

TOWN BOARD  
APRIL 14, 2004

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 5:30 p.m.

PRESENT: Theresa Egan, Supervisor  
Daniel Plummer, Councilman  
George Lenhardt, Councilman  
Thomas Marcelle, Councilman  
Tim Gordon, Councilman  
Kathleen A. Newkirk, Town Clerk

ABSENT: James T. Potter, Esq., Town Attorney

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SUPERVISOR EGAN: Ladies and gentlemen if we can get started. Please stand. The pledge of allegiance was completed.

Want to welcome everybody here this evening. Before we start on the agenda, I just wanted to take this opportunity to thank Mr. Plummer for sitting in for me at the last Board meeting. As most of you know, there was a couple of us from here in Town that actually went out to Hillsboro, Oregon and down into California in regard to looking at tech parks. We'll talk about that a little bit later.

But, the one thing I did want to address and just be clear for everyone. I know there was an issue raised at the end of that Board meeting in regard to a complaint by an individual with respect to snowplowing of what turns out to be a private driveway. And, I just wanted everyone to know that prior to that gentleman coming to this Board meeting we had had conversations... Mr. Sagendorph was addressing it. I had addressed it. And, it was our understanding that this individual was going to give us some time to investigate it. I'm still not quite sure why it was that he felt the need to have to go public at that point but so everyone knows I think it's been covered by the Spotlight and she wanted everyone to know, as we indicated we would do, we investigated it. We took some time, looked into everything. The allegations or the nefarious allegations as to why that plowing was happening turns out not to be true. It related to something a lot older than 30 years ago and had to do with a physician and a nurse working down there during World War II and the community decided at that time it was important to get those people out. The long and short of it is, we investigated it, we looked into it. Notices have been given to the 2 individuals that are on that driveway, if you will, at this point. And, that snowplowing has been discontinued. As reported also, with respect to this particular matter, Mr. Sagendorph and I have been in close contact over the last week or 2 and we've identified 5 other potential areas in the Town and it's only 5 that create any sort of issue at this point. We are looking into it as I said, with the first driveway, we will investigate it, look into the facts of it and if, in fact, any action is needed to be taken we will take it.

COUNCILMAN LENHARDT: Madam, Supervisor, can I ask a question.

SUPERVISOR EGAN: Sure.

COUNCILMAN LENHARDT: We're going to approve the minutes of that particular meeting. I was going to wait until then but since you brought it up, Mr. Graham was the gentleman that came before us that night and indicated that he had a list of more than one driveway along Kenwood Avenue he was going to provide for us. I was just curious, did he ever produce this list?

SUPERVISOR EGAN: No. Subsequent to that meeting I spoke to Mr. Graham again requested that that list be provided my understanding is it has not been provided. I had another conversation with him to advise him what action we had

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taken and I still have nothing.

COUNCILMAN LENHARDT: Thank you,

SUPERVISOR EGAN: Okay, let's move on to the agenda if you will. Ms. Newkirk, could you read the call of the public hearing, please.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 14th day of April, 2004 at 5:30 p.m. to consider a proposed Local Law Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-10, Schedule VII, Stop Intersections as follows:

ADD: A stop intersection as follows:

Stop signs on Old Ravena Road at Pictuay Road, Selkirk

And

Stop sign on Pictuay Road at Old Ravena Road, Selkirk.

AMEND VEHICLE AND TRAFFIC, ARTICLE VI, Section 119-34, Yield Intersections as follows:

DELETE: Yield Sign on Pictuay Road at Old Ravena Road, Selkirk.

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 are in need of assistance in order to participate should contact The Town Clerk's Office at 439-4955, ext. 183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
KATHLEEN A. NEWKIRK, CMC, RMC

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State of New York)  
County of Albany )

LIZA CLINE 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 31 day of October 2004.

/s/ Liza Cline

Sworn to before me this 14<sup>th</sup> day of 2004.

/s/ Sharon A. Doldo

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 31, 2004, 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  
14<sup>th</sup> day of April 2004.

/s/ Catherine T. Picarazzi

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Notary Public

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The motion was made by Mr. Lenhardt 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: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

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SUPERVISOR EGAN: Mr. Schmidt are you here? Would you come up forward.

MR. SCHMIDT: Yes. In February the Highway Department received a request from Mr. Vadney on Old Ravena Road requesting the Town investigate and consider making a 3 way all-way stop intersection at Old Ravena Road at Pictuay Road. I told him it would be investigated. We'd look at it. There's some sight distance issues to consider right there. Anybody who is not familiar with the area, there's some large mature spruce trees on the corner creating a sight distance problem. Over the past there really hasn't been a really big issue but the Town of Coeymans had to close the south bridge on Old Ravena Road which is down on the south end right near Route 9W so now all the traffic from the section of the Town of Coeymans and the trailer park which is in the Town of Coeymans just over the Bethlehem line now have to come north and then exit onto Route 9W to go back south to Ravena or other points. The section of our Town road is roughly just under a half mile long. The total length of the road is approximately 2 miles. But what it has created is an area where there is a lot of sight distance problems for vehicles to pull out and school buses. There is a school bus stop at this intersection and going down taking some measurements using guidelines from the State Manual on Traffic Control Devices, sight distances are really tight right there and definitely falls warrant within the criteria for the need of a stop sign due to sight distance, right of way control.

SUPERVISOR EGAN: Thank you Mr. Schmidt. Anyone have any questions for Mr. Schmidt? Anybody else like to be heard with respect to this matter?

MR. VADNEY: My name is John Vadney. I want to hand you a petition from the neighbors.

SUPERVISOR EGAN: Thank you, Mr. Vadney.

MR. VADNEY: I agree with a lot of things the gentleman said. I wrote something so I could be clear with everything. My name is John Vadney, I live on Old Ravena Road. My wife, Victoria, our 19 month old, Joshua who is 6. We reside at this location. We have lived here for several years and have our roots here. We expect to raise our children here. I'm here today to speak in reference to a 3 way stop at Pictuay Road and Old Ravena Road. This intersection is a very busy spot. The traffic has increased dramatically since the south bridge has been closed down on Old Ravena Road. All traffic must go south. The construction on this bridge has not even been started. This is an emergency and a threat to public safety. Just in the last 4 months, there has been numerous accidents – fender benders, people walking dogs almost ran down, people walking, cars swerving around the corners. Amazing too, as this gentleman said, it's a bus for elementary children. My son was twice getting on the bus and people ran the bus lights which we made reports to the Bethlehem police.

They come down the road speeding, which I know stop signs are not made for speeders. A stop sign is used to regulate traffic. We have people at Old Ravena Road and Pictuay Road no stop signs, regulate traffic and not for speeders, unsafe starts or any other violation. Due to poor visibility of large pine trees and several landscaping bushes block much of the view. Also the elevation of Old Ravena

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Road coming north to south is much higher. I estimate about 16 inches or more. As soon as you drive into the intersection the... as you go over the intersection, your car drops and if you are not from the area, you get quite the surprise. The 2 roads are different in width also. Pictuay widens at the intersection of Old Ravena Road, Old Ravena Road narrows to about 50 percent. This causing trouble for cars, buses, trucks and other motor vehicles. This is a clear public safety issue. Yes, the people that live here are aware of the danger but what about visitors to our area? People who are unaware? If there was a reason for a 3 way stop sign, it is clear indeed. As I just went through, the influx of traffic from the closing of the south bridge; trees and landscape bushes blocking visibility; the elevation change as you approach either way from Old Ravena Road; the difference in width of Pictuay.

A public safety issue threatens our neighbors, the people who live on Old Ravena Road and visit, to our children, family and friends. We need a 3 way stop to regulate all traffic at Pictuay and Old Ravena Road. People who live here know about this corner. You, the Board, also know now. So, please make it safer for us. Any questions?

SUPERVISOR EGAN: Anybody have any questions of Mr. Vadney? Thank you, Mr. Vadney.

MR. VADNEY: Thank you for your time.

SUPERVISOR EGAN: Anybody else like to be heard?

MRS. JORDAN: My name is Arlene Jordan and I'm one of the lucky people that gets to live at the corner of Pictuay and Old Ravena Road and I'm also one of the lucky people that almost got hit with my dog by a Ravena-Coeymans-Selkirk school bus one morning getting my mail I was crossing the road. I started back across the road because my mail box is on the other side of Pictuay and I saw the bus around the corner so I just stood there because I figured I had enough room, the bus comes right at me. If I had ever been a child not paying attention which children do, that child would have been hit. That is a very unsafe corner. Constantly we hear brakes squealing, tires... you know, people taking off. A number of years ago my parents left their car in my driveway when we came back, the car was on the middle of my lawn. Someone had hit it and pushed it all the way up on the lawn. It a very dangerous corner and I think it's absolutely necessary that we have a 3 way stop sign. Thank you.

SUPERVISOR EGAN: Thank you. Anyone else like to be heard on this public hearing matter? Do I have a motion to close the hearing?

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to close the public hearing at 5:45 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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Town Clerk

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The Supervisor convened the regular Town Board meeting following the close of the public hearing. The Supervisor asked if the Board wished to take action on the previous public hearing and the stop intersection.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the adoption of the Local Law Number 4 of 2004 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Article VI, Section 119-10, Schedule VII, Stop Intersections to approve stop sign at Old Ravena Road at Pictuay Road

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and stop sign at Pictuay Road at Old Ravena Road, Selkirk; and amend Vehicle and Traffic, Section 119-134, Yield Intersections to delete yield sign on Pictuay Road at Old Ravena Road, Selkirk. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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The next item was to approve the Town Board minutes of March 24, 2004 and March 31, 2004 Special Meeting.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the Town Board minutes of March 24, 2004 as submitted. The motion was passed by the following vote:

Ayes: Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Abstain: Ms. Egan.

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The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the Town Board minutes of March 31, 2004 as submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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The next item was to consider a resolution relating to the Patriot Act. Supervisor Egan asked Councilman Marcelle if he wished to be heard on this matter. Councilman Marcelle said this was a while in the making but with the help of Councilman Plummer and some of the former members of the Board, they crafted a resolution with respect to the Patriot Act. He said it is basically the same resolution they had at the end of last summer/beginning of last fall. He said he would move this but read it for the benefit of the audience. He presented the following resolution for consideration:

**TOWN OF BETHLEHEM  
RESOLUTION**

**WHEREAS**, the Town of Bethlehem recognizes the Constitution of the United States as our charter of liberty, and that the Bill of Rights enshrines the fundamental and inalienable rights of America, including freedom of religion, speech, press, assembly, and the right to be secure in our persons, effects and homes against unreasonable searches and seizures; and

**WHEREAS**, the Town of Bethlehem denounces and condemns all acts of terrorism and all those nations and people that support terrorism because acts of terrorism ultimately seek to destroy freedom; and

**WHEREAS**, terrorist attacks against the United States of America such as those that occurred on September 11, 2001, have necessitated the crafting of effective laws to protect the people of this nation from terrorist attacks; and

**WHEREAS**, new security measures of the federal, state and local governments should be designed carefully and employed to enhance public safety without violating the civil rights of innocent citizens; and

**WHEREAS**, certain provisions of the Uniting and Strengthening America by Providing Appropriate Tools to Intercept and Obstruct Terrorism Act, also known as the USA PATRIOT ACT, allows the federal government to engage in surveillance, investigations, searches and other law enforcement activities that are designed to prevent further attacks on the United States; and

**WHEREAS**, some concerns have been expressed that certain provisions of the USA PATRIOT ACT may offend the established rights and liberties guaranteed by the United States Constitution; and

**WHEREAS**, the United States Congress, on a bipartisan basis, has started a review of the provisions of the USA PATRIOT ACT; now, therefore, be it

**RESOLVED**, that the Town of Bethlehem supports the federal government in its campaign against terrorism, and affirms its commitment that the campaign respect the Constitutional liberties of the citizens of this country; and be it

**FURTHER RESOLVED**, that the Town of Bethlehem, while taking no position on the merits of the USA PATRIOT ACT, encourages the United States Congress to continue its review of the effect of the USA PATRIOT ACT and to introduce and pass such amendments to the USA PATRIOT ACT as may be necessary to ensure public safety without infringing on the civil liberties of innocent citizens.

The foregoing resolution was presented for adoption by Mr. Marcelle and seconded by Mr. Plummer. The resolution was adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Marcelle, Mr. Gordon.

Noes: Mr. Lenhardt.

Absent: None.

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Mr. Robert Jasinski insisted on speaking with regard to the resolution adopted by the Town Board. Supervisor Egan noted Mr. Jasinski could have comment at the end of the meeting. Mr. Jasinski said he wanted to make the comment now. He said he was against the Town Board condemning any portion of the Patriot Act. He said at this time the servicemen are fighting for us and their lives overseas, they need our complete help and backing. He said this act may save one or many of our servicemen's lives and even our own. He said the Board may think we don't have to give up any of our rights because we are only a small town but remember terrorists come from all areas and we are only a short distance from the capital of New York. He said the Empire Plaza is within a mile of the Town with the Port of Albany at our doorstep. He said railroad yards are within our Town. He said we should not condemn our employees and police to violate any Federal laws and it goes on... the Town Board should not come between citizens and the Federal Law. Any form that goes against the Patriot Act is to be put forth as this Town being against this act. He said do not forget that guilt is by association noting that other people are going to say the Board passed a rule against this act. He said they are not going to distinguish what or how you passed it. He said nobody is going to turn around and say there were stipulations, we really didn't pass it. He said they are going to go before Guilderland and say that the Town of Bethlehem passed this act. He said not to forget that by association you are guilty.

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The next item was a request from Robert Reid, Volunteer Fire Officers Association of the Town of Bethlehem for approval of Supervisors of the Kevin M. Shea Training Grounds. Supervisor Egan noted the suggested people were Terry Ritz, member for 23 years of the Selkirk Fire Department and Daniel J. Ryan, Jr., member for 7 years of the Delmar Fire Department.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of Terrence W. Ritz, Selkirk Fire Department and Daniel J. Ryan, Jr., Delmar Fire Department as Supervisors for the Kevin M. Shea Training Grounds as requested by Robert Reid, President Volunteer Fire Officers Association.

Councilman Lenhardt asked if these 2 gentlemen were in addition to the 3 that are now designated. Supervisor Egan said she believed they were.

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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The next item was a request from Commissioner of Public Works, George Leveille, for approval of award of bids for Materials.

The motion was made by Mr. Plummer and Mr. Marcelle to approve the award of bid for Materials as requested by Commissioner of Public Works, George Leveille, as noted in his Memorandum on file in the Town Clerk's office dated March 30, 2004 at the bid prices submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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Councilman Gordon commented that he was pleased to see most of the vendors are located in Albany County or Capital District or certainly in New York State. He said this is a positive thing. Supervisor Egan thanked Mr. Gordon.

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The following item was a request from Engineering Division, Terrence Ritz, for approval of award of bid for Precast Reinforced Concrete Manhole Sections, Corrugated Metal and Plastic Pipe, and Iron Castings.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the award of bid for Precast Reinforced Concrete Manhole Sections, Corrugated Metal and Plastic Pipe, and Iron Castings as per the Memorandum dated April 6, 2004 from Engineering Division, Terrance Ritz, to the bidders listed and on file in the Town Clerks office at the bid prices submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department as per the list submitted and dated April 14, 2004 at the titles and salaries listed. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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The next item was a request from Chief of Police, Louis Corsi, for approval of appointment of Police Officer, effective April 18, 2004 at an annual salary of \$38,953. Supervisor Egan noted the officer is James Cross, Coeymans Hollow, New York who has been with the Town of Coeymans Police Department.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the appointment of James Cross, Coeymans Hollow, New York to the position of Police Officer at an annual salary of \$38,953, effective date April 18, 2004 as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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The following item was a request from Louis Corsi, Chief of Police, for approval of transfer of funds from Insurance Recovery to Collision Repair in the amount of \$4,844.80 for repair of police vehicle.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt for approval of transfer of funds from Insurance Recovery to Collision Repair in the amount of \$4,844.80 for repair of police vehicle as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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The next item was a request from Superintendent of Highways, Gregg Sagendorph, for authorization of Supervisor to sign for acceptance of \$5,000 grant for continuance of restoration work at Bethlehem Veterans War Memorial Park, Delmar.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the Supervisor signing for acceptance a \$5,000 grant secured by State Senator Neil Breslin for continuation of restoration work at Bethlehem Veterans War Memorial Park, Delmar as requested by Gregg Sagendorph, Highway Superintendent. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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The next item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of Deeds for Town Squire Plaza, Glenmont.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the acceptance of deeds for the Town Squire Plaza, Glenmont for easement purposes as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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The next item was a request for acceptance of donation from Bethlehem Riverfest Committee to the Town of Bethlehem Parks & Recreation Department in the amount of \$500. Supervisor Egan asked Mr. Young or Mr. Daves if they wished to address the Board. Mr. David Young of Bethlehem Riverfest and Mr. Ken Daves gave a brief synopsis of Riverfest. He said 4 years ago an ad hoc committee was formed and was called the Henry Hudson Park Improvement Committee. He said they were a community group concerned about the park on the river hoping to do more with it. He said it is a wonderful asset to the Town. He said they spent a little over 2 years looking at the plans and ways to improve along with the costs involved and looking for grant money. Mr. Daves did a lot of research on Federal and State grants. Mr. Young said the results of the efforts is the gazebo, the handicap access and the walkway. He said after the gazebo went in and the group was growing, they made a commitment to one another that once something was done, they would do something to try and get the Town down to the river noting an event was their idea. He said Riverfest was born from that idea.

Mr. Daves said it is ironic that our Town grew through its riverfront connection and now they are trying to get the citizens back down to the river. He said last year's event was the first of its kind for Bethlehem. He said they hope it is going to be a part of a growing trend toward the community becoming more connected and involved with the riverfront. The event in itself, according to Mr. Daves, brought together local businesses, State and local environmental groups, historical, educational and community interests. He noted they had entertainment, crafts and food. He said truly something for everybody. He said they did this entirely within budget on funds entirely raised through contributions, monetary or otherwise, and they are pleased to donate a portion of the money to again go back to the original cause, to improve the park.

Mr. Daves said this year they are planning on building upon their successes. He said it will be on Saturday, September 18 at the park. He said they are hoping that with school being back in session, as well as, family vacations being completed, it will help to promote the event and get more people down to the park. He said they have accepted some interest from environmental education groups. He said one particular individual who represented DEC estuary education program said the event held last year was the best she had attended, as far as, an overall event. He said they take that as proof positive that they are heading in the right direction.

Mr. Daves said there is a little bit of a different flavor to the entertainment this year, noting they are going to move away from the band under the tent and move toward smaller groups throughout the park. He said Albany Rowing Center was instrumental in providing a lot of activity on the water and this year they are pledged to bring back their rowing team, in addition to growing that portion of the event as well. He said there will be a lot more with kids and educational. He said also there will be more activities for families. He said it will really be a community oriented event. Mr. Davies asked if there were any questions.

Supervisor Egan thanked Mr. Daves. She said it sounds great and invited Mrs. Lanahan to step up and accept the donation. Mrs. Lanahan came forward to accept the donation of \$500 to improve the Henry Hudson Riverfront Park.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the acceptance of \$500 from Riverfest, David Young and Ken Daves, for enhancement of the Henry Hudson Riverfront Park. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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Mr. Daves noted that Administrator, Nan Lanahan, Parks and Recreation Department has said it will go toward the purchase of hibachis. Supervisor Egan and Nan Lanahan, Administrator, Parks and Recreation Department thanked Riverfest, Mr. Young and Mr. Daves.

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Supervisor Egan noted the last item on the agenda was to acknowledge receipt of the Annual Franchise Fee for the Year 2003 from Mid-Hudson Cablevision, Inc. in the amount of \$287.13.

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Supervisor Egan gave a quick update. She said the banner that was on exhibit in the auditorium was given to Chuck Radliff, DARE officer, compliments of the Slingerlands 5<sup>th</sup> grade class upon graduation.

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The Supervisor next noted Bethlehem was awarded the grant for the South Albany Sewer District. She said we have been notified of this award.

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Supervisor Egan said one of the things in the Spotlight this week was notification that a new senior van was received. She said the van comes from a grant from the Albany County Enhanced Senior Service funds, as well as, the Community Foundation for the Capital Region's Health Care Fund and with numerous donations and bequests received during the year through Bethlehem Senior Projects Inc. She said it was a great cooperative effort to get this new vehicle.

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The Supervisor said one of the things that is going to be coming up as we go forward is a proposed land fill in the Town of Coeymans off of Route 144. She said we have been contacted by the engineer for the City of Albany with respect to any comments. She said there may be some traffic or other impacts that will be addressed as this moves forward.

Councilman Plummer asked if this was the same site that the City of Albany has had the option on. The Supervisor said she believed this was the same site. She said it is relative to the development of a solid waste landfill on 363 acres in the north east corner of the Town of Coeymans. She said it is bounded on the east by the Thruway; south by an unnamed tributary to the Coeymans Creek; on the west by the Coeymans Creek; and the LaFarge Cement Plant and Old Ravena Road on the north.

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Supervisor Egan said with respect to the ongoing EPA saga, there is supposed to be a report issued in April with respect to an evaluation of the 7 sites that are still under consideration.

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The Supervisor noted the question of the week seems to be The BIG Arena and she does not have any other information. She said there are multiple parties engaged in negotiations at this point and as soon as she knows something the Spotlight and The News Herald will have the information.

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Supervisor Egan gave an update on the Bethlehem Advisory Committee meetings, noting there is a meeting scheduled for April 22 indicating this is the first big forum meeting and will be held here at Town Hall from 7 to 9 p.m. She said it is really the first community visioning session. She encouraged everyone to be in attendance. She said she believes the dates are up on the website now or will be in regard to the meetings in the future. She said there is one scheduled for May 20, 2004 here also.

Supervisor Egan said one is based on planning, zoning and building. She said another is scheduled for May 24, 2004 housed at Slingerlands Elementary School having to do with Slingerlands, Route 85 expansion and the tech park. She said May 10 there will be a walkable community workshop and believes it will be at the Town Hall in the morning and that information will also be on the website.

Supervisor Egan acknowledged and noted she will get a copy to the Board Members of a report received from Bethlehem Tomorrow which summarized the Bethlehem Tomorrow and Bethlehem Citizens for Pedestrian Safety meeting, Is Bethlehem Walkable, workshop from back in March.

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The Supervisor said finally as updates go, she knows most people are aware that Detective John Cox has been diagnosed with Leukemia. She said he has had

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chemotherapy and was very receptive and responsive to it but he has received word that he needs a bone marrow transplant as soon as May or June. She said as a result there will be a benefit golf outing, May 17, 2004, at Capital Hills which is the new course at Albany. She said it will be golf and dinner and/or any of the above, pick and choose. She said she would encourage anyone who can make it to come out for this worthy cause.

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Supervisor Egan asked if there was any further comment. Mr. John Collier noted he lives in Delmar. He said he had originally come to the meeting tonight to refute some of the arguments that have been advanced in support of previous drafts of this resolution. He noted he was referring to the Patriot Act resolution. He said, however, since the Board has collaborated in drafting the version now under consideration, it would seem that further debate however persuasive might be fruitless. He noted how right he was. He proceeded to make the following statement summarizing his reasons for opposing this resolution or any other pronouncement by this Board that seeks the repeal or modification of the U.S.A. Patriot Act.

First, Mr. Collier said it will in no way remove or lessen the threat to our civil liberties posed by the current wave of terrorism which is infinitely more dangerous than the U.S.A. Patriot Act could ever be and worse by demonstrating our irresolution it may increase that threat.

Second, he said it will result in our Town being designated by proponents as a “civil liberty safe zone” an obvious pretense designed to give the appearance of unanimity when in fact nothing could be further from the truth. He said this is both an offense to our right to hold different political views and an insult to our intelligence.

Third, he said he believes this action constitutes a serious abuse of the authority and the prerogatives delegated to this Board to enable it to govern this Town for the benefit of all of its residents and not just to satisfy the desires of any militant minority. You may view that as a means of reducing the bitterness and the decisiveness surrounding this issue but it will instead only deepen it.

Fourth, allowing this Town to be used as a propaganda tool by outside activist organizations who have sought to advance their peculiar agendas ahead of more pressing local issues would be a disgrace to this Board, Mr. Collier said, noting that he should say is a disgrace to this Board itself as well as to the many loyal Americans who reside here. He said many of whom have had first hand experience in the risky business of defending our country. He said he was a little emotional.

With respect to the U.S.A. Patriot Act, Mr. Collier said they and he are willing to give the benefit of any doubt to the United States of America rather than to those who have pledged to destroy it whomever and wherever they may be. In this regard, he said, they wish to be guided not by the 6 towns in New York State that have enacted similar measures but by the 925 that have not. He said, therefore, as a resident of the Town of Bethlehem he wished to state publicly and for the record that he personally repudiates the resolution and that he disavows whatever steps may be taken now or in the future to implement it however frivolous, misleading, or utterly meaningless they may be. He said finally he called upon all Town residents whose honor and credibility have been expropriated – noting he would said would be – by this adoption to come and do likewise.

Mr. Collier gave copies of his statement to the Board. He noted he had to add that he was shocked and chagrined at the way this matter was handled.

Supervisor Egan thanked Mr. Collier. He thanked the Board for the privilege of addressing them.

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Supervisor Egan asked if there were any further comments this evening. Mr. William Kelleher noted he lives on Roweland Avenue. He said Mr. Leveille has been very good at letting him see the records as he requests them. He thanked Mr. Leveille.

Mr. Kelleher said he does not think people realize the jewel that the Henry Hudson Park is. He said it has a tremendous history that most residents are not aware of. He said he would like to see the park developed as a Museum to the Town of Bethlehem. He said there are 22 miles of dikes built on the Hudson River and a dam built on the river right at this location. He said people do not know this. He noted in the middle of the park you are in the Hudson River.

Mr. Kelleher said he was observing the work being done by Earth Tech in drilling 3 wells and then terminating them. He said he cannot stand by any longer and see the Town accepting the liability that we are accepting. He feels it is a lightning hazard the way the company has left the pits from the wells. He said Earth Tech has put the Town in the position that we have to maintain the wells and pits. He thinks it is ridiculous. He noted this whole thing is going to fail. He said he knows the design will not work. He also criticized the fencing which is not strong or protective to children. Supervisor Egan said the Town has not accepted any plan. She said the tests are ongoing and there has been no acceptance by the Town. Mr. Kelleher said he understood this completely. He said there was agreement to the design of the wells and the drilling of them. He said the Town has agreed to that. Supervisor Egan thanked Mr. Kelleher for his comments.

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Mr. Bruce Bushart thanked the Board for going through all the homework and all through the Patriot Act. He said this will protect the civil liberties in the end. He thanked the Board for the work and their vote.

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Mr. George Cochran said he wanted to speak about the Patriot Act. He said he has lived in the Town of Bethlehem for 45 years. He said he tries to live a private life and does not seek out controversy. He said he has to speak his conscience here. He said that he knows all the Board Members are fine people noting he knows some personally. He knows they believe in democracy and democratic debate so he cannot understand why they did this tonight. He said what the Board did was to design to eliminate discussion and debate. He said he would have thought the Board would have welcomed discussion and debate and that they might have had an open mind.

Supervisor Egan said that again so he was aware, there has been at least, on her count, 4 nights of discussion and debate in respect to this matter. So, she said she did not want anyone thinking this was not discussed at prior occasions. Mr. Cochran said he was not in attendance. Supervisor Egan noted they were on the agendas and it certainly has been discussed. She said since she has been on the Board, it has been on at least twice. Mr. Cochran said it is not a Town matter. He said he thought Ken Runion's statement that was carried in the paper recently articulates that very nicely. He said he is disappointed that the Board did what they did.

Mr. Cochran said he has some real Town matters that affect him and his property rights and they are serious matters. He said appropriate for the Town Board also and he was hoping to visit with the Board soon with regard to these matters. He said he hopes the Board will receive him with an open mind. Supervisor Egan said absolutely. Mr. Cochran thanked the Board.

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Supervisor Egan asked if there were any further comments this evening.

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The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 6:21 p.m. The motion was carried by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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Town Clerk