

TOWN BOARD  
APRIL 24, 1996

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: Freeman T. Putney, Councilman  
Doris M. Davis, Councilman  
Robert C. Johnson, Councilman  
Donald DeAngelis, Esq., Acting Town Attorney  
Kathleen A. Newkirk, Town Clerk  
ABSENT: Sheila Fuller, Supervisor  
George Lenhardt, Councilman

COUNCILMAN PUTNEY: Good evening and welcome to a meeting of the Bethlehem Town Board. Supervisor Fuller and Councilman Lenhardt are vacationing tonight so there is just 3 of us. Anything we do will have to be unanimous or not at all.

COUNCILWOMAN DAVIS: Not just 3 of us, there are 3 of us.

Public  
Hearing  
considering  
Local Law  
No. 7  
Good Samaritan  
zoning boundary

COUNCILMAN PUTNEY: Only 3 of us. Start this evening with a public hearing to consider Local Law No. 7 of 1996 amending the Zoning District boundary of Planned Residence District No. 5, Good Samaritan Lutheran Health Care Center, Inc., Rockefeller Road, Elmsere. I will ask the Clerk to read the Notice of Public Hearing please.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, Albany County, New York on the 24th day of April, 1996 at 7:30 p.m. to consider Local Law No. 7 of 1995, Amending the Zoning District Boundary of Planned Residence District No. 5 by Changing the Zoning District Designation of Certain Lands from Residence "A" District to Planned Residence District.

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

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

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

State of New York)  
County of Albany )

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 10 day of April 1996.

/s/ Mary A. Ahlstrom

Sworn to before me this 12th day of April 1996.

/s/ Kathryn Olsen  
Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on April 10, 1996, 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  
10th day of April 1996.  
/s/ Catherine T. Picarazzi  
Notary Public

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

Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller, Mr. Lenhardt.

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COUNCILMAN PUTNEY: We will start the public hearing now with a presentation by the applicant. Jeff, would you like to introduce the applicant.

MR. LIPNICKY: The applicants here basically are from Good Samaritan Lutheran Home Care Center and they are seeking at this point in time a zone change on about 1.6 acres of land and Lee Borman is here to explain that and also what they have in mind in terms of a project which will subsequently follow the zone change if granted.

MR. BORMAN: Thank you. My name is, as Jeff says, Lee Borman. I am the Executive Director for Good Samaritan Group which comprises Good Samaritan Health Care Center in the Town of Bethlehem and Good Samaritan Senior Housing adjacent to the nursing home and that is on approximately 10 acres of land on Rockefeller Road which runs along... one boundary is the railroad tracks. We have a sister facility, the Good Samaritan Lutheran Home, which is an adult care facility and it is presently located on Madison Avenue in Albany. It is 3 old buildings which are in need of renovation to bring it up to the needs of the residents that are presently there. What we would like to do and propose to do is to bring the facility -- that Madison Avenue facility as it is, so to speak, the 67 beds that are there -- and put it adjacent to our nursing home. Put it on the campus of our nursing home. We first, take a look at these... at first we tried to find a spot back in here but it really isn't conducive to building. The grand canyon is back here, it is about a 20 foot drop and it is just rolling canyons and all kinds of problems. So, we worked with Mr. Ehrcke who is the owner of the property from here... from our property just about out to Kenwood and then back in here. I think he has 22 acres. And, Mr. Ehrcke agreed to give us an option to buy 1.6 acres of land which would be adjacent to the nursing home. So, what we are proposing is to have an addition to zone 5 to make this applicable for group living so that we would go to extend the Planned Residence District No. 5. Basically, I guess tonight we are really into just the zoning change so the prints will go later. I have an architect, an engineer if there is anybody that has any questions.

COUNCILMAN PUTNEY: Okay. First of all, are there any questions from Members of the Board? There were none. Are there any questions from members of the public? There were none. Is anyone here wishes to speak in favor of the project? Would you please give us your name and address and come to the microphone, please.

MRS. PRIVLER: I am Marie Privler.

COUNCILMAN PUTNEY: Would you be good enough to come up to the microphone so we can catch it in the tape, please. Thank you, Mrs. Privler.

MRS. PRIVLER: I am Marie Privler and I am President of the Bethlehem Seniors that meet here on Thursday afternoons. We have a membership of about 175-200. We have between 70 and 80 members who meet every Thursday afternoon. Most of these are people, older members in Town

who own their own homes, some of them do, some of them are living in their own quarters yet in apartments. They are very much looking forward to the time when this adult home will be in the Town where they can be with their friends, their neighbors, their relatives can come visit and they have signed petitions and they are very much in favor of this. Thank you.

COUNCILMAN PUTNEY: Thank you. Anyone else wish to speak in favor?

MRS. COOK: My name is Noreen Cook and I have been a resident of the Town of Bethlehem for my entire life, as a few of you realize. My mother had to leave the Town of Bethlehem after the family left home because she couldn't afford to stay here and we felt that if she had had some senior housing and also an adult home for further progression, it would have been much easier for her. I spent 4 out of 7 days going into Albany on an average of twice a day to take care of her until the time came when she actually had to be placed into a nursing home. And, if you know the City of Albany, after you have been in one spot for over an hour you end up with a \$10 parking ticket on your car. And, I had several of those. So, I would definitely be in favor of seeing residents being able to stay within the Town of Bethlehem, especially those that have been here for quite a while.

COUNCILMAN PUTNEY: Thank you. Does anyone else wish to speak in favor of the project?

MR. GREENMAN: My name is Robert Greenman. I live here in Elsmere. We have been visiting a number of senior groups and presenting this diagram and talking in some detail about our plans, what we wish to do with the adult care facility which is, as Lee pointed out, going to go on this acre... little over an acre of land and we have asked those folks to... after we reviewed this in some detail if they would be in favor or if they would be willing to sign a petition to that effect. And, we would like to give this to you this evening. There is probably... in the neighbor of 160 names here of people who have reviewed this in detail and are very much in favor of asking us to go ahead with this project and, of course, we are asking you to support that. So, may I give this to you, please.

COUNCILMAN PUTNEY: Sure, please. Thank you very much, Mr. Greenman.

COUNCILWOMAN DAVIS: Thanks, Bob.

TOWN CLERK NEWKIRK: Thank you.

COUNCILMAN PUTNEY: We will annex the minutes with that petition, correct?

TOWN CLERK NEWKIRK: I will just indicate that it is in here and it will be in the file.

COUNCILMAN PUTNEY: Right, thank you. Anyone else wishing to speak in favor of the application? Would anyone wish to speak in opposition to the application? There were none. I am seeking a motion now to close the public hearing.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to close the public hearing at 7:40 p.m. The motion was passed by the following vote:

- Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.
- Noes: None.
- Absent: Mrs. Fuller, Mr. Lenhardt.

*Kathleen D. Newkirk*  
Town Clerk

Councilman Putney convened the regular Town Board meeting following the close of the public hearing. He said the Board is being asked to consider 3 things: consider the adoption of the Local Law which would change 1.651 acres to Planned Residence District; issue a negative declaration pursuant to the SEQR regulations regarding the project; and refer this item to the Planning Board for review and recommendation.

Councilwoman Davis noted having visited almost every Planning Board meeting that this item was on the agenda and feeling very comfortable with it, she is prepared to vote. She said she had heard all the discussions.

Councilman Putney said the first item is to consider the draft SEQR resolution pursuant to a negative declaration. The following resolution was presented for adoption:

TOWN BOARD  
TOWN OF BETHLEHEM  
SEQR RESOLUTION  
DETERMINATION OF SIGNIFICANCE/NEGATIVE DECLARATION  
APPLICATION TO AMEND ZONING DISTRICT BOUNDARY  
PLANNED RESIDENCE DISTRICT NO. 5  
GOOD SAMARITAN LUTHERAN HEALTH CARE CENTER, INC.

WHEREAS, the Town Board of the Town of Bethlehem has received an application and Environmental Assessment Form from the Good Samaritan Lutheran Health Care Center, Inc. to amend the established zoning district boundary of Planned Residence District No. 5 located along Rockefeller Road; and,

WHEREAS, the proposed amendment to the zoning district boundary would increase the land area of Planned Residence District No. 5 by 1.651+/- acres, resulting in 10.477+/- total acres within the District; and,

WHEREAS, the proposed amendment to the zoning district boundary would change the existing zoning district designation on 1.651+/- acres of land from Residence A District to Planned Residence District; and,

WHEREAS, the Good Samaritan Lutheran Health Care Center, Inc. has submitted conceptual plans for further development of the District in the event that the zoning change is granted and said plans entail: (1) expansion of an existing 34,600 square foot nursing home facility by 16,500 additional square feet; (2) construction of a 30,980 square foot adult care home; and (3) expansion of parking facilities within the District from 86 existing parking spaces to 149 spaces; and,

WHEREAS, Chapter 128, Article 5 of the Code of the Town of Bethlehem contains procedures for the establishment of a Planned Residence District, and said procedures authorize the Town Board to establish such a District upon referral to, and recommendation of, the Town Planning Board; and,

WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,

WHEREAS, the "Memorandum of Understanding between the Town of Bethlehem Town Board and Planning Board for Planned Development Districts" (MOU), adopted by the Town Board on February 27, 1991, sets forth procedures for incorporating the requirements of SEQR with the requirements of Chapter 128, Article 5 of the Code of the Town of Bethlehem for the establishment of Planned Residence Districts; and,

WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6(a), the Town Board at its meeting of December 27, 1995: (1) determined that the PRD application constituted an "action" subject to SEQR; (2) identified other involved agencies for the purpose of coordinated review; (3) classified the action as an "Unlisted" action; and (4) required a full Environmental Assessment Form to assist the lead agency in its determination of significance; and,

WHEREAS, in accordance with the SEQR regulations at 6 NYCRR Part 617.6 the Town Board at its meeting of December 27, 1995 also initiated a coordinated review of the action, declared itself

SEQR resolution zoning district NO 5 Good Samaritan Lutheran Health Care Center

lead agency and subsequently circulated the PRD application, full EAF and supporting materials to all involved agencies; and, WHEREAS, in accordance with the procedures outlined in the MOU, the Town Board referred the PRD application to the Planning Board for a recommendation on both the application and on a SEQR determination of significance; and,

WHEREAS, the Planning Board at its meeting of March 19, 1996, after careful review of the PRD application and its potential environmental affects, adopted a Resolution recommending that the Town Board issue a SEQR Negative Declaration and approve the PRD application; and,

WHEREAS, the Town Board has independently reviewed and considered the PRD application, the full Environmental Assessment Form and supporting materials submitted by the applicant; and,

WHEREAS, the application and supporting materials include a geotechnical report addressing slope stability issues, construction specifications addressing erosion control and other environmental mitigation measures, and preliminary project plans addressing site layout, utilities, storm water management, grading, landscaping, architectural design and other site development factors; and,

WHEREAS, the Town Board has reviewed and considered various staff comments and memorandum prepared by the Town Planning Department, and said comments and memorandum indicate that upon review of its environmental inventory files the Planning Department was unable to identify any potential significant environmental impacts associated with the proposed zone change and subsequent project construction; and,

WHEREAS, no substantive comments have been received from any involved agency or the general public concerning potential environmental effects of the proposed action;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem hereby confirms it is lead agency with respect to SEQR review of the Good Samaritan Lutheran Health Care Center, Inc. application to amend the current zoning district boundary of Planned Residence District No. 5; and,

BE IT FURTHER RESOLVED, that based upon its review of the PRD application, the full EAF and other supplemental materials submitted by the applicant, comments on the application submitted by the Town Planning Department and involved agencies, its own independent analysis of the application, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that approval of the Good Samaritan Lutheran Health Care Center, Inc. application to amend the current zoning district boundary of Planned Residence District No. 5, for the purpose of constructing a 16,500 square foot addition to an existing nursing home and a new 30,980 square foot adult care home, constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED, that this Determination of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED, that the Town Planning Department is hereby authorized and directed to file any and all appropriate notices of this determination so that the intent of this Resolution is carried out; and,

BE IT FURTHER RESOLVED, that this determination is based upon the following facts and conclusions:

**A. Project Description**

1. The parcel proposed for rezoning from Residence A District to Planned Residence District (PRD) is located along Rockefeller Road and consists of 1.651+/- acres of vacant and wooded land. The rezoning represents an extension to an existing PRD located adjacent to the site consisting of 8.169+/- acres.

2. Land use in the existing PRD consists of a 1-story, 100 bed, 34,600 square foot nursing home, a 2-story, 32 unit senior citizen apartment building, a chapel, miscellaneous

outbuildings, parking for 86 vehicles, lawn and landscaped area, and undeveloped open space.

3. Preliminary plans indicate that if the zone change is approved the existing nursing home would be expanded by 20 beds (16,500 sq. ft.); a new 67 bed (30,980 sq. ft.) adult home would be constructed on the rezoned parcel; and parking would be increased by 63 spaces. The proposed nursing home addition would be a 1-story structure. The proposed adult home would be a 2-story structure.

4. Preliminary plans indicate that project construction would impact approximately 0.7 acres of currently undeveloped land. This land would be converted to parking, building and lawn area.

5. Preliminary plans indicate that upon project completion, approximately 3.5 acres of the total 10.477 acre PRD would remain undeveloped and in its natural state.

6. Preliminary plans include provisions for storm water management, water supply, sanitary sewage disposal, other utility hook-ups, landscaping, and site grading.

7. Existing land use in the vicinity of the parcel consists of 31 two-family homes in a development on the opposite side of Rockefeller Road. To the north and northwest, the parcel is buffered by wooded ravines, open space and a railroad right-of-way. Land to the south along Rockefeller Road is primarily vacant. One existing single family home has frontage on this street.

8. Zoning in the immediate vicinity of the parcel consists of Residence A and Residence AB District lands. The Residence A District is a single family zone and the Residence AB District permits multi-family structures containing 4 units or less.

9. The project site is located in both the Town water and sewer districts. Both services are available to the parcel.

10. Access to the site is provided from Rockefeller Road. Rockefeller Road is a Town street which carries very low traffic volumes. The street dead ends adjacent to the site at a closed bridge over the railroad. There are no current plans to reopen the bridge.

#### B. Evaluation of Potential Environmental Impacts

1. The project is not expected to have any significant or long term adverse effects on existing air quality. The nature of the land use is such that it will not produce industrial related air emissions, nor will it result in the generation of significant traffic that might contribute measurably to auto related emissions.

2. The project is not expected to have any significant or long term adverse effect on ground or surface water quality. The project site is not located over a significant aquifer, nor is the site located adjacent to, or in the immediate vicinity of a protected stream (Class C(T) or higher).

3. The project is not expected to have any significant or long term adverse effect on existing noise levels in the vicinity of the project site. The land use does not involve the operation of heavy machinery or other activity that would produce a noticeable increase in outdoor noise levels.

4. The project is not expected to result in a substantial increase in solid waste production. The project would entail the construction of 20 additional nursing home beds and the relocation of an existing adult home to the site from another location. The existing adult home presently generates municipal solid waste to the same regional solid waste facility that will be used by the new new adult home.

5. The project is not expected to result in a substantial increase in traffic volumes or create traffic congestion problems in the vicinity of the project site. During peak hours it is estimated that the project would generate only 20-30 additional vehicle trips on the adjacent street system. Intersections and roadways in the vicinity of the project site have more than sufficient excess capacity to accommodate these additional trips.

6. The project is not expected to have any traffic impacts on local neighborhood residential streets. Access to the site comes from Rockefeller Road, a Town Street with minimal residential development along its length.

7. The project is not expected to have any significant adverse effect on downstream flooding or drainage problems. Project development would result in the construction of only 0.644 additional acres of impervious surface area. The project includes provisions for an on-site storm water system. This system would release flows to an existing stream. There are no known flooding or drainage problems downstream of the project site.
8. Project development does have the potential to create conditions which would result in substantial erosion and sedimentation of an unregulated stream located adjacent to the project site. This stream exists in a ravine adjacent to where construction activity is proposed. Project plans call for substantial earthwork along the ravine.
9. Various data sources also identify the side slopes of the above referenced ravine as potentially unstable and susceptible to landslides or slump. Project plans call for development of parking area and a section of the adult home at the top of the ravine.
10. Notwithstanding the potential for erosion, sedimentation and slope instability identified in Items 8 and 9, the applicant has submitted a geotechnical study prepared by a professional soils engineer, as well as construction specifications, to address the above issues. These documents contain proposed mitigation measures to stabilize slope areas, control erosion and minimize stream sedimentation both during project construction and over the long term after the project has been completed. These mitigation measures will be incorporated in any final approvals for the project and will substantially mitigate potential impacts as identified above.
11. In addition, the applicant has proposed mitigation measures to minimize other potential short term impacts associated with construction noise and the generation of fugitive dust during construction. These mitigation measures will also be incorporated in any final approvals for the project.
12. The project is not expected to have any significant adverse impact on vegetation or wildlife resources. Project development would result in the removal of less one acre of natural vegetation from the site. In addition, a review of the Town's environmental inventory files indicates that the project site does not contain any significant habitat area, any known occurrence of a threatened or endangered species, or any unique habitat characteristic that is associated with such species.
13. The project site does not contain any designated Critical Environmental Area.
14. The project is not expected to have any adverse impacts on agricultural resources. The project site is not located in a certified Agricultural District. There are no Group 1-4 soils on the project site. The site has not been used for agricultural purposes in the recent past.
15. The project is not expected to have any adverse impact on cultural resources. There are no historic structures in the immediate vicinity of the project site. Although the site does lie in an area that has been identified by the State Historic Preservation Office as archeologically sensitive, that agency has reviewed the project proposal and issued a certificate of compliance with Federal and State preservation laws (dated 12/12/94).
16. The project is not expected to have any significant adverse impacts on aesthetic or architectural resources. The project would result in the expansion of an existing health care facility. The expansion is designed at a scale, with materials, and in a style that is intended to architecturally complement the existing facility. Project development would not interfere with the enjoyment of any significant scenic resources in the vicinity of the site.
17. The nature of the proposed land use is such that it is not expected to result in a major change in the use of energy or create a hazard to human health.
18. The project is not expected to have a significant adverse impact on open space or recreational resources. Project development would convert less than one acre of undeveloped land to urban use. The site is not located adjacent to, or in the immediate vicinity of any recreation area. In addition, project

occupants will consist of nursing home and adult home clients, most of whom are elderly and in various stages of declining health. These persons are not expected to routinely use or place demands on existing recreation facilities.

19. The project is not expected to have a significant adverse impact on existing community or neighborhood character. The project would entail the expansion of an existing health care facility at a scale that is compatible with existing land uses in the area. Nearby land uses include a development of two-family homes, vacant woodland, and vacant fields. Existing zoning permits four-family structures in the general vicinity of the project site.

20. Rezoning of the 1.651 acre parcel from Residence A District to Planned Residence District and subsequent development of the project site is generally consistent with recommendations contained in the Town's draft Master Plan. The draft Master Plan identifies the existing nursing home site for continued institutional use. Rezoning of the adjacent parcel for an adult home reflects a natural extension of this use, which would have relatively little impact on other properties in the area.

21. Construction of the adult home would also further one of the specific objectives cited in the draft Master Plan. This objective is: "{p}romote efforts to provide a sufficient quantity of housing units for residents who may have special needs, such as the elderly or physically handicapped."

22. Review of the site in the field and with available environmental data revealed no other environmentally sensitive characteristic of the parcel, or issue which has not been addressed, or area requiring further study.

On a motion by Mr. Johnson, seconded by Mrs. Davis and a vote of 3 for, 0 against, 0 abstention, and 2 absent, this RESOLUTION was adopted on April 24, 1996.

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The following item was to adopt Local Law No. 7 of 1996 amending the Zoning District boundary of Planned Residence District No. 5, Good Samaritan Lutheran Health Care Center, Inc., Rockefeller Road, Elsmere.

Adoption  
of Local Law  
No. 7 amending  
zoning district  
boundary

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the adoption of Local Law No. 7 of 1996 amending the Code of the Town of Bethlehem Zoning District boundary of Planned Residence District No. 5, Good Samaritan Lutheran Health Care Center, Inc., Rockefeller Road, Elsmere. The motion was passed by the following vote:

Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller, Mr. Lenhardt.

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The next item was to approve referral of the application for Good Samaritan Lutheran Health Care Center, Inc. for amendment to Planned Residence District No. 5 to the Planning Board for review and recommendation.

Application for  
Good Samaritan  
Health Center  
to Planning  
Board

The motion was made by Mrs. Davis and seconded by Mr. Johnson to refer the application of Good Samaritan Lutheran Health Care Center, Inc. for amendment of Planned Residence District No. 5 to the Planning Board for review and recommendation. The motion was passed by the following vote:

Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller, Mr. Lenhardt.

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The following item was to approve the appointment of the Democratic Voting Machine Custodian as recommended by the Bethlehem

Approval of  
Democratic  
Voting Machine  
Custodian

Democratic Chairman due to resignation of former Voting Machine Custodian.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the appointment of William F. McGarry, Jr., Slingerlands, NY as Voting Machine Custodian for the Democratic Party as recommended by Democratic Chairman, Matthew Clyne. The motion was passed by the following vote:

Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller, Mr. Lenhardt.

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Parks and Recreation Supervisor sign permits boat launch Henry Hudson Park

The next item was a request from David Austin, Administrator, Parks & Recreation Dept., for adoption of resolution authorizing the Supervisor to sign permits regarding the construction of the boat launch at the Henry Hudson Park, Cedar Hill, Selkirk.

The following resolution was presented for adoption:

WHEREAS, the Department of the Army, Corp of Engineers, is prepared to authorize work to be undertaken by the Town of Bethlehem as part of a project to construct a boat launch on the Hudson River within the Town; and

WHEREAS, the Department of the Army has requested that the authorizations be executed by the proper authority if all of the statements and conditions therein are satisfactory to the Town; it is therefore

RESOLVED, that the Supervisor is hereby authorized to sign the two authorizations on behalf of the Town Board of the Town of Bethlehem.

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

Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.  
Nays: None.  
Absent: Mrs. Fuller, Mr. Lenhardt.

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Seasonal personnel for Parks and Recreation

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

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the seasonal personnel appointments as requested by David Austin, Administrator of Parks & Recreation Department, as listed in the Memorandum dated April 24, 1996 at the titles and rates of pay indicated. The motion was passed by the following vote:

Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller, Mr. Lenhardt.

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Highway Superintendent transfer of funds

The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval of transfer of funds to cover cost of additional salt and calcium.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the transfer of \$45,000. from Item No. D5140.1 (Brush and Leaves) to Item No. D.5142.4 (Snow Removal) as requested by Gregg Sagendorph, Highway Superintendent. The motion was passed by the following vote:

Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller, Mr. Lenhardt.

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The next item was a request from Richard Webster, Deputy Comptroller, for declaration of safe as surplus equipment.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to declare a safe as surplus equipment as requested by Richard Webster, Deputy Comptroller. The motion was passed by the following vote:

Deputy Comptroller declaration as safe as surplus

- Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.
- Noes: None.
- Absent: Mrs. Fuller, Mr. Lenhardt.

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Councilman Johnson asked Comptroller Kehoe what disposition is done with the safe. Mrs. Kehoe noted they have someone interested in purchasing the safe.

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The following item was a request from Engineering Services Administrator, Department of Public Works, Michael Cirillo, for acceptance of right-of-way deeds for Bender Lane, Glenmont.

Engineering Services acceptance of right-of-way deeds Bender Lane

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the acceptance of right-of-way deeds for Bender Lane, Glenmont, NY from Mr. and Mrs. Franz VonBank, Glenmont, NY. The motion was passed by the following vote:

- Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.
- Noes: None.
- Absent: Mrs. Fuller, Mr. Lenhardt.

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The next item was a request from Michael Cirillo, Engineering Services Administrator, Department of Public Works, for acceptance of easement for Bender Lane, Delmar.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the acceptance of an easement for Bender Lane, Glenmont, NY from Mr. and Mrs. Harold F. Thompson, Glenmont, NY. The motion was passed by the following vote:

- Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.
- Noes: None.
- Absent: Mrs. Fuller, Mr. Lenhardt.

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The next item was to acknowledge receipt of the Annual Investment Report from Comptroller Judith Kehoe for information purposes. Councilman Putney asked Mrs. Kehoe to give a brief overview of the report. Mrs. Kehoe said she attached a copy of the existing investment policy so the Board could review it. She said she is not recommending any changes to the current policy. She said in keeping with the Town's desire not to loose any money on the investments, it is a very conservative investment program. She said the Town is only authorized to be invested in money market funds through an accrued depository bank in Town and through CDs.

Receipt annual Investment Report from Comptroller

Mrs. Kehoe said the earnings were approximately \$826,000. which is up considerably from 1994's earnings of about \$424,000 for all funds. She said this will fluctuate from year-to-year. She said the interest rates were higher which also had an affect on this. She said it was a good investment year. She said there is a listing including the designated depositories and what the deposit limits for the year are. Mrs. Kehoe offered to answer any questions the Board might have. Councilman Putney said it was a nice job. Councilman Johnson said he was very impressed with it, noting he has been privileged to watch Mrs. Kehoe work with some of the banks and she is one of the Town's greatest resources. He thanked Mrs. Kehoe. Councilwoman Davis also thanked Mrs. Kehoe.

Acknowledge receipt of Preliminary Plat for Fisher Hollow subdivision and Westland Park

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 The following item was to acknowledge receipt of Preliminary Plat for the Fisher Hollow Subdivision, Fisher Boulevard, Slingerlands from the Planning Board for information purposes.

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 The next item was to acknowledge receipt of Certificate of Conditional Approval and Final Approval for the Westland Park Subdivision, Section 5 from the Planning Board for information purposes.

Approval of March 27 and April 10, 1996 minutes

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 The next item was to approve the Town Board minutes of March 27, 1996 and April 10, 1996.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the Town Board minutes of March 27, 1996 and April 10, 1996 as submitted. The motion was passed by the following vote:

Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.  
 Noes: None.  
 Absent: Mrs. Fuller, Mr. Lenhardt.

Engineering Division award bid concrete manhole blocks to V. Zappala and Co. Precast concrete manhole sections to Fort Miller Co.

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 The next item was a recommendation from Engineering Division, Department of Public Works, Terrence W. Ritz, for award of bid for Concrete Manhole Blocks to V. Zappala & Co., Inc. and Precast Concrete Manhole Sections to The Fort Miller Company.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the award of bid for Concrete Manhole Blocks to V. Zappala & Co., Inc., Rensselaer, NY and the award of Precast Concrete Manhole Sections to The Fort Miller Company, Inc., Schuylerville, NY at the prices quoted in the bid documents as recommended by Terrence W. Ritz, Engineering Division, Department of Public Works. The motion was passed by the following vote:

Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.  
 Noes: None.  
 Absent: Mrs. Fuller, Mr. Lenhardt.

Discussion Beaver Dam Road no through truck zone

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 Councilman Putney asked if anyone wished to address the Board. Mr. Robert Samsel of Beaver Dam Road noted he had a month ago asked the Town Board to look into the feasibility of making Beaver Dam Road a no through truck zone. He said he has not heard anything and asked if this was discussed. Councilman Putney said a public hearing has been scheduled for May 8th, indicating a notice has appeared in the Spotlight. Mr. Samsel said it was a little different than what he proposed. Mr. Samsel said the May 8th meeting is to lower the tonnage from 4 tons to 3 tons. He said he requested no through trucks and there is a big difference. Councilman Putney said he did not recall if the Board could consider no through trucks. He said the Board has to follow the law on this matter. Mr. Samsel said Kenwood Avenue, Lasher Road in Beckers Corners, no through trucks. There are dozens of them, according to Mr. Samsel.

Councilman Putney said at the public hearing consideration can be given to the 3 ton limit or anything that would relate to that. Mr. Samsel said the only thing he can say is that if there is no more enforcement of this proposed 3 ton than there has been for the 4 ton for the last 15 years, don't waste the money on changing the signs. Councilman Putney said he thought it was discovered that there was no authority for the 4 tons. He said the signs were there but no one found any place where the Town Board had authorized that limit. Councilman Putney said the best way to handle this is to consider the proposal for a 3 ton limit at the public hearing.

Mr. Samsel said since he brought this up over a month ago, didn't the Board feel some action should have been taken by now.

Councilman Putney said action cannot be taken until the public hearing is held. He said the publication of the notice had to be published no less than 10 nor more than 20 days before the hearing. Mr. Samsel said his proposal was to outlaw the through trucks all together. Councilman Putney said the action that is proposed for the meeting is the 3 ton limit but he was sure that if there was something else relative to that that the Board can adopt, it can be considered at the public hearing. He said there is no way that the Board would be able to move any more quickly because of the legal requirements for notification for the public hearing.

Mr. Samsel said he has had 1 year of this with Lt. Vanderbilt and he sings me that song, O Promise Me, and nothing ever comes of it. He said Mrs. Fuller promised that Lt. Vanderbilt would be here but he has not been here in 3 meetings now. Mr. Samsel said he would like to discuss this with him and not take up the Town Board's time. He said he would like to discuss this with Lt. Vanderbilt in Mrs. Fuller's office due to the fact the Lt. has been giving him a run around. Councilman Putney suggested that Mr. Samsel make an appointment to call the Supervisor's office indicating she will be returning early next week. He said the discussion of the whole matter will be at the public hearing on May 8th at 8 o'clock. Councilman Putney said it is a recommendation from the Traffic Safety Committee to use the 3 ton limit.

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Councilman Putney asked if anyone else wished to address the Board. There were none. He asked for a motion to adjourn to Executive Session to discuss pending negotiations.

Motion was made to adjourn to executive session discuss pending negotiations.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to meet in Executive Session following the close of the regular Town Board meeting to discuss pending negotiations. The motion was passed by the following vote:

Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller, Mr. Lenhardt.

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The motion was made by Mr. Johnson and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 8:00 p.m. The motion was passed by the following vote:

Ayes: Mr. Putney, Mrs. Davis, Mr. Johnson.  
Noes: None.  
Absent: Mrs. Fuller, Mr. Lenhardt.

*Kathleen A. Newkirk*  
Town Clerk

No formal action was taken at executive session

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.