- eliminate that and provide open space on that section of the site. The Planning Board at that point in time when they looked at it was not keen on that idea and to the Board... the Board considered this section to actually be the PRD. What you have to bear in mind here is that with this application for a PRD involves is only this section of the site here. Neither this section of the site nor this section

of the site are shown on the map as the PRD. So, in actuality this section and this section are not part of this proposal.

MS. GALVIN: Jeff, what is in the south west corner towards 9W? The ear on this site.

MR. LIPNICKY: Over here?

MS. GALVIN: Yes.

DEPUTY SUPERVISOR WEBSTER: That is an office proposal.

MR. LIPNICKY: The proposal here is for a small retail. It is a commercially zoned at present. But, again, that is not a part of the PRD proposal.

MS. GALVIN: It is not... it has not been changed in any way.

MR. LIPNICKY: No.

MR. NERI: That commercial will remain commercial.

DEPUTY SUPERVISOR WEBSTER: As is the top here.

MR. BISCONI: No, that is incorrect in that regard. This area up here is for the PRD under what we are proposing. That is a zoning line. This will be whited out. I just noticed that they left that zone, that is not the case. This is included into this part. The only part that is going to remain commercial is down here where it was suggested to remain commercial. This part is included in that under the figures that the architect, Martin Architects did. Their figures include that, unfortunately, I notice here that their map shows a line going there and that is not the case. This is included in that. We are giving that into the full PRD so the line should be eliminated up there. The Board never did vote on that particular matter in all of their meetings that they had.

MR. LIPNICKY: Right, there was no vote on it. My sense from the Board was that most of the Board members did not really consider this section of the site as being suitable to be included within the PRD because of its proximity to 9W and its line along Route 9W.

MR. BISCONI: The letter of application indicates the same as the numbers on the map indicate and that is that we are looking for something less than 5.1 units per acre which is what the existing zoning is.

ATTORNEY DE ANGELIS: Mr. Biscone, what are you proposing for that upper right hand corner of this parcel.

MR. BISCONI: Nothing, it will be a buffer...

ATTORNEY DE ANGELIS: Is that going to be green space?

MR. BISCONI: You see... that is going to be green space, buffer area. If they want to put in a soccer field or something they could put a soccer field up there. But, basically green space and in all probability the tree line that they show here, I think, will go through this, probably put the tree line out here. No access at all, so that will be a further buffer but a tree line here and here. There is a tree line that exists right here and then there is an abandoned building right above it, if you are familiar with the area. Then Capital Volkswagon and the old French restaurant across the street and Freuh's farm. The Freuh farm and the dairy... the old dairy farm over here. But, this would be buffer with maybe a soccer field in there or something like that. Right now they have a walk path going around this way.

DEPUTY SUPERVISOR WEBSTER: The indentation is the Starkweather property?

MR. BISCONI: I beg your pardon?

DEPUTY SUPERVISOR WEBSTER: That is where Starkweather stove is?

MR. BISCONE: Right. The stove shop is there with that former little bar now a -- I think -- a little residence.

DEPUTY SUPERVISOR WEBSTER: What happens to that section above there, Jeff, that is presently commercial and they want to include in the PRD?

MR. LIPNICKY: Well, if that was included within the PRD, I suppose at this point in time if this application went forward and was approved, it would remain as open space if that is what the applicant is proposing.

MR. NERI: It would lose its commercial standing.

DEPUTY SUPERVISOR WEBSTER: Unless the Planning Board wishes something else in there, trees or whatever, correct?

MR. LIPNICKY: Right. As... but again, as I was saying, that was discussed at the Planning Board meeting.

DEPUTY SUPERVISOR WEBSTER: Would there be any reason that that would not be acceptable as part of the PRD?

MR. LIPNICKY: Well, I think the discussion amounted to, really, what is the usefulness of that section up there along Route 9W. Along 9W doesn't make sense to have some type of recreation facility along an arterial roadway. I mean it is a parcel that is kind of sitting out there and really isn't integrated in with the site.

MR. NERI: But, it goes along with the 9W study that says you don't want... you want residential in there as opposed to commercial. So, what we are doing is giving up some commercial to keep it residential. We are trying to meet the requirements of the 9W study in putting this proposal. I think upper and lower 9W was commercial.

DEPUTY SUPERVISOR WEBSTER: Do you have any idea, Jeff, what the density would be if that upper ear were to be left in there?

MR. LIPNICKY: It would be approximately, what Mr. Biscone has suggested.

DEPUTY SUPERVISOR WEBSTER: 5.0.

MR. BISCONE: 5.02.

DEPUTY SUPERVISOR WEBSTER: You are saying 5.0.

MR. BISCONE: Less than 5.1.

DEPUTY SUPERVISOR WEBSTER: The current zoning is 5.1.

MR. BISCONE: Correct.

MR. LIPNICKY: Under the Zoning Code. Under the interim regulations it is 3.94, I believe.

MR. BISCONE: And, under PRD it is 8. I was wrong when I spoke out before.

MR. LIPNICKY: The current zoning code essentially allows 8500 square feet lots. And, under the interim regulations that was increased to 12,000 square feet.

DEPUTY SUPERVISOR WEBSTER: Any Board Members have any questions?

COUNCILMAN GUNNER: Yes, I am just curious why anybody would want to leave that lot on 9W just stand. It is a valuable lot.

MR. BISCONE: I don't think it is for several reasons.

COUNCILMAN GUNNER: Okay, I will listen.

MR. BISCONE: The first reason is is that I am convinced with having talked to several experts who were advising me on the original

application that office buildings are not in demand in this particular area nor do they foresee where they are going to be in demand in the future. Second thing is you cannot get any funding for an office building. The bank will not fund anything like that, where they will fund residential projects and they feel that residential projects are in demand and in fact, all of your insurance companies and big investors who underwrite the financing for projects are more interested in any kind of residential projects than they are in any kind of commercial project. And, in fact, they told me even the strip mall could not even be considered for any kind of financing until after you have the residential in place. We need the area for the additional land that was mentioned several times by different Board members about your lot is too small. This part of it -- we need more land somewhere, here, here, here, somewhere you have to get more land if you want that kind of size.

The experts also told me that you have to have a certain number of units in order to obtain the financing to make it a viable project so that they will underwrite the financing of the project.

Finally, the access here would be terrible. I don't know if you are familiar with that part of 9W but it does start to bend and twist, the whole road up there is a windy road. And, this starts the first bend. The access here is perfect, they put a light in since I have purchased the property so that all access would be out on Wemple Road. There will be no access out, going directly onto Route 9W which will help traffic considerably.

And, as I understand it, any access here may wind up being one way too when they get done with their project. So that you don't have anybody turning out onto 9W which would be terrific but this is -- would only be good for something like an office building and there is no demand for it and no financing available and I think you have real access problems if you start putting a driveway here, a driveway here, a roadway here, a light here and then if somebody takes that abandoned building property up here and puts another driveway, you have the whole 9W cut up. This way you will only have a driveway here, nothing coming out here and a roadway over here that is controlled by a traffic device with this entrance being just one way in.

MR. NERI: I also hate to say but it is not the prettiest part of 9W if you are familiar with that area. You have Frueh's Oil, you have the deserted building to the north, you have the falling down brick building to the south. It is not a real attractive part of 9W. As a buffer, the residential area would be removed from that.

COUNCILWOMAN GALVIN: Jeff, has the area of the lower retail ear, so to speak, been included in the calculations when determining the density? What would the density be if that retail ear were not there and were part of the PRD?

MR. LIPNICKY: It is about 3 additional acres.

MR. BISCONI: Give me the units and I will figure it out, Jeff.

MR. LIPNICKY: It is 168 units.

MR. BISCONI: Into how many acres?

MR. LIPNICKY: 37.2.

DEPUTY SUPERVISOR WEBSTER: Less than 3, isn't it?

MR. NERI: We don't have any calculators.

DEPUTY SUPERVISOR WEBSTER: Did you run out of beads?

MR. LIPNICKY: 4.3.

COUNCILWOMAN GALVIN: Is that an option that has been considered?

MR. NERI: The Planning Board was not adverse. As a matter of fact, and Jeff can correct me if I am wrong, I think they sort of wanted a retail there as a better use for that.

MR. LIPNICKY: Well, what the Planning Board -- the bottom line is really, you know, what is the usefulness of these parcels to the PRD sitting out along Route 9W adjacent to commercial uses and potential future commercial uses.

MS. GALVIN: No, but in terms of overall density. Since I have been reading over the Planning Board minutes, density was not the only consideration but density seemed to be one of the primary considerations in reaching their determination. I was not clear whether or not Mr. Biscone had taken into consideration the possibility of eliminating the retail ear and including that in the PRD.

MR. BISCONI: That was offered once and they said no.

MR. LIPNICKY: That...

MR. BISCONI: It was never really considered by anybody, nobody even suggested it and I don't think it ever really was brought up meaningfully.

MR. LIPNICKY: It was never talked about down here, it was talked about up here when it was, again, originally office use. And, a number of the Planning Board members at that point in time, again, were not of the opinion that this parcel really bore any relationship or would benefit this parcel so why...

MR. BISCONI: It would be 4.51 or something like that. Basically 4.5 if you didn't have any commercial there.

DEPUTY SUPERVISOR WEBSTER: Anyone else? The Planning Board recommendation was to look at something around 5.0, right?

MR. NERI: Right.

MR. LIPNICKY: Somewhere in the neighborhood of 4.5 to 5.0. That is correct, right.

DEPUTY SUPERVISOR WEBSTER: And, you are coming back now...

MR. BISCONI: 5.0.

DEPUTY SUPERVISOR WEBSTER: 5.0 including that upper ear. Without that upper ear you are looking at about 5.5, correct?

MR. BISCONI: Yes, but we are including that upper ear. That is an error and it doesn't coincide with the numbers that the man put there. Why he put the line there I don't know.

DEPUTY SUPERVISOR WEBSTER: Well, we didn't draw now.

MR. BISCONI: No, Martin put it in there, in Philadelphia. You have to watch those people from Philadelphia. But, the letter states, I believe, states it... the letter of introduction and also the numbers that he computed, not myself, state that it would all be in the PRD except for the commercial. I think he left that line there because that is the way it was on his old computer when he was doing it the other way putting an office building up there on the top. Every other plan, including the original one that I submitted here, I believe, had an office building up here and he always had a line going across there. I think he just neglected to take that top line out. But, all his calculations and numbers reflect that.

DEPUTY SUPERVISOR WEBSTER: Did the original proposal have an office building up there, Jeff?

MR. LIPNICKY: Yes.

MR. BISCONI: Oh, yes.

DEPUTY SUPERVISOR WEBSTER: For the proposal that the Planning Board looked at did have that as a piece of commercial with an office on it.

MR. LIPNICKY: That is correct.

MR. BISCONE: Yes, that is what the original had, yes. In fact, even the one, I think, that may have got turned down had it on it. Yes, even the one that they voted to turn down that they sent the letter back you had the office building up there, the last one.

DEPUTY SUPERVISOR WEBSTER: So, without this... without the office building on, this would be a fresh concept, correct?

MR. LIPNICKY: Well, neither Martin nor myself view it that way. Both Martin and myself view it as the same proposal that was originally submitted. It's, you know, to us it's really just a slight of hand to throw in this section of it to, at least mathematically, bring down the density. We don't see any relationship between this parcel that sits out here and the rest of the site.

DEPUTY SUPERVISOR WEBSTER: Rather than delete a housing unit, he has deleted an office unit.

COUNCILWOMAN GALVIN: Yes.

DEPUTY SUPERVISOR WEBSTER: Increasing the land mass, correct?

MR. NERI: No, we deleted...

MR. LIPNICKY: But, the office unit was not part of the original proposal here.

COUNCILWOMAN GALVIN: Jeff, I thought you just said it was. I thought you just said that an office building on that upper ear was a part of the original proposal?

MR. LIPNICKY: Well, let me clarify what I mean by that. It was on the original map that was submitted but what we have here is an application for a Planned Residence District and an office structure cannot be located in a Planned Residence District.

COUNCILWOMAN GALVIN: And, that is why it has been eliminated from the area that is now supposed to be included in the PRD.

MR. LIPNICKY: Right, exactly. What he is doing...

COUNCILWOMAN GALVIN: So, that is a major change.

MR. NERI: But, that is not a slight of hand.

COUNCILWOMAN GALVIN: No, it is a major change.

MR. LIPNICKY: We don't view it that way.

MR. NERI: We also reduced the number of units. That is not mentioned. But, we did not just take out the office building and say recalculate it. We took out the office building and several other units also so that we could bring the numbers down.

DEPUTY SUPERVISOR WEBSTER: You eliminated 1 building, is that right?

MR. BISCONE: Throughout the course of this, I think it started at 200, went to 186, went to 168 and we have eliminated a building and also tossed in whatever the 2.3 or whatever the acreage is for the top part up there.

DEPUTY SUPERVISOR WEBSTER: No, I mean between your last plan and this plan. So, between the prior plan that the Planning Board recommendation, you have eliminated 1 building and you have done away with the office complex and added that commercial zone into the PRD.

MR. BISCONE: Yes.

DEPUTY SUPERVISOR WEBSTER: As part of the PRD.

MR. BISCONE: Yes, correct. It will never be commercial again.

DEPUTY SUPERVISOR WEBSTER: So the land mass is increased by that amount of...

MR. BISCONE: Correct.

COUNCILWOMAN GALVIN: Given those changes, I think we have to send this over to the Planning Board for review.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to refer the application, with changes, from Wemple Road Developers for a Planned Residential District to the Planning Board of the Town of Bethlehem for review and recommendation. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Ringler.

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MR. BISCONE: I think you need another resolution for...

COUNCILWOMAN GALVIN: A neg dec, lead agency.

MR. BISCONE: Lead agency and negative declaration. I think you did it a year and a half ago. There were just two repetitive...

DEPUTY SUPERVISOR WEBSTER: We do not have a resolution.

TOWN CLERK NEWKIRK: They did not give that to me.

DEPUTY SUPERVISOR WEBSTER: They were not drafted, they were not included in the package.

ATTORNEY DE ANGELIS: We have no information on that.

TOWN CLERK NEWKIRK: Jeff would have to prepare that.

MR. BISCONE: I think it was just a regular motion just like she made for that. That was how it was done.

COUNCILWOMAN GALVIN: We can't do that without him.

MR. LIPNICKY: To give a negative dec at this point in time, there has been environmental assessment form done.

ATTORNEY DE ANGELIS: You can't really, you don't have the basis for it.

MRS. FULLER: You can't do that.

MR. BISCONE: It is an unlisted action or something... they passed a resolution a year and a half ago indicating that they would be the lead agency -- continue to be the lead agency and that it was an unlisted action.

COUNCILWOMAN GALVIN: We can't do that without the recommendation and the material that would be submitted from Jeff.

ATTORNEY DE ANGELIS: I think you need the backup on that really.

COUNCILWOMAN GALVIN: We need that environmental information before we can do that.

MR. LIPNICKY: The only thing that we have is this map at this point in time for this application.

ATTORNEY DE ANGELIS: You have no environmental information at all.

MR. LIPNICKY: No.

ATTORNEY DE ANGELIS: It is kind of hard to make a neg dec without some environmental information.

DEPUTY SUPERVISOR WEBSTER: Yes.

COUNCILWOMAN FULLER: You can't.

COUNCILWOMAN GALVIN: No.

ATTORNEY DE ANGELIS: Right.

MR. BISCONE: How about your lead agency?

DEPUTY SUPERVISOR WEBSTER: Well, there really isn't any purpose for us to do that. We might just as well -- I would suggest we probably table it to the next meeting.

MR. LIPNICKY: We can't do anything on that until you have an environmental assessment form that goes with that to even declare yourselves lead agency or to start that process.

DEPUTY SUPERVISOR WEBSTER: Okay, without the proper papers, entertain a motion to table until the next meeting.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to table any environmental action until the next meeting. The motion was passed by the following vote:

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

Seminar -  
Provider  
Role  
Senior Cit.  
Services

DEPUTY SUPERVISOR WEBSTER: Hold it down please. The next item on the agenda is a request from Karen Pellettier, Director of Senior Citizens Services, for approval of 2 Senior Citizens Services employees to attend the Provider Role in Empowering Older New Yorkers toward Optimum Health to be held November 29, 1993 at Albany, NY with registration fee paid.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approve the attendance of 2 Senior Citizens Services employees at the Provider Role in Empowering Older New Yorkers toward Optimum Health to be held November 29, 1993 at Albany, NY with registration fee paid. The motion was passed by the following vote:

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

Seminar  
Leadership  
Training  
Communications  
Supervisor

DEPUTY SUPERVISOR WEBSTER: Next item is a request from Chief Richard LaChappelle for approval of Communications Supervisor Bartkus to attend a training seminar on Leadership, Supervisor and Mentoring Skills for Women to be held December 7, 1993 at Albany, NY with registration fee paid and transportation by Town vehicle.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approve the attendance of Communications Supervisor Bartkus at a training seminar on Leadership, Supervisor and Mentoring Skills for Women to be held December 7, 1993 at Albany, NY with registration fee paid and transportation by Town vehicle. The motion was passed by the following vote:

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

DEPUTY SUPERVISOR WEBSTER: Next item is a request from David Austin, Administrator of Parks & Recreation for appointment of seasonal personnel. One Recreation Instructor I, Judy Hasselbach of Delmar.

Appoint  
Seasonal  
Personnel  
Parks &  
Rec. Dept.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the appointment of seasonal personnel as per the recommendation of David Austin, Administrator of Parks & Recreation as follows:

Recreation Instructor I  
Judy Hasselbach  
Delmar, NY.

The motion was passed by the following vote:

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

DEPUTY SUPERVISOR WEBSTER: Next item is to adopt a resolution of Poll Clerk and Election Inspector as recommended by the Town of Bethlehem Republican Committee.

Resolution  
Poll Clerk  
and  
Election  
Inspector

TOWN CLERK NEWKIRK: And, we had to add one.

DEPUTY SUPERVISOR WEBSTER: All right. We do have an addition.

TOWN CLERK NEWKIRK: The current Poll Clerk cannot serve and Graham Redmond will be appointed.

DEPUTY SUPERVISOR WEBSTER: Graham Redmond, 1 Pine Street, will replace Mrs. Washburn, is it?

TOWN CLERK NEWKIRK: Mr. and Mrs. Washburn. That just happened late this afternoon.

DEPUTY SUPERVISOR WEBSTER: Is this an illness problem or?

TOWN CLERK NEWKIRK: Yes, I believe so.

The following resolution was offered by Mr. Gunner and seconded by Mrs. Fuller:

RESOLVED, that in accordance with Election Law, Article 3, the following persons be and they hereby are appointed as Election Inspector and Poll Clerk for the Town of Bethlehem on Election Day November 2, 1993, as recommended by the Republican Committee:

Election Inspector - Dist. 10, Patricia Hahn, 10 Pine St.,  
Albany, NY

and

Poll Clerk Dist. 9 - Mark Bryant, 158 Winne Road, Delmar, NY

Poll Clerk - Graham Redmond, 1 Pine St., Albany, NY will  
replace the Washburns.

The resolution was adopted by the following vote:

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

DEPUTY SUPERVISOR WEBSTER: The next item is a request from Town Clerk, Kathleen Newkirk.

October 27, 1993

Supervisor Kenneth J. Ringler, Jr.  
and  
Town Board Members  
445 Delaware Avenue  
Delmar, NY 12054

Resolution  
Voting  
Machine  
Display

Dear Supervisor Ringler and Board Members:

The Albany County Board of Elections has notified this office that a voting machine display with regard to the General Election to be held November 2, 1993 must be held on October 28, 1993 from 9 a.m. until 2 p.m.

Request is hereby made to approve the attached resolution regarding the display, Election Inspectors and payment of the Inspectors. The display will be held in Room 107 at Town Hall.

Thank you in advance for your consideration of this request.

Sincerely,

/s/ Kathleen A. Newkirk  
Town Clerk

- - -

DEPUTY SUPERVISOR WEBSTER: They are Fran Clouse, the Republican and Marilyn Picarazzi.

TOWN CLERK NEWKIRK: No, Mrs. Picarazzi is ill.

DEPUTY SUPERVISOR WEBSTER: I am sorry. Mrs. Picarazzi is also ill and being replaced by Maurie Flanigan of 23 Kilmer Court, Delmar.

The following resolution was offered by Ms. Galvin and seconded by Mr. Gunner:

RESOLVED, that in accordance with Election Law Article 7, Section 7-130, the date of October 28, 1993 between the hours of 9:00 a.m. and 2:00 p.m. is set whereby a voting machine showing the candidates to be voted on at the General Election, November 2, 1993 will be exhibited at the Town Hall, Room 107, 445 Delaware Avenue, Delmar, NY, and

BE IT FURTHER RESOLVED, that the following persons will serve as Election Inspectors during the hours the voting machine will be on display October 28, 1993 and that they be compensated at the rate of \$6.25 per hour:

Fran Clouse	Republican
Whitehead Street	
Selkirk, NY 12158	

AND

Maurie Flanigan	Democratic
23 Kilmer Court	
Delmar, NY 12054	

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

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COUNCILMAN GUNNER: I have a question on that. Will that be all set up and can it be used in action at all?

TOWN CLERK NEWKIRK: Yes.

COUNCILMAN GUNNER: It can?

TOWN CLERK NEWKIRK: Yes. It will be set up with strips on the front so you can see the face of the machine as it will appear and it will be operable.

COUNCILMAN GUNNER: And, the people can operate it?

TOWN CLERK NEWKIRK: Yes.

COUNCILMAN GUNNER: Or, they can have it operated?

TOWN CLERK NEWKIRK: Yes.

COUNCILMAN GUNNER: Thank you.

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DEPUTY SUPERVISOR WEBSTER: The next item, actually it is the next 3 items is a memorandum from Gregg Sagendorph, Superintendent of Highways.

October 21, 1993

Bethlehem Town Board  
445 Delaware Avenue  
Delmar, NY 12054

Dear Board Members:

I respectfully request permission of the Town Board to advertise for and received bids on the following 3 items. Advertisement for all items would be on November 3, 1993 and bid openings would be as follows:

<u>COMMODITY</u>	<u>BID OPENING</u>
Uniform Rental	11/16 at 2:00 p.m.
Tree Work	11/16 at 2:15 p.m.
Biodegradable Bags	11/16 at 2:30 p.m.

Go To Bid  
Uniforms  
Biodegradable  
Bags  
Tree Work  
Highway Dept.

Thank you for your consideration.

Very truly yours,  
/s/ Gregg A. Sagendorph  
Superintendent of Highways

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The following resolution was offered by Ms. Galvin and seconded by Mrs. Fuller:

WHEREAS, the Town desires to advertise for bids for Uniform Rental, Highway Department, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 3rd day of November 1993 and that bids be received up to 2:00 p.m. on the 16th day of November 1993 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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The following resolution was offered by Ms. Galvin and seconded by Mrs. Fuller:

WHEREAS, the Town desires to advertise for bids for Tree Work, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 3rd day of November 1993 and that bids be received up to 2:15 p.m. on the 16th day of November 1993 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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The following resolution was offered by Ms. Galvin and seconded by Mrs. Fuller:

WHEREAS, the Town desires to advertise for bids for Biodegradable Bags, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 3rd day of November 1993 and that bids be received up to 2:30 p.m. on the 16th day of November 1993 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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DEPUTY SUPERVISOR WEBSTER: The next item is a memorandum from Michael Cirillo, Engineering Services Administrator, regarding the Brookhill Subdivision substitute bonding.

MEMORANDUM

TO: Members of the Town Board  
FROM: Michael J. Cirillo, P.L.S.  
Engineering Services Administrator  
DATE: October 22, 1993  
SUBJECT: Brookhill Subdivision - Substitute Bonding

Mr. David Quadrini by letter dated October 19th addressed to the Town Supervisor, requested to substitute a cash deposit escrow account for an existing Irrevocable Letter of Credit. The existing Irrevocable Letter of Credit No. 476A was issued by National Savings Bank on December 31st naming the Town of Bethlehem as beneficiary. The aggregate amount of the bonding is \$20,550. and expires on December 31st of 1993.

Inasmuch as the proposed substitute bonding is not decreasing the current aggregate amount of \$20,550 and that this method of bonding has previously been used by the Town, I see no reason which would prohibit granting the request.

Details are to be worked out with the Comptroller's office.

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DEPUTY SUPERVISOR WEBSTER: Counselor, any problems with those.

ATTORNEY DE ANGELIS: No.

DEPUTY SUPERVISOR WEBSTER: Cash has been received?

Authorize TOWN CLERK NEWKIRK: Yes it has.

Cash Escrow DEPUTY SUPERVISOR WEBSTER: Any questions? There were none.

Account in lieu of Irrev. Letter of Credit  
Brookhill Subd. The motion was made by Ms. Galvin and seconded by Mrs. Fuller to authorize the cash escrow account in lieu of the Irrevocable Letter

of Credit in the amount of \$20,550 for the Brookhill Subdivision from David Quadrini. The motion was passed by the following vote:

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

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 DEPUTY SUPERVISOR WEBSTER: Next item is a memorandum from Lieutenant Richard Vanderbilt, Chairman of the Traffic Safety Committee.

M E M O R A N D U M

DATE: October 22, 1993  
 TO: Members of the Town Board  
 FROM: Lt. Richard Vanderbilt, Chairman  
 SUBJECT: Stop Intersections, Fernbank Avenue

Since 1992, the Traffic Safety Committee has been addressing the concerns of many residents of Fernbank Avenue in regards to their perceived traffic problems. The two major issues addressed by the residents were: speed and a heavy traffic volume. In our studies of the situation, we found that on many days in the summer there were more than 1,400 cars per day travelling the road. Counts as recently as October 19, showed 1,000 cars per day. Our speed checks, however, failed to show any significant speed problem. The residents were relentless in their assertion that the best way to satisfy their concerns was to install stop signs at the intersection of Fernbank and Brookside Drive. This would make this "T" intersection a 3-way stop.

Contrary to the guidelines of the manual for traffic control, but to address the sincere concerns of the residents, the Committee voted at today's meeting to recommend the designation of this intersection as a stop intersection for traffic on Fernbank Avenue. The motion approving this however, provided for the continuing collection of data during the next 12 months and a re-evaluation of the traffic flow/problems at that time to determine if any improvement was made or if a recommendation should at that time be made to remove the stop signs.

The Committee, therefore, recommends the amendment of Section 119-33 of the Bethlehem Code to include placing a "Stop Sign on Fernbank Avenue for both directions of traffic at Brookside Drive".

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 DEPUTY SUPERVISOR WEBSTER: Are there any questions?

COUNCILMAN GUNNER: Is that 12 months -- is anybody here from the Traffic Safety Committee?

DEPUTY SUPERVISOR WEBSTER: Yes, Mrs. Capone is.

MRS. CAPONE: Yes, it is a 1 year. We are going to do it for 1 year to see if it works.

COUNCILMAN GUNNER: I realize that. My question is is that critical. Is 6 to 9 months sufficient?

MRS. CAPONE: We wanted to be fair. One year, that way you have all the seasons because in the summer, they have more traffic than in January. To give exactly, precisely, everything it is going to be 12 months.

COUNCILMAN GUNNER: Well, if you want 6 months from now and you already have 5 months, I assume, summertime, you got it.

MRS. CAPONE: We want to work it just so.

COUNCILMAN GUNNER: Oh, I see, without the signs.

MRS. CAPONE: Okay.

COUNCILMAN GUNNER: Okay.

DEPUTY SUPERVISOR WEBSTER: If everyone is in agreement, we could advertise on November 10th and have a public hearing on the 24th, if everyone is in agreement.

COUNCILMAN GUNNER: Yes.

Set Public  
Hearing  
Amend Traffic  
Code-Stop Sign  
Fernbank Ave  
and  
Brookside Ave.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to set a public hearing to amend Section 119-33 of the Bethlehem Town Code regarding a Stop Intersection at the corner of Fernbank Avenue and Brookside Drive. The motion was passed by the following vote:

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

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DEPUTY SUPERVISOR WEBSTER: Okay, we will advertise on November 10, 1993 and hold a public hearing on November 24th at 7:30 p.m. if there is anyone here who is interested in this particular issue. Any questions? There were none. Thanks Mr. Rosen.

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Appoint  
Democratic  
Machine  
Custodian

DEPUTY SUPERVISOR WEBSTER: Next item on the agenda is a letter from Matthew J. Clyne, Chairman of the Bethlehem Democratic Committee advising that William F. McGarry has been appointed by the Democratic Committee to act as Voting Machine Custodian for the Democratic Party. He will replace Robert Tucci who will be unavailable to assist with the preparation of the machines. Mr. McGarry's appointment should be made effective immediately.

Is there any questions? There is a small problem here, the setup of the... Mr. McGarry has not been trained and probably will not be trained until the next class takes place which will... I think is probably sometime early in the year.

TOWN CLERK NEWKIRK: In the spring usually.

DEPUTY SUPERVISOR WEBSTER: In the spring. Many of these machines have already been setup and... so there will be a problem on compensation for the setup of the machines. The... our schedule calls for \$15 per machine for the custodians and the machines have to be delivered on Friday so the setup of the machines commenced about a week ago. And, Glenn Hammond has been doing all of the work on it, so I think we should consider the fees and how they should be properly distributed because one man is doing it alone. I know he had to take personal time off to get them in there proper form. They do have to be out Friday, because they have to be in the polling places 24 hours before and so they could not be delivered on Monday, they have to be delivered on Friday. So, there will be something here with regards compensation. We will have to adjust the compensation for these.

COUNCILWOMAN GALVIN: How is the compensation set, Fred?

DEPUTY SUPERVISOR WEBSTER: \$15 per machine, per district.

COUNCILWOMAN GALVIN: How is it set, though? Is there any statutory regulation on setting of this?

DEPUTY SUPERVISOR WEBSTER: We set it with our resolution in accordance with the Election Law for the fees for Inspectors, Chairman, Poll Clerks.

COUNCILWOMAN GALVIN: That's what I mean, my question is -- is it in accordance with the Election Law?

DEPUTY SUPERVISOR WEBSTER: Yes. We did talk with Cathy Rogowski at the Board of Elections and she said the payment of fees is the discretion of the Town Board. So, we can compensate one person for a part of... say for a larger amount than we put in the proposal of \$15

for part of the machinery and adjust it with however many machines are left when this man comes in.

COUNCILWOMAN GALVIN: Don, have you verified that that is acceptable under the Election Law?

ATTORNEY DE ANGELIS: I have not checked the Election Law on that. I would be happy to do that.

COUNCILWOMAN GALVIN: Before we do it, I would like to have that checked.

DEPUTY SUPERVISOR WEBSTER: We can... this doesn't have to be decided tonight.

COUNCILMAN GUNNER: It seems reasonable not to pay him if he hasn't done the work.

DEPUTY SUPERVISOR WEBSTER: Yes, I just wanted to bring that point up this evening. The setting of it, we can do at some later date.

TOWN CLERK NEWKIRK: I can ask for that in writing from the Board of Elections.

DEPUTY SUPERVISOR WEBSTER: Yes.

ATTORNEY DE ANGELIS: That would be fine.

COUNCILWOMAN GALVIN: Yes.

DEPUTY SUPERVISOR WEBSTER: Okay, that would be fine. Motion to appoint Mr. McGarry.

COUNCILMAN GUNNER: What is the motion?

DEPUTY SUPERVISOR WEBSTER: The motion will be to appoint Mr. McGarry as the Democratic Voting Machine Custodian, effective immediately.

COUNCILMAN GUNNER: Who made the motion?

DEPUTY SUPERVISOR WEBSTER: No one yet.

COUNCILMAN GUNNER: Okay. I guess what I want to know is that... I probably could go for it if we say that reimbursement will be settled at a later date with what is proper, equal and fair.

DEPUTY SUPERVISOR WEBSTER: That is fine.

The motion was made by Mr. Gunner and seconded by Ms. Galvin to appoint William F. McGarry, Jr., 17 Mullens Road, Slingerlands, NY to the position of Voting Machine Custodian with reimbursement to be determined at a later date. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

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DEPUTY SUPERVISOR WEBSTER: The next item on the agenda is a resolution:

RESOLVED that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Poll Clerks as recommended by the Democratic Committee for term beginning July 15, 1993 and ending July 14, 1994 as per the attached list. I don't know if you have... do you all have a copy of that list?

Appoint  
Democratic  
Poll Clerks

TOWN CLERK NEWKIRK: They do, I gave it to them with the agenda.

DEPUTY SUPERVISOR WEBSTER: Okay.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to appoint the Democratic Poll Clerks as per the recommendation of the Democratic Committee as per the list attached to the resolution. The motion was passed by the following vote:

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

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 DEPUTY SUPERVISOR WEBSTER: And that completes the agenda. I would like a motion for conducting an Executive Session immediately following.

The motion was made by Mr. Gunner and seconded by Ms. Galvin to conduct an Executive Session following the closing of the regular Town Board meeting. The motion was passed by the following vote:

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

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 DEPUTY SUPERVISOR WEBSTER: Anything anyone would like to bring up from the floor? Any questions? Students in government, no questions.

TOWN CLERK NEWKIRK: Somebody in the back.

YOUNG MAN: Are there any more agendas?

DEPUTY SUPERVISOR WEBSTER: You may have a copy of the agenda.

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 MR. DE FAYO: Thank you. I saw you taking care of young people who are much more important than I am.

DEPUTY SUPERVISOR WEBSTER: They just kind of took over.

MR. DE FAYO: I just wanted to come here.

TOWN CLERK NEWKIRK: State your name, please?

MR. DE FAYO: Yes, my name is Vincent DeFayo, 41 Constitution Drive. I just wanted to say, my wife and I bought a town home in Chadwick Square in the end of July and unfortunately, my wife had a terrible accident August 13th. And, that is why I am here addressing the Board.

My daughter, who is 20 years of age, I wasn't home that day she fell from the ceiling and broke her vertebra in the back of the neck -- I don't want to get into particulars but I came here to talk to you about 2 policemen on your fine force who did an outstanding job as they came. Mr. Ray Linstruth.

DEPUTY SUPERVISOR WEBSTER: Ray Linstruth.

MR. DE FAYO: They wrote the name on and I really couldn't... and I think it was a Bob Becker.

DEPUTY SUPERVISOR WEBSTER: Keith Becker.

MR. DE FAYO: Keith Becker. Okay, they wrote Mr. Becker. And, they arrived at the scene. My daughter said she had just dialed the emergency number and I might say there is a need for 911. We came from an area of 911, please... But, anyway. We happened because we are kind of safety conscious and I do work out of Town and I don't get back until late in the evenings -- they do have emergency numbers and she being 20, she is pretty astute at that. She said they were there within 2 minutes.

Police  
 Officers  
 Commended

I know you have the substation on 9W and I thank you for that. I am sure that's maybe where they were, it seemed like she said it seemed like Dad, they were around the corner. They did the proper medical care and they were very much concerned. And, I did go to the Police station the next day and thank them. But, that... the story doesn't end there, the officer -- which one it was, I don't honestly know -- called the house. My wife was in the hospital for 4 days and you can imagine what is going on -- you just move into a house and all hell breaks loose. And, so anyway, he did call to find out how she was and ask for her concern. Your emergency medical team, your ambulance corps, wonderful. I can't say enough. I thank you folks, if that is an example of how living here in the Town of Bethlehem is going to be, I thank you again. Thank you very much.

DEPUTY SUPERVISOR WEBSTER: We certainly hope so. Let me just address your concerns on 911. 911 is in progress. As a matter of fact, we are going to be a principal answering point for 911, one of 5 in the County. That was scheduled to go on line in the last quarter of 1993, but it will not go on until probably some time in late first quarter of probably second quarter of 1994. Watch your phone bill because they are taking 35 cents out now.

MR. DE FAYO: But, you know, when you are new to an area, and you don't have the book and you didn't get the book with all the numbers and a fireman came over and asked for a contribution -- which I gladly give volunteer firemen, believe me -- and he gave me the nice sticker with the phone number. Now we have it on each phone but when you are new to an area, you don't expect an accident 2 weeks later and the only thing we remember coming from down south where we came from was 911. It is easy, it is affordable.

DEPUTY SUPERVISOR WEBSTER: Well, you are in a nice area and if you ever have a problem, he is not here so I can speak on his behalf, the Supervisor lives right around the corner from you on the Court.

MR. DE FAYO: I know where he lives. I made a bid on his house, yes, I did. Thanks a lot.

DEPUTY SUPERVISOR WEBSTER: Stop in and see him any time day or night.

MR. DE FAYO: Okay, thank you.

DEPUTY SUPERVISOR WEBSTER: Sir, how is your wife now?

MR. DE FAYO: Fine, thank you, sir.

MRS. CAPONE: Fred, would you consider informing Mr. LaChappelle what happened?

DEPUTY SUPERVISOR WEBSTER: I certainly will, he will get a copy of these minutes.

COUNCILMAN GUNNER: I would like to go a little further. I would like to make a motion commending the 2 police officers. It isn't often we have people come to a meeting to make that kind of a thing, so I think I would like a commendation for the police officers and also with a copy of the minutes.

DEPUTY SUPERVISOR WEBSTER: I think that is very proper. I think I would like to have a copy sent to the homeowner also.

MRS. CAPONE: You know, I have been here 12 years and I have never seen it.

COUNCILMAN GUNNER: I would also commend the man that had the desire to come in and do it. As a matter of fact, that should be in it.

DEPUTY SUPERVISOR WEBSTER: Yes.

COUNCILMAN GUNNER: That should be in there to thank him for letting us know.

DEPUTY SUPERVISOR WEBSTER: Thank you.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to adjourn the regular Town Board meeting at 8:30 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Ringler.

*Kathleen A. Newkirk*  
Town Clerk

Executive  
Session

EXECUTIVE SESSION

There was no formal action at the Executive Session.