

TOWN BOARD  
SEPTEMBER 9, 1998

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

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

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. We will begin our meeting with the pledge of allegiance.

The first item on tonight's agenda is a public hearing to consider proposed local law amending the Code of the Town of Bethlehem, parking prohibited at all times, on Oakwood Place. Ask the Clerk to read the call of the meeting.

Local Law #9 prohibits parking all times on Oakwood Place

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 9th day of September, 1998 at 7:30 p.m. to consider Local Law No. 9 of 1998, Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-36, Schedule X, Parking Prohibited at All Times as follows:

ADD: Oakwood Place, east side from its intersection with Kenwood Avenue north for a distance of one hundred (100) feet.

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  
TOWN CLERK

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State of New York)  
County of Albany )

JAIMIE WILLIAMS of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher 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 26 day of August 1998.

/s/ Jaimie Williams

Sworn to before me this 31st day of August 1998.

/s/ Kathryn Olsen  
Notary Public, Albany County

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

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

and that I posted on August 26, 1998, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this  
3rd day of September 1998.  
/s/ Nancy Karins Mendick  
Notary Public

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

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

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SUPERVISOR FULLER: This basically is on our agenda tonight. The school buses exiting the parking lot at the Bethlehem Middle School, many of them go straight across Kenwood Avenue to Oakwood Place. We are prohibiting parking at all times on Oakwood Place, east side, from its intersection with Kenwood Avenue north for a distance of 100 feet. Anyone here wishing to speak in favor?

MRS. CAPONE: I would like to speak in favor of it for the Traffic Safety Committee. Thank you.

SUPERVISOR FULLER: Thank you, Marie. I am glad to see you are here since we don't have Lt. Vanderbilt any more.

MRS. CAPONE: Well, Mrs. Fuller, since you talk about that. We have a chairman named Mr. Eck, Walter Eck Jr. He is very personable person, very take charge person. He is not a Republican or a Democrat, he is an independent. He would do very well on the Town Board. Thank you.

SUPERVISOR FULLER: Well, thank you, Marie. Is there anyone else wishing to speak in favor of the parking prohibited.

ATTORNEY KAPLOWITZ: Or nominate anybody for office, whatever may move you.

SUPERVISOR FULLER: Thanks for your help, Bernie.

MRS. CAPONE: Watch that stuff.

SUPERVISOR FULLER: Anyone wishing to speak in opposition? 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 A. Newkirk*  
Town Clerk

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

The Supervisor asked if the Town Board wished to adopt Local Law No. 9 of 1998. The motion was made by Mr. Johnson and seconded by Ms. Burns to adopt Local Law No. 9 of 1998 amending the Code of the Town of Bethlehem, Article VI, Section 119-36, Schedule X, Parking Prohibited at All Times to add Oakwood Place, east side from its intersection with Kenwood Avenue north for a distance of one hundred (100) feet. The motion was passed by the following vote:

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

Supervisor Fuller noted this was just in time for the opening of school. She noted she will send someone over to check on the situation.

The next item was a request from David Austin, Administrator, Parks & Recreation Department, for adoption of a resolution for the Division for Youth 1999 Funding Application. Supervisor Fuller noted the amount is the same as last year. She said this money basically funds the youth employment service, Project Hope and some of our summer recreation programs.

Parks and  
Recreation  
adopt  
resolution  
for Division  
for Youth  
1999 Fundin;  
Application

WHEREAS, on the 9th day of September 1998, the Town of Bethlehem adopted a resolution authorizing the Supervisor of the Town of Bethlehem to submit an application to New York State Division for Youth for funding of youth recreational programs and youth services in the amount of \$18,079 and,

WHEREAS, the Town of Bethlehem will abide by the decision of DFY as to the propriety of all expenditures upon which State aid is requested and,

WHEREAS, the youth programs will be operated in compliance with all laws, rules, and regulations, resolutions and codes of the State of New York and pertinent political subdivisions and,

WHEREAS, no youth will be denied the services or facilities of this project because of race, creed, color or sex and,

WHEREAS, no fees will be charged for programs which are supported by State Funds and, be it further

RESOLVED, that the Supervisor of the Town of Bethlehem and the Town Clerk of the Town of Bethlehem be, and are hereby authorized to sign the application and submit it to New York State Division of Youth on or prior to September 25, 1998.

The foregoing resolution was presented for adoption by Mrs. Davis and was seconded by Ms. Burns and was duly adopted by the following vote:

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

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

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

Parks and  
Recreation  
approval  
seasonal  
personnel

Clerk-Typist at \$8.00 per hour  
Judith M. Rothberg  
146B Fairlawn Drive  
Selkirk, NY 12158

Sr. Lifeguard at \$8.00 per hour  
Bradley M. Pryba  
26 Salem Road  
Delmar, NY 12054

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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 following item was to accept the resignation of Clerk Typist, Planning Department, effective September 7, 1998. Supervisor Fuller said this was Marie Webb who has resigned to take a position with the school district. She said she believed she will be working in the middle school.  
Planning Department  
accept resignation  
Clerk Typist

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to accept the resignation with regret of Marie Webb, Clerk Typist, Planning Department. The motion was passed by the following vote:

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

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Councilman Davis noted she would miss seeing Marie here at Town Hall, indicating she was always personable and always helpful.

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The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for acceptance of deed for Cherry Avenue, Delmar, to permit installation of a sidewalk. Supervisor Fuller said this is really located at Maple Manor apartments and the sidewalk has been in for quite a while. She further explained this is just a small piece of land which was held up in getting a right-of-way along Cherry Avenue.  
Engineering Services for acceptance of deed for Cherry Ave to permit installation of side walk

The motion was made by Mrs. Davis and seconded by Mr. Johnson to accept the deed from Maple Manor Limited Partnership, Delmar, NY for an easement for sidewalk purposes. The motion was passed by the following vote:

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

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The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for approval of reduction in bonding for Somerset Woods Subdivision. Supervisor Fuller noted it would be reducing the bond to \$21,000. held in escrow from \$34,000.  
Engineering Services approval reduction in bonding Somerset Woods

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the reduction in bonding for Somerset Woods Subdivision with the retention of the escrow amount of \$21,000. The motion was passed by the following vote:

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

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The next item was a request from Chief of Police, Richard LaChappelle, for approval of appointment of a Police Lieutenant at a salary of \$55,593, effective September 13, 1998. Supervisor Fuller noted the individual is Sergeant Timothy Beebe, who was selected from a certified list of Civil Service eligible candidates. She explained Sergeant Beebe is a life long resident of the Town of Bethlehem and  
Chief of Police approval appointment police Lieutenant

has served since his appointment as Police Officer in 1982 and as Patrol Sergeant since 1992. She said he has showed continued growth and professionalism in his career and is expected to be a strong, compassionate, knowledgeable leader.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the appointment of Sergeant Timothy Beebe to the position of Police Lieutenant at a salary of \$55,593, effective September 13, 1998.

Questions were raised by Councilman Burns and answered by Chief LaChappelle regarding the appointments process. Councilman Burns proposed a written procedure which was not adopted by the Board due to an existing procedure of a selection committee being in place.

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 Richard LaChappelle, Chief of Police, for approval of appointment of a Police Sergeant at a salary of \$47,198, effective September 13, 1998. Supervisor Fuller said the Sergeant is Robert Berben. She noted Office Berben is a resident of Selkirk and has served the Town since his appointment in 1989. She said he has shown continued growth and professionalism in his career and is expected to be a strong, compassionate and knowledgeable leader.

Chief of  
Police  
appoint  
Police  
Sergeant

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of Robert Berben to the position of Police Sergeant at a salary of \$47,198, effective September 13, 1998.

Questions and comments were made pertaining to the appointment and Councilman Burns again proposed a procedure process change.

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 Judith Kehoe, Comptroller, for approval of budget transfers.

Comptroller  
approval of  
budget  
transfer

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the budget transfers as listed on the Memorandum from Judith Kehoe, Comptroller dated September 2, 1998.

Questions were posed to Comptroller Kehoe which were answered with explanations given.

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 report from Town Planner, Jeffrey Lipnicky, regarding the application for rezoning of premises Route 9W, Selkirk from Flach Industries, Inc. The Supervisor said this is basically a discussion item that came up about a month ago. She said it is an application for a rezoning from Flach Industries, Inc., looking for a rezone from "C" commercial to Light Industrial. She said at the time the Board suggested that this be forwarded to the Planning Department for review and their recommendations. She said as a result, information has been received back. Supervisor Fuller said she requested Jeff Lipnicky and John Flanigan be present if there were

Town Planner  
reports on  
rezoning  
from Flach  
Industries

any questions or comments. She also acknowledged Mr. Flach and Mr. Kleinke who were in attendance.

Supervisor Fuller asked if there were any questions from the Board. Questions were raised, discussed and answered by Mr. Lipnicky, Mr. Flanigan and Attorney Kaplowitz.

There was a discussion of the area designated "C" Commercial and the uses in the surrounding area. Agreement was reached to hold a public hearing for the entire "C" area to be rezoned to Light Industrial. The uses are similar with only an additional 4 or 5 uses added. There was mention also of the Land Use Reference Resource and the area being suggested for this use.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to hold a public hearing October 14, 1998 at 7:30 p.m. to consider rezoning of a parcel of land currently zoned "C" commercial to Light Industrial along Route 9W, south of the railroad property, Selkirk. 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 following item was a report from Jeffrey Lipnicky, Town Planner, regarding application for rezoning of premises Delaware and Elm Avenues, Delmar, property of LaForte and Hostetter. Supervisor Fuller explained this request is a change in classification from Residence "B" to "C" General Commercial.

Supervisor Fuller asked if there were any questions or comments from the Town Board. Questions were asked and answers received regarding the proposal. Mr. LaForte and Mr. Lipnicky responded to inquiries from the Board. Supervisor Fuller asked Mr. LaForte if he had anything in mind for the site. Mr. LaForte responded he did not, he just wishes to sell it. Supervisor Fuller asked if Stewart's was interested in the site at all. Mr. LaForte said they made an overture early on and said if they could have gas sales on the site they might be interested. He further noted he asked them later and Stewart's said they did not think they would be. He also wrote to the owner of Stewart's but received no return answer.

Councilman Davis thanked Town Planner Lipnicky for the thorough information he provided to the Board. Mr. Lipnicky noted both of the rezoning issues would have to be sent to Albany County Planning Board for review. Supervisor Fuller asked if they had to be referred at this time or at the public hearing. Mr. Lipnicky said he would refer it as soon as possible because the Board only meets once a month.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to set a public hearing for October 28, 1998 at 7:30 p.m. to consider a proposed Local Law for rezoning to "CC" Commercial property in the vicinity of Delaware Avenue and Elm Avenue, Delmar. The motion was passed by the following vote:

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

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The following item was a request from Richard Hummel, Building Maintenance, for approval of appointment of Building Maintenance Helper and part-time Building Maintenance Helper. Supervisor Fuller explained in recent years outside cleaning companies have been hired for the Town Hall. She said for one reason or another these have not worked out. She said the decision has been made to hire personnel they can depend on. One of the appointees is Joanna First of Elsmere Avenue, Delmar, NY to the position of Building Maintenance Helper at a salary of \$20,187. The part-time Helper would be Jonathan Howe of Elsmere Avenue, Delmar, NY at a salary of \$7.76 per hour.

Public Hearing requested to consider rezoning a parcel of land "C" commercial to light industrial

Report from Mr. Lipnicky on rezoning Elm Ave and Delaware from Residence B to C General Commercial set Public Hearing

Building Maintenance approval to appoint Helper and Part-time Maintenance helper

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the appointment of Joanna First of Elsmere Avenue, Delmar, NY to the position of Building Maintenance Helper at a salary of \$20,187 and Jonathan Howe of Elsmere Avenue, Delmar, NY to the position of Building Maintenance Helper part-time at a salary of \$7.76 per hour. The motion was passed by the following vote:

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

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Supervisor Fuller asked if anyone wished to address the Board. Mrs. Marie Capone, resident, said in regard to Mr. John LaForte that she had asked him many times what he wanted for his land. She said he refused to say. She said in speaking with him, she asked him why he did not sell to Stewart's. She said his reply was that Stewart's wanted him to give the land to them. She said Mr. LaForte is trying to ask for a lot more money than what the land is assessed at. She said there is no reason to change to commercial, however, Mr. LaForte wants it to get more money.

Discussion  
Marie Capone  
in regard  
to Mr. Lafort

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

The Supervisor asked for a motion to adjourn to Executive Session to discuss personnel matters.

The motion was made by Mrs. Davis and seconded by Mr. Johnson 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.

Adjourn  
to  
Executive  
Session  
No formal  
action  
taken

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The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 8:58 p.m. The motion was passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.