

TOWN BOARD

APRIL 12, 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 Supervisor called the meeting to order at 7:30 p.m.

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

SUPERVISOR FULLER: Welcome to a meeting of the Bethlehem Town Board. I'd ask you to join us in the pledge of allegiance.

Before we start our public hearing, I just wanted to let everyone know, we have a young man here this evening that is working on his merit badge for scouting. His name is Brett Boyd. So, I told him – I don't believe he is driving yet, so he will have an education at a young age.

I'll ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on April 12, 2000 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider a Local Law amending the code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC, ARTICLE VI, section 119-40, Schedule XIV, Time Limit Parking as follows:

ADD: the parking of vehicles is hereby prohibited in any of the following locations between 7:30 a.m. and 2:30 p.m., on school days for a period longer than one hour:

GRANTWOOD ROAD on the south side, from the west side of Brockley Drive in the east side of Wakefield Court.

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

The Town of Bethlehem provides reasonable accommodation 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)

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 29th day of March, 2000.

/s/ Elizabeth Bradt

Sworn to before me this 29th day of March 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 March 29, 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
12th day of April 2000.
/s/ Catherine T. Picarazzi
Notary Public

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The motion was made by Mrs. Davis 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, Ms. Burns, Mr. Plummer.

Noes: None.

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SUPERVISOR FULLER: Well, I'm sure that most of you in the audience know why you're here this evening. The only cooperation that I will ask is tonight the public hearing is only for the Grantwood Road parking and this is the other side of Grantwood Road that we put the signs up 3 weeks ago. At the...

COUNCILMAN DAVIS: Grantwood Road...

COUNCILMAN LENHARDT: Grantwood Road...

SUPERVISOR FULLER: What did I say?

COUNCILMAN LENHARDT: Grant.

SUPERVISOR FULLER: Grantwood Road. I well know the street. What I would like to ask is at the end of the public hearing, after we have resolved Grantwood only tonight because that's really the only topic for public discussion. I will then open it up so that we can talk about it all together. I know that the Board Members have concerns. They have comments. I have spoken with Dr. Loomis this morning and he called again this afternoon. So, some of the big picture out there, I would like to address after we deal with the Grantwood signs that we've already put in the ground 3 weeks ago. In order to set a public hearing, rather than wait the 3 weeks to advertise it, I would only be setting it tonight. We set the public hearing 3 weeks ago, I then asked if the signs could be placed up, more or less to get the young people used to the idea that Grantwood was going to be limited parking to 1 hour parking on both sides.

So, that is the reason I ask that we stick only with Grantwood as we go through this public hearing and once that's over, then we'll talk about parking on the streets near the high school. Certainly I've had a lot of different ideas, we've taken a look at different properties. I've certainly worked very hard to encourage the school district to be equally a partner in this and let's try and get through our public hearing and then we'll open it up for the general discussion.

Right now, the public hearing is just to post – as I said – a local law to permit the time limit for 1 hour between the hours of 7:30 a.m. and 2:30 p.m. And, I would ask those wishing to speak in favor and now if you can come to the microphone in favor or in opposition but I need to hear from you for the public hearing record.

Yes. When you come to the microphone, we also need you name, please. Thank you.

MR. NOON: My name is Frank Noon. I live right on the corner of Grantwood and Longmeadow. And, I just wanted to bring to the Board's attention the fact that when the students are parking along that side of Grantwood, it severely limits the passage of traffic on Grantwood. It's more of a safety factor than anything else. It is... during the wintertime when there are snow banks, it is virtually impossible for 2 cars to pass each other in opposite directions when there is parking along the one side of the street... school buses can't make turns off of either Brockley or Longmeadow onto Grantwood and it is a standard route. I don't know why the school bus drivers didn't complain. It's very difficult when you have cars parked on both sides of your driveway for the full length of the

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property for you to be able to see when you are backing out of your driveway. You cannot see any oncoming traffic at all. You kind of have to creep out onto the street. So, I would want you to consider it primarily on a safety factor, primarily.

As far as the other impact, it's not too good on the lawn and things like that. But, that really would be a secondary consideration. The other thing, if you are interested in seeing what it does look like, I do have photographs. If anybody wants to take a look at what it looks like when it was in full bloom with 20 or 30 cars along that length of the side of the property.

SUPERVISOR FULLER: It's not a pretty picture out there. We've been out.... If you'd like to leave those, I can return them so that everyone can have...

MR. NOON: Well... Sure, exactly. Doesn't even... I don't really necessarily need them back.

SUPERVISOR FULLER: Okay, thank you. Anyone else wishing to speak in opposition, in favor... come to the microphone please.

MR. DOWNEY: Yes, I'm Matt Downey and I live on Dorset Street. We currently do have restrictions there and we had come because of the safety concerns also mentioned by the previous speaker. You know, not just when you are trying to get out of your car or what not but also the small children in the neighborhood. You know, at 2 o'clock or 2:30 when the students are leaving the concern about the extra traffic in a development is a major concern. And, I would hate to ever have to come before the Board of the Town to say that we've had a tragedy that could have been averted.

SUPERVISOR FULLER: Thank you.

MRS. SMITH: Hi, I'm Joan Smith. Unfortunately, I got dragged in again. I'm a parent of 2 preschoolers and 2 lower elementary school students. It's very difficult. My kids get picked up on the corner of Wakefield and Grantwood. The bus driver and I'm sure she'll talk to you any time, has had numerous problems getting around the corner from Wakefield onto Grantwood until they started posting some signs which have helped some. Nothing against the students, per se, and I remember being a young driver but the lack of experience that they have and you don't always think you've got to look for these little ones before you pull out. You've got to signal your turn. You've got to do it very slowly. And, with the large number of smaller kids that are around and as the weather gets nicer it's going to get worse, they can't be seen between these cars. If we're lucky, they can be seen over the hood of a regular car but we are looking at mini vans, sport utility vehicles and they pull right out. Preschoolers are very unpredictable. Anybody who is around them at any time can tell you that. And, I would hate for it to come down, like Matt Downey said, to that.

SUPERVISOR FULLER: Thank you.

MR. GRAF: Good evening. I... my name is Fred Graf and I live on the corner of Longmeadow and Wakefield, which is the next one out. And, I think essentially my comments echo what has just been said. When you look at and you probably know better than I do what's involved with the middle school and the elementary schools and there is the kindergarten pickup and that sort of thing. And, you put the extra congestion in there and I think it is just an accident on its way to happen. There is also additional traffic in there that complicates things. During the winter months, a lot of people use private plowing services so you've got private plows trying to get in and out of driveways. In the warmer months, there is lawn services. Year round, at least 2 days a week, there's trash pickup, okay. So, you've got these larger commercial vehicles in there along with the additional congestion from any parking... not just student parking but any parking and the jockeying for parking. So, in which case, I mean... I don't think it's a good idea to allow parking in any residential area. It's not just this particular proposal but as you move back through that development or what may appear to be any adjacent suitable "residential areas". Thank you.

SUPERVISOR FULLER: Thank you.

MR. ROSENTHAL: Hi, my name is Dan Rosenthal and I'm currently a senior at Bethlehem High School and currently the President of the Bethlehem Student Senate. And, I just want to make it quite clear that I'm in favor of the restrictions for parking on Grantwood and parking on the other streets in that area because I feel like the problems that have arisen because of parking at the high school should not cause for a lessening of the quality of the life of the residents who live in that area. I think it's unfair for them to have 30 cars parked all along their street. I think it is unfair, you know, that their street should be cut into a one way street and I think it is unfair if their lawn gets damaged. On the same not... I mean, I'm gonna try and reserve most of my comments to see how it fits into the big picture because I know that that's not what we are talking about right now. But, I just feel that it is... it is unfair for the residents and I think that I feel strongly, you know, that the Board has a responsibility to cater to the needs of these residents and they have a valid argument and that I don't think many students – and I don't want to speak for any other students – but I think that their issue is with parking in general and not with the restrictions being placed on parking in that development. I think it's a big difference and I think that we have to be careful and not make the issue into a student versus community issue because that's not what it is at all. And, I'm definitely going to reserve the rest of my comments because I don't want to take it off on a different

tangent.

SUPERVISOR FULLER: Thank you, Dan.

MR. CROSS: Good evening. My name is Keith Cross. I live at 46 Longmeadow across the street from the Noons. I'm also on the corner of Grantwood. I'm just here to reiterate the problems that are occurring with the excessive parking. As you know, the street is wide just barely enough for 2 cars to go across traversing the street. If we have a group of cars parking up along one side, it takes up clearly close to half the street there and it does cause a hazard whether it be for emergency vehicles or normal traffic just to get in and out of the neighborhood. My... I'm backing out of the garage around 7:20 in the morning. I'm running into this traffic. I also have problems trying to see traffic coming up or down Longmeadow or making the turn off Grantwood. Clearly it is a safety issue. One of the residents also brought up the number of small children in the area and there's also a number of pedestrians going to the high school traversing that Longmeadow that time in the morning. So, I again emphasize the safety issues here.

SUPERVISOR FULLER: Thank you.

MR. QUENZER: Good evening, my name is Norbert Quenzer. I live at 13 Grantwood Road. Again, across from the Noons. And, I'd also like to reiterate the aspect of safety. Being a parent of a small child it worries me to think of all the traffic that's coming from the school parking. The fact that the buses have a difficult time making the turns around the corners and the fact that I and my neighbors have a difficult time backing out of our driveway without hitting one of the cars that are sitting on the side of the road. In the wintertime it becomes especially difficult because of the issue of snow where it pushes the cars a little bit further out into the road and that becomes a real hazard. I'm surprised again as Frank Noon had mentioned that the bus drivers haven't complained nor have the Town maintenance people who come through there very regularly. So, again, I am certainly in favor of keeping the signs and trying to get the parking away from there. I'd also like to acknowledge Supervisor Fuller and also the Bethlehem police for their prompt attention to this matter and professional handling. Thank you.

SUPERVISOR FULLER: Thank you. Is there anyone else in the audience who would like to speak?

MRS. GRUBBER: My name is Ilsa Grubber and I live at the corner of Grantwood and Brockley and this may segue into the latter part of this meeting but I'm in favor of the proposal but only on the condition that the bigger picture is addressed because I can easily see this moving the traffic from the side of my house to the front of my house and I think that approving of this without looking at that would be very irresponsible. And, as I second Norbert's commendation of you for looking at this quickly and promptly. And, I hope that looking at the Grantwood picture does not stop the process.

SUPERVISOR FULLER: Thank you. Anyone else wishing to speak in favor or 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 7:45 p.m. The motion was passed by the following vote:

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

Town Clerk

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

Supervisor Fuller asked for a motion to adopt the proposed local law.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the adoption of Local Law No. 4 of 2000 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Article VI, Section 119-40, Schedule XIV, Time Limit Parking on Grantwood Road between 7:30 a.m. and 2:30 p.m. on schooldays for a period no longer than one (1) hour on the south side from the west side of Brockley Drive to the east side of Wakefield Court.. The motion was passed by the following vote:

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

Noes: None.

Councilman Lenhardt commented that the action taken this time of putting the signs up before the public hearing he thinks is an excellent approach due to the fact it sensitizes the people parking in the area but also gets the residents used to a new thing in front of their place of residence or to the side of their place of residence. He said sometimes that is aggravating after the fact.

Councilman Davis said, related to what Mr. Lenhardt just said, she has given this a lot of thought and has spoken with the Supervisor on numerous occasions and understands the need for the signs at this point, however, she also is listening and foreseeing problems with this just moving forward and into another part of that whole neighborhood. She said the whole sprawl issue and one thing discussed, is if at all possible, rather than have this sign pollution which she calls it because that is what it is, have signs just continue to be put up street after street after street, if it is a possibility and maybe there is legal advice needed, to have signs at the beginning of each of the streets going into the neighborhood and then take down all the signs that are currently up so that this is a neighborhood that doesn't have parking without all the visual solution if that is possible. She said to the Town Attorney that if that is possible, that is what she would like to see. She thinks it would serve the same purpose.

Supervisor Fuller said this would be a brand new type of legislation. She said she did not think that Mrs. Davis meant no parking but still the one (1) hour parking but rather the covering of all the streets around the high school. A lengthy discussion ensued between the Town Board and the attendees.

Supervisor Fuller said the suggestions including paid parking as a possible solution will be forwarded to Dr. Loomis at the school district. She further noted the school district is going to be looking at a plan and a permanent solution will be researched so there will not be future meetings on parking problems. She said Dr. Loomis has agreed and they will be following up on this issue. She said the real issue for the Town of Bethlehem is the safety issue and that is why everyone is here at this meeting. She said it needs to be resolved once and for all. Councilman Burns gave some information regarding other schools in the area and their provisions of parking.

Supervisor Fuller thanked everyone for their patience and their involvement in the parking problem. She said, obviously, the Town does know it is a problem and will be working with the school district. She said she has been in contact with Dr. Loomis a few times. She said the school Board needs to hear from everyone also. She said this is a community issue. She said no one would like this resolved any quicker than the Town Board, however, this is going to take some time. She said if another meeting is scheduled for further discussion, especially the one to put up one sign instead of signs every 40 feet, she will notify the high school and ask them to put it on the announcements. She said for the long-range solution, she will speak with Dr. Loomis and see if a group of students would come together as well. She advised everyone to stay posted and be careful where they park on the streets. She said they understand the problem on both sides of the road.

Supervisor Fuller wished all the students a great vacation and said the residents will enjoy having the neighborhood back next week.

Supervisor Fuller noted the next meeting will be held to approve posting all streets as you drive into them and as you leave. She said they will spend a lot of time researching the cul-de-sac question. Attorney Kaplowitz commented do you do another bandaide approach with Wakefield or do you look at the whole thing and say this neighborhood has to be addressed. The Board has to make a decision as to which way they want to go. Mr. Kaplowitz noted whether an alternative can be found and do the whole neighborhood with signs at certain key places, it certainly would make the most amount of sense. He said it is not fair to the Police either to put up signs where the Town Board has not adopted the resolutions properly and made it part of the Town Code. He explained the signs were put up because there was a problem. He believes the Town Board needs an opportunity to look at the whole picture. He said this was a school problem at one time, but the Constitution of the State of New York says the Town may not spend money or make a gift of money for other than things the Town is obligated to do. Supervisor Fuller noted if this can be determined to be legal, to post the signs at the entrances and exits of all the streets for the limited 1 hour

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parking, they could do it for the entire neighborhood.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to research the possibility of signs being placed at the entrances and exits of developments to apply restrictions to the entire development. The motion was passed by the following vote:

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

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Alternative parking locations were mentioned including the BIG Ice Arena which is $\frac{3}{4}$ of a mile from the high school and Line Drive off of Route 32 which would accommodate 200 vehicles and is never used during the school day with good access and is $\frac{7}{10}$ s of a mile from the high school and a third solution would be the Park and Ride lot at Elm Avenue and Route 32.

The next item on the agenda was to consider the request from Time Warner, Inc. to approve agreement and plan of merger between Time Warner, Inc. and America-on-Line. Discussion followed regarding the merger and services that will be available in the future.

Mr. Peter Taubkin, Vice President of Time Warner Cable, noted that 2 Beacon Awards were presented to Time Warner Cable for excellence in local cable programming. He said that is a large part of their commitment to the community and they look forward to continuing the pattern.

Mr. Taubkin gave an update of the many activities undertaken by Time Warner since they acquired Cablevision. New construction has been a part of this update, according to Mr. Taubkin, noting there has been a significant amount of upgrading done. He said 4.1 million dollars has been invested in updating the system.

Questions were posed regarding whether a customer would be required to purchase AOL services. Mr. Taubkin said there is no requirement to purchase any of the services offered. He said the best quote about this transaction that he has heard was that it is not that bigger is better but better is better. He said this is a combination of 2 companies and businesses with a whole host of content on both sides of the equation and the best means of distribution to get the content to the greatest number of people at the greatest efficiency possible.

Question was also raised about the rates that are being charged and whether the rates will increase. Mr. Taubkin said the rates are not affected by this transaction. He said now and in the future, the rates will be based essentially on the same factors – cost of programming, cost to upgrade technologies and inflation. He said their history has been to adjust rates on an annual basis. He said he does not see any change to that. He said he thinks other advanced options may be made available and those would be available for people to choose.

Inquiry was made regarding Roadrunner. Mr. Taubkin said they are Roadrunner and digital capable in Bethlehem at this time. He said this was as of April 4. Comment was made that the customers in Bethlehem do not know this. Mr. Taubkin suggested they contact the Roadrunner office. It was stated that Roadrunner has not been officially introduced but a select few are being tested to be sure the program is working.

The following resolution was presented for adoption:

RESOLUTION PROVIDING FOR THE CHANGE IN CONTROL
OF A CABLE TELEVISION FRANCHISEE

WHEREAS, The Town of Bethlehem, New York (“Franchising Authority”) has granted a franchise to a subsidiary (the “Franchisee”) of Time Warner Inc. (“TWI”) to provide cable television service (dated September 25, 1992);

WHEREAS, TWI and America Online, Inc. (AOL”) have entered into an Agreement and Plan of Merger (the “Merger Agreement”) dated as of January 10, 2000;

WHEREAS, the Merger Agreement will result in a stock-for-stock merger (the “Transaction”) in which TWI and AOL will merge with subsidiaries of a newly formed holding company; and

WHEREAS, as a result of the Transaction both TWI and AOL will become wholly owned subsidiaries of the new company, AOL Time Warner Inc.; and

WHEREAS, the Franchising Authority has concluded the Transaction will result in a change of control of the Franchisee.

NOW, THEREFORE, BE IT RESOLVED BY FRANCHISING AUTHORITY:

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1. To the extent required under the terms of the Franchise, the Franchising Authority authorized and consents to any change in control of the Franchisee resulting from the Transaction.
2. The Franchisee shall remain responsible for all obligations under the Franchise.
3. The foregoing consent shall be effective upon the closing of the Transaction.

The motion to adopt the resolution was made by Mr. Plummer, was seconded by Ms. Burns and duly adopted by the following vote:

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

Noes: None.

Absent: None.

The following item was authorization for the Planning and Public Works Departments to solicit consultant services to assist in review of the Nigro DEIS and authorization to establish an escrow account to fund such services as per the Town of Bethlehem Planning Fee schedule. Supervisor Fuller said this means that there are areas of expertise that require consultants and this is as a result of a concern about the traffic issue to mention one. She said the Town does not have an amount for this fund but it is really getting the account established so that consultants can be interviewed and determine what amount is needed in the fund. She said SEQR does have a provision for the Town to charge these costs back to the developer when there is a need for an outside consultant. Question was raised as to how much time this process may take. Town Planner Lipnicky noted he hoped within 3 weeks to a month.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the Planning Department and the Department of Public Works soliciting consultant services to assist in review of the Nigro DEIS and authorize the establishment of an escrow account to fund such services as per the Town of Bethlehem Planning Fee schedule. The motion was passed by the following vote:

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

Noes: None.

The next item was a request from the Engineering Division, Department of Public Works, for approval to go to bid for Iron Castings and Precast Reinforced Concrete Manhole Sections. Could advertise on April 19, 2000 and open bids on May 3rd at 3:00 and 3:30 p.m. respectively.

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

WHEREAS, the Town desires to advertise for bids for the purchase of Iron Castings and Precast Reinforced Concrete Manhole Sections, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 19th day of April, 2000 and that bids be received up to 3:00 and 3:30 p.m. respectively on the 3rd day of May, 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, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

The following item was a recommendation from Engineering Division, Department of Public Works, for approval of award of bid for Corrugated Steel, Corrugated Aluminum and Plastic Pipe as listed.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the award of bid Corrugated Steel, Corrugated Aluminum and Plastic Pipe for the period April 15, 2000 through April 14, 2001 to the vendors listed and at the bid prices received in the Memorandum from the Department of Public Works dated April 4, 2000. The motion was passed by the following vote:

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

Noes: None.

The next item was a recommendation from Commissioner of Public Works for approval of award of bid for Chemicals for the year 2000.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the award of bit for Chemicals for the year 2000 as listed in the Memorandum from Commissioner of Public

Works, Bruce Secor, at the prices contained in the bid documents. The motion was passed by the following vote:

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

The next item was a request from Commissioner of Public Works, Bruce Secor, to accept a letter withdrawing a bid, rejecting the bid of the second vendor and approving a rebid for one (1) Submersible Non-Clog Centrifugal Sewer Pump.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the acceptance of one letter withdrawing a bid, and the rejection of the second vendor's bid. The motion was passed by the following vote:

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

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 (1) Submersible Non-Clog Centrifugal Sewer Pump, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 19th day of April, 2000 and that bids be received up to 2:00 on the 2nd day of May, 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, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The next item was a request from Commissioner of Public Works for approval of award of bid for the Generator Service Contract to the low bidder, Atlantic Detroit Diesel-Allison, LLC, Albany, NY.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the award of bid for a Generator Service Contract to the low bidder, Atlantic Detroit Diesel-Allison, LLC, Albany, New York at an annual maintenance fee of \$9,499, mileage at a rate of \$1.50 and a parts discount of 10 percent as recommended by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

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

The next item was a presentation of the Engineering Report by C.T. Male for replacement of an old 12-inch cast iron water main between New Scotland Road and Blessing Road, North Bethlehem and consider setting public hearing for project. Supervisor Fuller said Mr. Gary Male from C.T. Male would do the presentation.

Mr. Male said the replacement is along the Slingerlands Bypass and Route 85 and goes down to Blessing Road. He said the existing system has suffered numerous cracks and failures due to soil conditions and slippages. The project will be to replace the existing line with a new 12 inch line, make the connection at Route 85, go across the west side of Route 85, and proceed along Blessing Road to Meadowbrook to Eastmount Drive. He said the new ductile iron pipe will have a polywrap on it and protection for it. He said the corrosive soils in the area have caused many of the problems that have been experienced.

Mr. Male said the State Historical Preservation offices have cleared the site so that approval has been received. The Department of Transportation and the Albany County Health Department permits are also in place, according to Mr. Male. He said currently the application for crossing under the Normanskill is with the Department of Environmental Conservation. He did note they did not anticipate any problems with that approval.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve a negative declaration with regard to the replacement of a 12 inch cast iron watermain between New Scotland

Road and Blessing Road, North Bethlehem, Town of Bethlehem. The motion was passed by the following vote:

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

The following resolution was presented for adoption:

RESOLUTION APPROVING ENGINEER'S MAP AND PLAN FOR THE CONSTRUCTION OF A REPLACEMENT WATER MAIN UNDER THE NORMANSKILL TO SERVE THE NORTH BETHLEHEM AREA OF THE TOWN FOR THE BETHLEHEM WATER DISTRICT NO. 1, TOWN OF BETHLEHEM, COUNTY OF ALBANY, NEW YORK AND CALLING A PUBLIC HEARING.

WHEREAS, Bethlehem Water District No.1 is a duly established and existing water district of the Town of Bethlehem, County of Albany, New York, pursuant to the Town Law;

WHEREAS, the Town Board of the Town of Bethlehem, located in the County of Albany, New York, desires to improve Bethlehem Water District No. 1 of said Town by replacing the 12 inch water main between New Scotland Road and Eastmount Drive, in the Town of Bethlehem, to ensure the reliable, break-free transmission of water to the area of the Town north of the Normanskill; and

WHEREAS, said Town Board has caused a map and plan of such facilities to be prepared for Bethlehem Water District No. 1 of such Town, which facilities include a replacement connecting pipeline, all located within said County, to be prepared by C.T. Male Associates, P.C., consulting engineers, licensed in the State of New York;

NOW, THEREFORE, BE IT RESOLVED as follows:

(1) The map and plan, prepared by such consulting engineers of such facilities for Bethlehem Water District No. 1 of such Town to be constructed and acquired at a cost estimated in said map and plan of \$450,000, is hereby approved.

(2) A public hearing is hereby called pursuant to the Town Law, to be held on May 10, 2000, at 7:30 o'clock P.M., at Town Hall, 445 Delaware Avenue, Delmar, New York, in the Town of Bethlehem, New York, at which time and place the Town Board shall hear all persons interested in the above-mentioned subject matter.

(3) The Town Clerk is hereby authorized and directed to cause a Notice of Public Hearing to be published at least once in the official newspaper of said Town not more than 20 days nor less than 10 days before the date set herein for said public hearing, and a copy thereof to be posted on the sign-board of said Town maintained pursuant to subdivision 6 of Section 30.00 of the Town Law not more than 20 days nor less than 10 days before the date set herein for said public hearing.

(4) This resolution shall take effect immediately upon its adoption.

The motion was made by Mr. Plummer and seconded by Ms. Burns. It was adopted by a vote of 5 in favor and 0 against.

The following item was a request from Engineering Services Administrator for approval of the release of bonding for the Normansgate Subdivision.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the release of bonding in the amount of \$3,236.21 to Evergreen Bank, Glens Falls, NY for the Normansgate Subdivision, as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

The next item was a request from Commissioner of Public Works for approval to go to bid for Chemical LBA-100 Coagulant. Could advertise April 19, 2000 and open bids on April 28, 2000 at 2:15 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase Chemical LBA -100 Coagulant, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 19th day of April, 2000 and that bids be received up to 2:15 on the 28th day of April, 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, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The next item was a request from Commissioner of Public Works for permission to readvertise and obtain bids for Chlorine. Could advertise April 19, 2000 and open bids on April 28, 2000 at 2:00 p.m. Supervisor Fuller noted the first time this item was advertised there were no bids received.

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

WHEREAS, the Town desires to advertise for bids for the purchase Chlorine, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 19th day of April, 2000 and that bids be received up to 2:00 on the 28th day of April, 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, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.

The next item was a request from Engineering Services Administrator for authorization of the Supervisor to sign the New York State Funding Agreement pertaining to sanitary sewer project at the Bethlehem Volunteer Ambulance Service, Route 9W, Selkirk. Supervisor Fuller said this came about as a result of a request of Assemblyman John Faso about one or two years ago. She said he has sponsored the funding for \$75,000 and it is being administered by the Department of Economic Development. She said there is a need for approval of signing of the Agreement so they can continue pursuing the project.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the Supervisor signing the New York State Funding Agreement pertaining to a sanitary sewer project at the Bethlehem Volunteer Ambulance Service, Route 9W, Selkirk. The motion was passed by the following vote:

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

The next item was a request from Administrator, Parks and Recreation Department for approval of Supervisor to sign the 2000 Clarksville playground program agreement. Supervisor Fuller said this is a playground program that is offered at all of the elementary schools in the Bethlehem Central School District. She said Clarksville playground is located in the Town of New Scotland so there is a need for this Agreement to be signed to provide the same program for the Clarksville students as is done for the others.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the Supervisor signing the 2000 Clarksville playground program agreement as requested by David Austin, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

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

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as requested by David Austin, Administrator, Parks and

Recreation Department, and listed in his Memorandum dated April 12, 2000 at the titles and salaries indicated.

Question was asked of Mr. Austin as to whether he is having problems finding people to fill the jobs. Mr. Austin said the problem is he is getting a lot of 15, 16 and 17 year old applicants and there are labor law restrictions with these ages. He said a lot of the jobs need 18 year olds in order to operate equipment. He said they get very few college age students applying for maintenance positions. He said it is becoming harder even though the salary range has been increased. He said they have been advertising and put posters up to try and bring applicants in.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer.

Noes: None.

Abstain: Ms. Burns.

Councilman Burns explained that she had a couple family members on the list and, therefore, would abstain, however, she approved the remainder of the list.

The following item was to consider adoption of resolution from the Town in support of Attorney General Spitzer's proposed responsible purchase of handguns. Supervisor Fuller said as a result of placing this on the agenda, noting it had just come in on Friday, she wished to table this item so that the Board Members have an opportunity to read it. She said it will be brought back at another meeting.

The motion was made by Mrs. Davis and seconded by Ms. Burns to table adoption of a Resolution from the Town of Bethlehem in support of Attorney General Spitzer's proposed responsible purchase of handguns policy. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer.

Noes: None.

The next item was a recommendation from the Comptroller to set a public hearing regarding Section 8 Rental Assistance Plan. Public hearing to be held May 24, 2000 at 7:30 p.m.

Supervisor Fuller said this is a program that started in 1985 in the Town of Bethlehem and rental assistance program is a program of HUD for low income, elderly and disabled individuals. She said this item is to set the public hearing.

The motion was made by Mrs. Davis, and seconded Mr. Plummer to set a public hearing for May 24, 2000 at 7:30 p.m. regarding Section 8 Rental Assistance Plan. The motion was passed by the following vote:

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

Noes: None.

Supervisor Fuller noted the plan is on file in the Town Clerk's office and can reviewed during regular business hours. She said there has to be an annual plan and a 5-year plan.

The next item was a request from Bethlehem Police for consideration of proposed Local Law regarding U-turns prohibited on LaGrange Road, Slingerlands. Could advertise April 26, 2000 and hold public hearing May 10, 2000 at 7:30 p.m.

Supervisor Fuller said it will be held at 8:00 p.m. and asked for a motion to set the public hearing.

The motion was made by Mr. Plummer and seconded by Ms. Burns to set a public hearing for May 10, 2000 at 8:00 p.m. to consider a proposed Local Law regarding U-turns prohibited on LaGrange Road, Slingerlands. The motion was passed by the following vote:

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

Noes: None.

Supervisor Fuller noted this was prompted by those that travel Cherry Avenue. She said they drive in the outer lane as if they were going to Price Chopper. She said they are only going to Price Chopper to turn around and come back out and cut in front of the people waiting to make the right hand turn from Cherry Avenue onto New Scotland Road. She said the police have tried to

enforce this and because it has not gone through the public hearing process, it cannot be enforced. Thus, she said the public hearing will be held May 10.

The following item was to approve the Town Board minutes of March 8 and March 22, 2000.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the Town Board minutes of March 8 and March 22, 2000 as submitted. The motion was passed by the following vote:

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

Supervisor Fuller asked if anyone wished to address the Board. Mrs. Marie Capone said 6 months ago the Big Arena opened. She said Mike Mullen gave the Town a youth center and on Sunday it is packed there. She said the ice skating rink is on one side another rink on the left side. She said the left side rink has a floor and there is roller blading there. She said this Saturday morning from 10 a.m. to 4:00 p.m. and Sunday from 10 a.m. to noon, the big shot bus will be there with the Stanley Cup. She said it is a big trophy. She said she thinks everyone should go and see it. Supervisor Fuller noted the Caldor cup will be there also.

Supervisor Fuller extended a public thank you to the Highway Department who once again was called to duty with this snowstorm. She said the highway crew was up and out and on our roads before 7 a.m. and they are to be congratulated and thanked. She said everything was put away from the winter and to come back in to get the roads plowed, they did a superb job. She asked Highway Superintendent Gregg Sagendorph to thank the crews and of course, thanks to him also.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to meet in Executive Session following the close of the regular meeting to discuss a personnel matter. The motion was passed by the following vote:

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

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 9:25 p.m. The motion was passed by the following vote:

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.