

TOWN BOARD  
SEPTEMBER 13, 2000

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  
Daniel G. Plummer, Councilman  
Susan Burns, Councilman  
Kathleen A. Newkirk, Town Clerk  
Bernard Kaplowitz, Esq., Town Attorney

ABSENT: Doris M. Davis, Councilman

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SUPERVISOR FULLER: Good evening and welcome to a regular meeting of the Bethlehem Town Board. We will start our meeting with the pledge of allegiance. A very special welcome to all of our students. Are you all happy to be back in school?

STUDENT: Yea.

SUPERVISOR FULLER: This must be the Participation in Government class and your teacher called today or Mr. Cleveland called today and said there would be at least 50 to 60 students. So, I think some may be missing. Welcome.

The first item on tonight's agenda is the public hearing. This is for the Town to apply for the disaster recovery grant for our businesses. It is a \$5,000 grant available per business and we will begin with the public hearing. I will ask the Clerk to read the call.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM, ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on September 13, 2000 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY for the purpose of hearing public comments on the Town's intention to submit an application for the 2000 Town of Bethlehem Disaster Recovery Program under the Community Development Block Grant Program. The application will be submitted to the New York State Governor's Office for Small Cities. The Governor's Office for Small Cities is allocating Community Development Block Grant Funds to assist in the economic and physical recovery of businesses that suffered loss due to the May 16-June 10, 2000 landslides that occurred on Delaware Avenue in the Town of Bethlehem, Albany County.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

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

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

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State of New York)  
County of Albany )

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

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 30th day of August 2000.

/s/ Elizabeth Bradt

Sworn to before me this 30th day of August 2000.

/s/ Mary P. Lee

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 30, 2000, 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  
13th day of 2000.

/s/ Catherine T. Picarazzi

Notary Public

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The motion was made by Ms. Burns and seconded by Mr. Plummer 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, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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SUPERVISOR FULLER: Mr. Steve McGrattan is here from the Governor's office. If anyone... any one of the Board Members have any questions for Steve... or Steve, maybe if you will just take a minute to give a quick overview for the benefit of our students what this grant actually means for the businesses.

MR. MC GRATTAN: Basically, what the program involves is money through imminent threat. That is part of the allocation from the United States Housing and Urban Development to New York State through the Community Block Grant program. The State is allowed to allocate up to 2 percent of its funding every year to imminent threat situations of which this program qualifies. The Governor's office has made available to the Town of Bethlehem the ability for businesses that have suffered economic distress as a result of the landslides or property loss as a result of the landslides. Businesses are allowed to apply for up to \$5,000 in economic injury relief or up to \$100,000 for property loss relief.

Applications were due to the Town last Friday, September 8<sup>th</sup>, and as of that date, 35 applications were received and accepted. The Town will be applying for a total of \$290,000. Thirty-five \$5,000 grants, one \$100,000 grant and \$15,000 in administration fees. The application process is very simple now that the business applications have been given to the Town, the Town will submit its application to New York State Small Cities CBG program. Once the entire Town application has been reviewed by the State, it will send a grant contract... it will make an award to the Town in an amount to be determined based upon the request after which a contract will be sent to the Town for the grant program. The Town will then sign

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the contract and the State will fully execute the contract. After that, funds will be allocated to the Town based upon their draw down requests and then checks will be disbursed to the businesses.

And, that's basically how the program works. Any questions?

SUPERVISOR FULLER: Thank you, Steve. For those that are wondering about the \$100,000 grant, that was for California Produce owned by Mr. Battaglia, his business was the one that literally went down the landslide. The other businesses are, as Steve mentioned, 35 businesses in our community applied for \$5,000 grant.

Is there anyone wishing to speak in favor? Is there 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 Ms. Burns to close the public hearing at 7:40 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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Town Clerk

Supervisor Fuller convened the regular Town Board meeting following the close of the public hearing. She said this is required by law. She said the public hearing had to be held for authorization for the Supervisor to sign and execute the documents. She said that is why there was not a large crowd in attendance. She said the businesses have gone through a lot of work to fill out the paperwork and noted they have to apply to the Federal Government in order to even be considered eligible for the Community Block Grant money. She said they have had a lot of work to do despite their loss in the community and noted the applications are in her office. She said there were a lot of questions to be answered and the information covered the last 3 years.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to authorize the Supervisor to sign and execute the necessary applications and documents in connection with the application for the 2000 Town of Bethlehem Disaster Recovery Program under the Community Development Block Grant Program. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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Supervisor Fuller thanked Mr. McGrattan.

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The next public hearing was scheduled for 8:00 p.m. and the Supervisor proceeded to do some of the agenda items.

The next item was a request from Comptroller, Judith Kehoe, for approval of the Supervisor to sign the agreement pertaining to Federal Reimbursement of Costs Incurred by the Town for the Emergency Soils Failure on Delaware Avenue.

Supervisor Fuller noted this is also known as the landslide to all of the residents of Bethlehem. The total cost is \$479,000 and this is funded by the Federal Highway Authority. She said this is authorization for the Supervisor to sign the agreement to obtain the funds. She asked if there were any questions.

Councilman Plummer asked if this was coming from the General Fund, further asking if this has already been expended. Mrs. Kehoe said the monies have been expended and they anticipate that more monies will be expended prior to the opening of all 4 lanes, indicating there is still police coverage at the site. She said there is about 36 hours a day of coverage now.

Supervisor Fuller noted the police coverage has been requested by the State of New York because it is still a safety factor until Delaware Avenue is back to normal and she believes the police will be there until that time.

Mrs. Kehoe said all the costs incurred to date plus the anticipated costs through the reopening of the road plus the fringe benefits associated with those overtime costs will be submitted on a claim form to the State so that the Town will receive 100 percent reimbursement. Councilman Plummer asked if all those costs are factored into the \$479,000. Supervisor Fuller and Mrs. Kehoe noted they were.

Attorney Kaplowitz asked if there was a cut off date by which this must be done. Supervisor Fuller said it is November 12<sup>th</sup> as set by the Federal Government and then it goes to an 80 percent reimbursement with gradual decrease with each day it goes over the November 12<sup>th</sup> deadline. Councilman Plummer asked if that were to occur does the State pick up the 20 percent. Mrs. Kehoe said she did not believe they do. She said the 20 percent is a lot more manageable than the 100 percent. She said the expectation is that the date will be met. Supervisor Fuller said the State of New York has built in an incentive, indicating it is \$10,000 a day for every day it is completed earlier than the November 12<sup>th</sup> cut off date. She said she believes it goes back to October 17<sup>th</sup>. She said this is a real incentive for the contractor to have everything complete. She said on the other side of the coin, they are penalized \$10,000 for every day it goes over the November 12<sup>th</sup> date.

The motion was made by Mr. Plummer and seconded by Ms. Burns to authorize the Supervisor to execute the agreement pertaining to Federal Reimbursement of Costs Incurred by the Town for the Emergency Soils Failure on Delaware Avenue. The motion was passed by the following vote:

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

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The next item was to remove from table and consider Adoption of the Dog Park Rules. Supervisor Fuller asked for a motion to remove from table the adoption of the dog park rules.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to remove from table and consider adoption of the dog park rules. The motion was passed by the following vote:

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

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The Supervisor noted at the meeting on August 9, 2000 there was some discussion and concern for some of the rules for the dog park. She said she asked that the committee go back and try and resolve some of the issues. She said she believes they did an excellent job because it seems the issues have been addressed and done very well. She noted the changes that were proposed, included a prohibition against training classes, littering, the age of children raised from 8 years to 10 years and the opening time to 8 a.m. She said the dog treats, including rawhide dog treats and food, have also been prohibited. Habitual barking which would reasonably disturb any person other than the dog owner is also prohibited, according the Supervisor Fuller, as well as, owners must accompany and supervisor dogs at all times.

Councilman Lenhardt commented that he was happy to see that agreement was reached by all parties involved in drafting the rules. Ms. Burns noted she assumed the rules would be posted at the park. It was stated that this is correct by Mr. Austin, Administrator of Parks and Recreation Department.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to adopt the Rules for the Dog Park as presented. The motion was passed by the following vote:

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

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Supervisor Fuller thanked everyone who helped to resolve the differences. Question was raised as to the expected opening date of the dog park. Mr. Austin said work has started but there is a lot of seeding to be done and he is not sure it will open this year.

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

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

Recreation Instructor I at a rate of \$5.15 per hour  
Bridget Sandison  
34 Longwood Drive  
Delmar, NY 12054

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Attendant at a rate of \$5.80 per hour  
Carter G. Thomas  
36 Wexford Road  
Delmar, NY 12054.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The next item was a recommendation from Administrator, David Austin, Parks and Recreation Department, for acceptance of donation of trees from RSR Associates, developer of Haswell Farms. Supervisor Fuller noted to all those that served on the Dog Park Committee, there was good news with this item. She said the trees will be transplanted from a soon to be developed section of Haswell Farms to the dog park site. She noted the lots need to be cleared for additional homes and RSR Associates have donated these trees. She said the trees have an estimated value of \$4,000.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to accept this generous donation of trees from RSR Associates, developer of Haswell Farms Subdivision for the dog park site. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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Councilman Lenhardt commented with the donation of the fence and the trees, he imagined the overall estimated cost of the dog park has been significantly reduced. Mr. Austin said they are doing very well with the costs involved.

Mrs. Capone asked about the trees being located outside the fencing. Mr. Austin said the trees would be placed inside the fence noting the reason is to prevent their growing up into the power lines and serve as a block. He said they are thick white pines, 12 to 15 feet high.

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The next item was a recommendation from Bruce Secor, Commissioner of Public Works, for award of bid for slope stabilization for Onesquethaw Creek to SC Development, Ballston Spa, NY.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the award of bid as requested by Commissioner of Public Works, Bruce Secor, for the slope stabilization for the Onesquethaw Creek to SC Development, Ballston Spa, New York, the low bidder, at a bid price of \$259,450.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The following item was a recommendation from Michael Cirillo, Engineering Services Administrator, for acceptance of deed for drainage purposes for 12 Union Avenue, Delmar. The Supervisor explained this was a storm drainage easement.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the acceptance of a deed for drainage purposes from Mr. Stephen Bolduc and Ms. Sheila Gardner for 12 Union Avenue, Delmar, NY. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of deeds for sanitary sewer easements on lots 538 and 542 Route 9W, Glenmont. Supervisor Fuller noted this was for a town sanitary sewer easement. She said they requested the easement relative to extension of the sanitary force main to a proposed Glenmont storage site.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the acceptance of deeds for sanitary sewer easements from Henry J. and Eleanor U. Digeser. c/o Flach Development and Realty, Route 9W, Glenmont N.Y and Henry A. and Nancy Digeser, 5 Ruxton Road, Delmar, NY. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The following item was to accept the resignation due to retirement of Detective Supervisor James J. Corbett from the Town of Bethlehem Police Department. Supervisor Fuller said Detective Corbett has served the Town of Bethlehem for approximately 23 years, noting most residents know him. She said he performed a great service to the Town of Bethlehem and he will be sadly missed. She said he is also the originator of Bike Day with Mr. Austin, Administrator, Department of Parks and Recreation. She noted Jim has been there for the youth of this community and he will continue, since he lives in Town, to be their for the youth but not as our Bethlehem Youth Officer. Supervisor Fuller

wished Mr. Corbett the very best in his retirement and she is sure he will miss everyone as everyone will miss him.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to accept with regret the resignation due to retirement of Detective Supervisor James J. Corbett from the Town of Bethlehem Police Department. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The following item was a request from Chief of Police, Richard LaChappelle, for approval of transfer of funds to permit repairs to damaged police vehicle.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the transfer of funds to permit repairs to a damaged police vehicle in the amount of \$344.13 from account number A2680, insurance recovery, to account number A3120.464, collision repairs. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The next item was a request from Richard LaChappelle, Chief of Police, for acceptance of donations to the D.A.R.E. program in a total amount of \$1,995. Supervisor Fuller noted the donations were received from Nancy Farr, John Harrington, K-Mart of Glenmont, Marie Capone, Edward Jones, Karen Jones, Michael Kanuk, Charles Robinson, and Warbirds over NY, Bertram Butlin, Public Employees Federation 305 and Bethlehem Chamber of Commerce.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to accept the donations to the D.A.R.E. program in the amount of \$1,995 from those listed in the Memorandum from Police Chief, Richard LaChappelle, in the individual amounts indicated. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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The Supervisor noted the Warbirds had their fundraiser and donated all of the money back to D.A.R.E. She also said it rained the weekend it was held and felt \$1400 was a lot that they managed to collect with a very rainy weekend. She thanked them for sharing it with the Town of Bethlehem.

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The following item was a request from Highway Superintendent, Gregg Sagendorph, to allow a limited number of Town of Bethlehem residents to participate in the City of Albany Household Hazardous Waste Collection Day, September 16, 2000 between 9 a.m. and 3 p.m. Supervisor Fuller said this was at the City of Albany Rapp Road Landfill.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve a limited number of Town of Bethlehem residents to participate in the City of Albany Household Hazardous Waste Collection Day to be held September 16, 2000 between 9 a.m. and 3 p.m. The motion was passed by the following vote:

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

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Supervisor Fuller asked Mr. Sagendorph if he knew how many residents have applied for a permit. He said Mrs. Fisher had about 30 people waiting to get a permit. He said the costs incurred are about \$30 to \$40 per vehicle.

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The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval of award of bid for one (1) portable trommel screen to Emerald Screening & Crushing Equipment, East Syracuse, NY.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the award of bid for one (1) portable trommel screen to Emerald Screening & Crushing Equipment, East Syracuse, NY at the bid price of \$63,600, the low bid. The motion was passed by the following vote:

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

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The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval to go to bid for one (1) Compactor Transfer Trailer for use by the Sanitation Department at the Rupert Road Transfer Station. Could advertise Sept. 20, 2000 and open bids on October 4, 2000 at 3:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one (12) compactor transfer trailer, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 20th day of September, 2000 and that bids be received up to 3:00 on the 4th day of October, 2000 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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Supervisor Fuller gave an update on the landslide, indicating 2 lanes of Delaware Avenue are open, noting most of the work now is being done on the Stephens farm – moving the gas line, the Albany City water line -- and while it sounds simple, they also have to move the streambed of the Normanskill Creek. She said it takes time and that is the work being done at this time. She said hopefully soon the 4 lanes will be open and everything will go back to normal. Question was asked as to whether the old bridge will be removed. The Supervisor said there has been no discussion of that at this time. She said the reason for the movement of the stream is that the geotechnical engineers felt that the erosion at the base of the slope was created by the Normanskill Creek and thus the landslide occurred.

Question was raised in regard to the policy on dumping by the landslide and whether this was a cause of the landslide. Supervisor Fuller noted there was a great deal of talk that dumping was the cause but it has not been determined that dumping was the cause. She said certainly it added to it and anything could add to it at this point. Attorney Kaplowitz said there is an anti-dumping ordinance for everywhere; however, under certain conditions a permit can be obtained to dump from the Building Department. He said it cannot stop people from dumping illegally or without anyone knowing about it but you cannot dump things on a whim and there are conditions which apply to a permit.

Question was raised about the black screen on Delaware Avenue near the landslide location. Supervisor Fuller noted when the 2 lanes were first opened, people were driving through and feeling the need to stop and take a look which created a safety hazard.

Question was also raised about the police officers on Delaware Avenue. Supervisor Fuller noted it is a safety issue and the NY State Department of Transportation has requested that the police remain on site until the road is opened. She said everyone would be amazed at the number of people that have attempted to be on that area. She noted it is Bethlehem police because the municipality has their own force or it would be the State Police. She said it is fully refunded from the Federal government and even though it is being said that the taxpayers are not being charged anything, when everything is said and done, Federal, State and local taxes are all coming out of the same pocket. She said everyone is equally concerned about this cost. She said the 2 cars are reduced in shift at this time.

Question was asked if this would happen again. Supervisor Fuller said hopefully never but you never know and it could happen somewhere else in Town.

The Supervisor asked if there were any questions from anyone in the audience. Questions were raised and answers given regarding the dog park. Location and permit fee were stated.

Supervisor Fuller mentioned that Councilman Doris Davis was absent and apologized for not offering that information at the beginning of the meeting.

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HEARING BEGAN: 8:00 p.m.

SUPERVISOR FULLER: The next is amendment of the Code of the Town of Bethlehem to amend the prohibited parking at all times on the bypass extension, the service road and connector road near the Elm Avenue Park in Delmar and this is for the location of the dog park to make sure there isn't any parking on the bypass extension there. Ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM, ALBANY COUNTY

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 13<sup>th</sup> day of September, 2000 at 8:00 p.m. to consider proposed Local Law No. 9 of 2000, Amending the Code of the Town of Bethlehem as follows:

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

Delmar By-pass Extension on the northerly and southerly sides extending for a distance of 300 feet in a westerly direction from the intersection of Park Edge Lane and a distance of 300 feet in an easterly direction from the intersection of Park Edge Lane;

Service Road connecting the Delmar By-pass Extension to the Town of

Bethlehem water tank area, on the easterly and westerly sides of the road for a distance of 115 feet from the intersection of the Delmar By-pass Extension; and

Connector Road from the CDTA parking lot to the Town of Bethlehem water tank area, on the northerly and southerly side for a distance of 190 feet from the intersection of the connector road and the CDTA parking lot.

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 in need of 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/RMC  
TOWN CLERK

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State of New York)  
County of Albany)

ELIZABETH BRADT 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 30th day of August 2000.

/s/ Elizabeth Bradt

Sworn to before me this 30th day of August 2000.

/s/ Mary P. Lee  
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 30, 2000, 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  
13th day of 2000.

/s/ Catherine T. Picarazzi  
Notary Public

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

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

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SUPERVISOR FULLER: As I said in the beginning of this public hearing, this is for the prohibited parking in the vicinity of the dog park. Some of the members of the committee are here. I know that these were addressed at our last meeting and then I think that you saw a copy of this for tonight's action.

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

Okay, is there anyone wishing to speak in favor?

MR. SHERMAN: Good evening, ladies and gentlemen of the Town Board. I think you know who I am by this point in time. My name is Art Sherman. I'm one of the residents who are probably most affected by the dog park which will be going in. I believe the signs prohibiting parking in that area will do a great deal to preserve the quality of the community in that area and I'd ask the Town Board to vote in approval of that no parking zone. I would also ask at this point that the Town Board consider also reducing speed limit in that area. And, I note that there was no environmental assessment statements issued in connection with this project but the last traffic study that was done was involving LUMAC over 10 years ago. The amount of traffic in that area has probably increased by about 4-folds in that time period based on the development in the surrounding neighborhoods. I note that on the other side of the park the speed limit is 35 miles an hour. On this side of the park, which now has 2 entranceways into the park or use of park facilities, it is 45 miles per hour. I would ask the Board to entertain a study and a determination, hopefully, that perhaps the speed limit should be reduced there also to 35 miles per hour. Thank you.

SUPERVISOR FULLER: Thank you, Art.

COUNCILMAN LENHARDT: That's a good idea.

SUPERVISOR FULLER: We will consider that request, Art. It would have to go through... be set up for a public hearing, we'll have the police go over and probably take a look at the traffic that is running through there. So, I'll get back to you when we're ready to put it on an agenda.

MR. SHERMAN: Okay, thank you.

SUPERVISOR FULLER: Is there anyone else wishing to speak in favor?

MR. LENHARDT: You have to come up to the microphone.

SUPERVISOR FULLER: You have to come up to the microphone because it is a public hearing.

TOWN CLERK NEWKIRK: And, please identify yourself.

MR. CERDER: Hi. I'm Rodriques Cerder. I would just question... I have a question about that... was that for the bypass extension to reduce it from 45 to 35?

SUPERVISOR FULLER: Yes.

MR. CERDER: Okay. I guess that will be addressed in the future?

SUPERVISOR FULLER: Yes.

MR. CERDER: Okay, thank you, that's it.

SUPERVISOR FULLER: Thank you. Is there anyone wishing to speak in opposition? Okay, may I have a motion to close the public hearing?

The motion was made by Mr. Plummer and seconded by Ms. Burns to close the public hearing at 8:05 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

Town Clerk

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

The Supervisor asked for a motion to adopt Local Law No. 9 of the year 2000, prohibiting parking on the Delmar Bypass Extension, Service Road and Connector Road.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to adopt Local Law Number 9 of the year 2000, Amending the Code of the Town of Bethlehem, Chapter 119, Vehicle and Traffic, Article VI, Section 119-36, Schedule X, Prohibited Parking at All Times on the Delmar Bypass Extension, Service Road and Connector Road in the area of the water tank at the Elm Avenue Town Park. The motion was passed by the following vote:

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

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

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn the regular Town Board Meeting at 8:10 p.m. The motion was passed by the following vote:

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

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Town Clerk