

TOWN BOARD
SEPTEMBER 8, 1999

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

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

SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. I would ask you all to join us in our pledge of allegiance.

The first item on tonight's agenda is a public hearing for proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Stop Signs on Gales Drive at Daniel Street and Trumpeter Place at Daniel Street. Ask the Clerk to read the call of the hearing.

Public Hearing
Stop signs on
Gales Drive
at Daniel Street

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, Albany County, New York on the 8th day of September, 1998 at 7:30 p.m. to consider proposed Local Law No. 6 of 1999, Amending the Code of the Town of Bethlehem as follows:

ADD: A stop intersection as follows:

Gales Drive at Daniel Street and Trumpeter Place at Daniel Street.

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

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

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

State of New York)
County of Albany)

CHRISTINE BREEDEN of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 25 day of August 1999.

/s/ Christine Breeden

Sworn to before me this 25th day of August 1999.
/s/ Kathryn Olsen
Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on August 25, 1999, a Notice of Public Hearing, a

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

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
3rd day of September 1999.
/s/ Catherine T. Picarazzi
Notary Public

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

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

Noes: None.

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SUPERVISOR FULLER: Those wishing to speak in favor. Mr. and Mrs. Berke.

MR. BERKE: I'm Stuart Berke. I live at 48 Daniel Street in Slingerlands in the neighborhood of the proposed signs. And, I think I speak for my wife and our son, we are very gratified that the Town has elected to modify their... this ordinance and install the 2 signs that are going to be considered tonight.

However, that still doesn't correct the more overriding problem which are the sight line distances on old Daniel Street which we testified about back on January 14, 1998 at another public hearing. And, we subsequently met with the Town Traffic Safety Committee on June 14th through the good auspices of Supervisor Fuller and we are hopeful that the Town will continue to move forward with an engineering solution to the sight line distances on old Daniel Street.

With that, and I want to make this as abbreviated as possible, that... by the way, the Traffic Safety Committee meeting, I think was a very productive meeting. There was a lot of good dialogue and we are very pleased. We sort of all took the summer off, it's now the fall. It's... kids are back in school. Our son is starting kindergarten on Monday at the Slingerlands Elementary School and we're hopeful... we'd like to kind of see this through. This has now been a year and a half process and we're anxious to move forward with our neighbors and with the Town, with the assistance of the Engineering Department, to find a permanent solution to... with what, apparently everyone has agreed to, is a sight line problem on old Daniel Street.

I just want to introduce for the record, some suggestions that my wife and I made to the traffic... to the Members of the Traffic Safety Committee. I don't believe I have enough copies to go around and I am not going to bore everybody with reading all of this but if...

SUPERVISOR FULLER: I can make copies for everyone.

MR. BERKE: I've got 5 or 6 copies. That's all I was able to print. And, unless my wife has anything to add on... we're certainly in support of these additional signs, as well as, any other long term engineering solution to the problems on Daniel Street. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. BERKE: This is probably a stupid question but any sense... I know all of this is a fairly long process, any sense of any time line that you are looking at?

SUPERVISOR FULLER: Not off the top of my head, I don't have one for you but I can check. Traffic Safety meets Friday of this week but

they have not met in July and August so this will be their first meeting.

MRS. BERKE: So, if we were to touch base with you...

SUPERVISOR FULLER: I'll give you a call.

MR. BERKE: Or with Mr. Eck?

SUPERVISOR FULLER: Check with Engineering.

ATTORNEY KAPLOWITZ: Mr. Berke, where's the sight line problem on Daniel Street?

SUPERVISOR FULLER: Right at the cul-de-sac.

ATTORNEY KAPLOWITZ: Which end, Caldwell or...?

MR. BERKE: Yes, it's on old Daniel by the old... by the original cul-de-sac. In both... there's both an elevation problem, as well as, a sight line problem. It's really a dog leg.

ATTORNEY KAPLOWITZ: It's down at your end rather than the other end.

MR. BERKE: At our end, right.

ATTORNEY KAPLOWITZ: I never quite get that far.

MR. BERKE: Pardon.

ATTORNEY KAPLOWITZ: I never quite get that far.

MR. BERKE: Well, you never go past Rick's house, that's true.

ATTORNEY KAPLOWITZ: That's right.

SUPERVISOR FULLER: Okay, I will give you a call and we'll...

MRS. BERKE: Thank you.

SUPERVISOR FULLER: ...keep in touch on this. Thank you for your patience it was a fluke that Mr. Berke happened to mention to me one day that nothing ever happened. I thought it was all resolved. So, we're back dealing with it again and this time we'll bring it to fruition for you. Thank you.

MR. BERKE: Thank you.

SUPERVISOR FULLER: Anyone wishing to speak in opposition? No. Okay. May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to close the public hearing at 7:35 p.m. The motion was passed by the following vote:

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

Noes: None.

Kathleen G. Newkirk
Town Clerk

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

Adopt Local Law No. 6 obtaining to stop sign
The Supervisor asked for a motion to adopt Local Law No. 6 of 1999 approving the amendment of the Town Code pertaining to Stop Signs.

The motion was made by Ms. Burns and seconded by Mrs. Davis to approve the adoption of Local Law No. 6 of 1999 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Schedule 119-33, Stop Intersections, on Gales Drive at Daniel Street and Trumpeter Place at Daniel Street. The motion was passed by the following vote:

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

Councilman Johnson commented that the signs at Daniel and Trumpeter made sense and Daniel and Gales made sense but when he went down to the next street between Gales and Guillane, it looked like about the same set up as Daniel Street. He said he did not know if that had been considered or not or if the Traffic Safety Committee looked at that when they looked at the others. Councilman Davis said she thinks part of it is a newer street and intersection.

Request from Chief of police alternate School Crossing Guard
The next item was a request from Chief of Police, Richard LaChappelle, for approval of appointment of an alternate School Crossing Guard effective immediately.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the appointment of Raymond Ruff, 38 Elsmere Avenue, Delmar, New York to the position of alternate School Crossing Guard, effective immediately.

Councilman Burns inquired as to the fact that there was no date of birth on the application for this person and she wondered if he was a retiree. Chief LaChappelle said he was a retiree. Councilman Davis noted in applications, you do not have to have the date of birth and noted you are not supposed to ask their age. Chief LaChappelle said for the police they do not, however, the Civil Service application has information that does not apply to the police positions.

Attorney Kaplowitz asked what the hourly rate was. Supervisor Fuller said \$29.58. Attorney Kaplowitz said that was per day. Comptroller Kehoe said \$7 something and it is for 3 hours. Chief LaChappelle said there is a morning and afternoon session.

The motion was passed by the following vote:

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

Request from Chief of Police appoint School Crossing Guard
The following item was a request from Richard LaChappelle, Chief of Police, for approval of appointment of School Crossing Guard effective immediately at a rate of \$29.58 per day.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the appointment of Hugh Tuohey, Delmar, New York to the position of School Crossing Guard at a rate of \$29.58 per day effective immediately.

Councilman Davis noted Mr. Tuohey has been a volunteer with the seniors and has been one for a long time. She said he is a very responsible man and she believes he will do a very effective job.

Councilman Burns was wondering if this was a new intersection. Chief LaChappelle said this was a replacement position. Ms. Burns

asked if someone resigned or what. Chief LaChappelle said the person found full time employment.

Councilman Johnson said he agreed with Councilman Davis, that Hugh was a marvelous gentleman.

The motion was passed by the following vote:

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

Noes: None.

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

The motion was made by Ms. Burns and seconded by Mr. Johnson to approve the appointment of seasonal personnel as requested by David Austin, Administrator, Parks & Recreation Department, as listed in his Memorandum dated September 8, 1999 at the titles and rates indicated. The motion was passed by the following vote:

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

Noes: None.

Parks and
Recreation
approval
of seasonal
personnel

The next item was a request from Superintendent of Highways, Gregg Sagendorph, for authorization of the Supervisor to sign a resolution pertaining to a grant application for reimbursement of covered costs associated with construction of the Yard Waste Composting facility on Feura Bush Road. Supervisor Fuller asked for a motion to approve and to congratulate the Board, Mr. Sagendorph and Mrs. Fisher on getting the Town of Bethlehem out ahead of everyone else in applying for these grants. Mr. Sagendorph said he thought the last paragraph of his Memorandum summed it up, commending the Supervisor and Town Board for their foresight and initiative in implementing this project. Councilman Davis noted several residents have commented about the new facility and they are very pleased. She also mentioned the employee, Mr. Linskoog, noting he is an asset at the location. Mr. Sagendorph said he is doing a very good job and it is a clean operation.

Highway
Superintendent
request to sign
resolution
pertaining to
grant applicatio
for Composting
Facility

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to adopt the following resolution:

RESOLUTION

Resolution Authorizing the Filing of an Application for a State Grant-In-Aid for a Municipal Waste Reduction and/or Recycling Project and Signing of the Associated State Contract, Under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the Town of Bethlehem, 445 Delaware Avenue, Delmar, NY 12054, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED BY the Town Board of the Town of Bethlehem:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the Supervisor of the Town of Bethlehem, or her designee is directed and authorized as the official representative of the MUNICIPALITY, to act in connection

with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE.

3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and/or Recycling Project.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached resolution to a joint Municipal Waste Reduction and/or Recycling Project.
5. That this resolution shall take effect immediately.

The motion was passed by the following vote:

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

The next item was to adopt a resolution approving the appointment of Democratic Election Inspectors and Poll Clerks.

Resolution
approving
Democratic
Election
Inspectors
and Poll Clerks

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

RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Election Inspectors as recommended by the Democratic Committee to serve for the period July 15, 1999 through July 14, 2000 as indicated on the attached lists. (See list of Democratic Election Inspectors and Poll Clerks on file in the Town Clerk's office.)

The resolution was adopted by the following vote:

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

The next item was a request from Building Inspector, John Flanigan, for approval of a construction trailer at Cherryvale Subdivision, Lot 49 Cherryvale Boulevard, Slingerlands.

Building inspector
approval of
construction
trailer Lot 49
Cherryvale
Blvd.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve a construction trailer at lot 49 Cherryvale Boulevard, Cherryvale Subdivision, Slingerlands as requested by Building Inspector, John Flanigan. The motion was passed by the following vote:

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

The following item was to approve the Town Board minutes of August 11, 1999. Supervisor Fuller asked for a motion to approve the minutes.

approve Town
Board Minutes
August 11, 1999

Councilman Davis indicated on page 7, Mr. Parker Mathusa's name was incorrect in one place. Also, on page 8, the Memorandum date was missing from the item. Town Clerk Newkirk indicated these corrections will be made.

Councilman Burns noted on page 7, 3 paragraphs from the bottom, dates are incorrect and wished them to be corrected. The dates should read July '98 and August '98. She also indicated she was sure she did not use the word "obviously" and said she never would use that word and asked for it to be stricken. Town Clerk Newkirk noted the dates and indicated she would check the tape to make the necessary corrections.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve with corrections the minutes of the August 11, 1999 meeting. The motion was passed by the following vote:

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

Supervisor Fuller asked if anyone wished to address the Board. Mrs. Capone said a week ago she went on the 4th floor of Mercy Care. She said she took the elevator with a man and he was hanging onto his cellular phone. She asked him if he was a drug dealer and he said no, he was a bond man. She said she asked him how business was. She said he replied with the drugs and the murders they are doing great. She said she noted here in Bethlehem we have none of that. The man responded, according to Mrs. Capone, that we have a very, very good Chief of Police. She said the man's name was Costello.

Supervisor Fuller asked if Councilman Burns had questions for the Chief of Police. Councilman Burns said she does if he could answer questions about the annual report. She said she noticed 2 things in particular under the Detective Office activity. She said one of the things that has risen in the past 4 years is the weapons offenses noting in 1995 there were 4, 1998 there were 27. She asked why. Chief LaChappelle noted the law changed and certain additional, more common things, were considered weapons. He said that was a big part of it. Councilman Burns asked if this meant knives. Chief LaChappelle noted it was different types of knives and the definition of weapon has changed. He said the cases of violence did not show an increase consistent with that. He said they did not look at that as indicative of anything significant. Councilman Burns said it popped out at her.

Ms. Burns
questioned
Chief of Police
about Annual
Report

Councilman Burns said the other thing she was wondering about is in 1998 the number of programs were down. Chief LaChappelle said a lot of the Youth Bureau resources, and most of them are Youth Bureau things that are done in the community, were redirected to be included in the school resource officer program. He said DARE, one officer assigned full time, and each of the school resource officers do an elementary school as well. He said what they did was to maximize being at the middle school and the high school was to include a lot of things in that program but they were not separately presented programs as they had been in the past. He said the numbers indicate fewer but actually the services were provided no less than they had been in the past. Councilman Burns said that was okay because it was 95 in 1997 and then 69. She said it was a big drop in programs. Chief LaChappelle said it was a big drop in reporting of the programs given. He said the officers used to go in every Tuesday for 4 weeks for Halloween safety or something and now the officers are already in the schools and part of what the school does and the school resource officer does is to present Halloween safety to the kids but not as a separately presented program.

Councilman Burns asked if the Chief would say the amount of effort and programming that is offered is pretty consistent in years. Chief LaChappelle said he would like more but he would say that the services are not reduced.

Councilman Burns said the other thing that she noticed and wanted to check if she was reading it right -- according to the Governor's Traffic Safety Committee, their survey, they said that aggressive driving was a real problem... one of the biggest problems and from what she could tell and after reading the numbers, looks as though those numbers are up also in this Town. So, she guesses we are following the trend. Chief LaChappelle thinks what they did was identify certain offenses, that were already there, and that's what became road rage. He said over the last couple years there has been a greater awareness of the effects of what we call road rage. He said our numbers are pretty consistent with other communities our size and types of roads. He said the Northway would have a much

higher amount of road rage. He said we are pretty consistent with other communities.

Councilman Burns said those were the 3 major questions she had and thanked Chief LaChappelle.

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Supervisor Fuller asked for a motion to adjourn to Executive Session following the close of the regular meeting to discuss personnel matters.

Meeting was
adjourned
to executive
session
no formal
action was
taken

The motion was made by Mrs. Davis and seconded by Ms. Burns to meet in Executive Session following the close of the regular meeting to discuss personnel matters. The motion was passed by the following vote:

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

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The meeting was adjourned at 7:52 p.m. on a motion made by Mr. Lenhardt and seconded by Mrs. Davis. The motion was passed by the following vote:

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

Kathleen G. Newkirk
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.