

TOWN BOARD  
AUGUST 11, 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 Supervisor called the meeting to order at 5:30 p.m.

PRESENT: Theresa Egan, Supervisor  
Daniel Plummer, Councilman  
George Lenhardt, Councilman  
Tim Gordon, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

ABSENT: Thomas Marcelle, Councilman

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Supervisor Egan invited everyone to join in the pledge of allegiance. She noted there is a public hearing, however, it was scheduled at 6 p.m.

The Supervisor said the first item on the agenda was to approve the Town Board minutes of July 14, 2004 and July 28, 2004.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Town Board minutes of July 14, 2004 with clarification. The motion was passed by the following vote:

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

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The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the Town Board minutes of July 28, 2004. The motion was passed by the following vote:

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

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Supervisor Egan asked if there was any public comment on any matters on the agenda. Mrs. Marie Capone inquired about the next to the last item regarding a pump station on Delaware Avenue and its location. Supervisor Egan said the pump station has to do with the Sewer Department and noted Mr. Wickham will address that at the time. She noted the station is already there and it is for renovations of it. Mrs. Capone asked where it would be located. Mr. Wickham said will be build right next to the existing station just east of Ben Myers Funeral Home.

Mrs. Capone said she thinks the Board is not aware that on Delaware Avenue on Monday, Wednesday and Thursday starting at 11 o'clock in the morning, there's a farmer's market at Verstandig's. She said it is run by little farmers, teenager farmers, very cute.

Supervisor Egan asked if there were any other comments on the agenda items. There were none.

Mr. Robert Jasinski noted with the pump station on Bender Lane that if it is going to be built, he hoped consideration would be given for sewers for Bender Lane from the Swift development down to the pump station because there is talk of redoing the road.

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

Mr. Jasinski said he is complaining because many of the people that come up they speak from back in the chairs. He said this is ridiculous because they cannot hear them. He said a lot of this is the Town's people.

Supervisor Egan said she believed Mr. Leveille has already talked to people, not know if he had talked to Mr. Jasinski, in regard to investigating putting the sewers in this area. She said the sewers would not go in with this particular pump station. She said when they are looking at the reconstruction of the road they will check into putting into some sort of gravity system. Mr. Jasinski said even with putting the pump station in, there should be some consideration on how that station is put in. Supervisor Egan said there is consideration, she believes, being made again looking at a gravity system. She said the pump station on Bender Lane is being moved as a result of some situation with Walmart's and Lowe's, noting it will be moved to the other side of the road.

Mr. Jasinski questioned whether both microphones work. Supervisor Egan said one mike is for amplification and the other is for recording purposes. Mr. Jasinski said it confuses people. He thanked the Supervisor.

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The next item was to consider adoption of a resolution regarding issuance of bonds by the Bethlehem Industrial Development Agency regarding the YMCA, Delaware Avenue, Delmar. The Supervisor noted the Board had received the information in their packets. She said there was an IDA hearing on this item about 2 weeks ago where the IDA approved this and this resolution is specific to the Board passing the resolution and any interest on the bonds would be excluded from Federal income tax purposes.

Councilman Plummer offered the following resolution, and moved its adoption:

#### RESOLUTION

RESOLUTION APPROVING THE ISSUANCE OF CERTAIN BONDS BY THE TOWN OF BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY TO FINANCE A PROJECT FOR THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE CAPITAL DISTRICT.

WHEREAS, pursuant to Article 18-A of the General Municipal Law of the State of New York and Chapter 582 of the Laws of 1973 of the State of New York (herein collectively called the "Act"), the Town Board of the Town of Bethlehem, County of Albany, New York (the "Town Board") has heretofore appointed the Chairman and members of Town of Bethlehem Industrial Development Agency (the "Agency") and has duly caused to be filed in the office of the Secretary of the State of New York the certificates required by Section 856 of the General Municipal Law of the State of New York; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to issue industrial development revenue bonds to finance the cost of the acquisition, construction, reconstruction and installation of one or more "projects" (as defined in the Act), to acquire, construct, reconstruct and install said projects or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, The Young Men's Christian Association of the Capital District (the "Company") has presented an application (the "Application") to the Agency, a copy of which was presented at this meeting and copies of which are on file at the office of the Agency, requesting that the Agency consider issuing its civic facility revenue bonds in the principal amount of not to exceed \$5,000,000 (the "Bonds") in order to finance all or a portion of the cost of undertaking a project (the "Project") consisting of: (A) (1) the acquisition of an interest in an approximately twenty-seven (27) acre parcel of land located at 900 Delaware Avenue in the Town of Bethlehem, Albany County, New York (the "Land"), together with the existing ice rink facility located thereon containing approximately 75,000 square feet of

space (collectively, the "Facility"), (2) the reconstruction and renovation of the Facility and (3) the acquisition and installation therein and thereon of certain machinery and equipment (the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to be owned and operated by the Company as a health, fitness and recreation facility and any other directly or indirectly related activities; (B) the consent by the Agency of an assignment of a certain lease agreement dated as of October 21, 1999 (the "BIG Lease") by and between the Agency and Bethlehem Ice Group, LLC ("BIG") from BIG to the Company and the termination of related documents entered into by the Agency in connection with the execution and delivery of the BIG Lease, (C) the financing of all or a portion of the costs of the foregoing by the issuance of revenue bonds of the Agency in one or more issues or series in an aggregate principal amount sufficient to pay the cost of undertaking the Project, together with necessary incidental costs in connection therewith, presently estimated to not exceed approximately \$5,000,000 (the "Bonds"); (D) the granting of certain other "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including exemption from certain sales taxes, deed transfer taxes, mortgage recording taxes and real property taxes (collectively with the Bonds, the "Financial Assistance"); and (E) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Town Board has been advised by the Agency that the Agency proposes to issue, subsequent to the adoption of this resolution, its civic facility revenue bonds from time to time in a principal amount sufficient to fund all or a portion of undertaking the Project, together with incidental costs in connection therewith, which principal amount is presently estimated to be in an amount not to exceed \$5,000,000; and

WHEREAS, the Company has requested that interest on the Bonds be treated by the federal government as excludable from gross income for federal income tax purposes pursuant to Section 145 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excludable from gross income for federal income tax purposes unless the issuance of the Bonds shall be approved by this Town Board after the Agency has conducted a public hearing thereon following reasonable public notice; and

WHEREAS, on June 26, 2004, the Agency held a public hearing to consider both the issuance of the proposed Bonds and the nature and location of the proposed Project, and a report of said public hearing has been made available to each member of this Town Board prior to this meeting; and

WHEREAS, pursuant to Section 147(f) of the Code, the Town Board desires to allow the interest on the Bonds to be treated as excludable from gross income for federal income tax purposes;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Bethlehem, New York as follows:

Section 1. For the sole purpose of qualifying the interest payable on the Bonds for exclusion from gross income for federal income tax purposes pursuant to the provisions of Section 145 of the Code, the Town Board, as the elected legislative body of Town of Bethlehem, New York, hereby approves the issuance by the Agency of the Bonds, provided that the Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Agency and shall never be a debt of the State of New York, Town of Bethlehem, New York or any political subdivision thereof (other than the Agency), and neither the State of New York, Town of Bethlehem, New York nor any political subdivision thereof (other than the Agency) shall be liable thereon.

Section 2. This resolution shall take effect immediately.

The resolution was duly seconded by Councilman Lenhardt and duly adopted by the following vote

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

Noes: None.

Absent: Mr. Marcelle.

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Councilman Lenhardt said for a point of clarification, unfortunately he did not think anyone was in attendance to answer the question, but he realizes the YMCA is exempt from Town tax and school tax but will it be subject to special district tax such as fire, ambulance, water and sewer. The Supervisor said they just had that discussion this morning. She said that will all be taken care of.

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

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department, as listed on the August 11, 2004 list at the titles and salaries indicated. The motion was passed by the following vote:

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

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The next item was a request from Building Inspector, Mark Platel, for approval of issuance of Dumping Permit for 1318 New Scotland Road, Slingerlands.

The motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the issuance of a dumping permit from R. Cooper Patschureck, 1318 New Scotland Road, Slingerlands, NY for the said premises pursuant to the stipulations set forth by the Department of Public Works, Engineering Division. The motion was passed by the following vote:

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

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The following item was a request from Town Clerk, Kathleen A. Newkirk, for adoption of resolution permitting consolidation of election districts for in-person registration in October.

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

RESOLVED, that the Town Board of the Town of Bethlehem, hereby designates the following locations for consolidation of polling locations for the purpose of In-Person Voter Registration to be held in October 6 and 9, 2004 as per the New York State Election Law.

The following districts will register at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, New York 12054:

Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, and 25.

The following districts will register at the Bethlehem Ambulance Building on Route 9W, Selkirk, New York 12158:

Districts, 22, 26, 27, 28, 29, and 30.

The resolution was adopted by the following vote:

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

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Councilman Gordon asked how many locations were open 4 years ago. Town Clerk Newkirk noted there were 2; indicating consolidation has been done the last 3 or 4 times. She said the in-person registration is only done on a Presidential year.

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The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval to set public hearing for proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Stop Signs for Terramere Subdivision, Slingerlands. Could hold public hearing September 8, 2004 at 6:00 p.m.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve setting a public hearing for September 8, 2004 at 6:00 p.m. to consider proposed local law amending the Code of the Town of Bethlehem Vehicle and Traffic, Stop Signs for the Terramere Subdivision, Thoreau Drive, Eliot Drive, and Teasdale Drive, Slingerlands as requested by Gregg Sagendorph, Highway Superintendent. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Marcelle.

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The next item was a request from Chief of Police, Louis G. Corsi, for approval of transfer of funds from Insurance Recovery Revenue to Collision Repairs in the amount of \$3,414.52.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to approve the transfer of funds from insurance proceeds in the amount of \$3,414.52 to collision repairs for police vehicle 727 as requested by Louis G. Corsi, Chief of Police. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Marcelle.

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The next item was a request from Commissioner of Public Works, George Leveille, for approval of the Town Board's intent to be Lead Agent for Delaware Avenue and Bender Lane Pump Station projects. Supervisor Egan noted Commissioner Leveille was unable to attend so Mr. Charles Wickham will address this issue. Mr. Wickham said the project was to rebuild 2 lift stations. He said in this particular request it is pointed toward the Bender Lane lift station. He said since the lift station must move across the street this is subject to the SEQR requirements. He said this is just to ask permission for the Town to ask to be lead agent. Supervisor Egan pointed out the only reason this has to be done is that if it was just a rebuild of the pump station, it would not need to be done. She said because the Bender Lane must be moved, this is necessary. Mr. Wickham indicated that this was correct.

Councilman Plummer asked how this was going to be financed. Supervisor Egan said this is separate and there will be a request for issuance of bonds in the near future to pay for the improvements. She said the cost of the repayment of the bonds would be financed by the sewer charges. Mr. Plummer said it would not be too large a project for the operating budget or from any reserve funds. Mr. Wickham noted there are not enough funds in the Sewer District reserve funds. Supervisor Egan asked if there were any other questions. There were none.

The motion was made by Mr. Gordon and seconded by Mr. Plummer regarding the Town's intent to be Lead Agency in regard to relocation and

construction of the Bender Lane Pump station as requested by Commissioner of Public Works, George Leveille. The motion was passed by the following vote:

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

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The following item was to acknowledge receipt of Conditional Approval of Final Plat for the Feeney-Castronouovo Subdivision No. 2 from the Planning Board for information purposes.

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Supervisor Egan proceeded to update the Board. She said the Board Members were provided a notice that is being distributed to Elsmere Avenue residents in regard to the proposed sidewalks and in addition a specific letter from a resident on behalf of one of the owners of the sidewalk project. She said Mr. Cirillo has been working toward getting the easements to put the project together. She said he has a majority of the easements, however, there are about 5 or 6 locations that have not been received.

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Supervisor Egan said she received a copy of an email, which was also forwarded in response to the baseball field proposal as discussed at the last Board meeting. She said it was from an individual who thought as opposed to considering a baseball stadium; the Town should go back and consider a community center.

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Supervisor Egan said the YMCA has been approved by the Bethlehem Industrial Development Agency and will be moving into the BIG arena and open doors by September 15, 2004 with ice that will accommodate both the school and Bethlehem hockey teams, as well as, the figure skaters.

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Supervisor Egan said there is not much to report on the EPA since the last Board meeting. She said the public comment period did end on July 31, 2004. She said the last week or so she did receive a little more activity in regard to opposition. She said she did receive a couple of letters in support of the project also. She said everything has been forwarded on to the EPA.

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The Supervisor reported the rails-to-trails is pretty much at a standstill at this point. She said the rails have been removed and the County continues to negotiate with Canadian Pacific in regard to the purchase price and applications for grants are pending.

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The Supervisor said in regard to the Elsmere Avenue sidewalks project, there was another letter received from Farm Family in regard to the consideration of sidewalks on Route 9W, Glenmont and they remain steadfastly opposed to the sidewalks. She said she would provide copies of the letter to the Board Members.

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Councilman Plummer asked the status on Mr. Bellizzi's project to construct a baseball stadium at the Town Park. Supervisor Egan said the Town Attorney is looking into the legal aspect as to what needs to be done or what needs to be done to consider the proposal. She said one thing found was that there would have to be an act by the Legislature. Town Attorney Potter said this was correct. Councilman Plummer asked why this would be necessary. Attorney Potter said because this is a public park. Supervisor Egan said it is not just public land; it is public parkland, which causes other steps. She said in addition, as Mr. Lenhardt pointed out, the Town has the issue in regard to the use of the park by non-residents which is

something that they have always held. She said they are looking into that and noted there is an internal meeting with Nan Lanahan, Administrator, Parks and Recreation and Mr. Reagan in regard to issues to prepare a report to the Board. Councilman Plummer said as far as the Legislature, normally home rule would be respected and he would not look at that as something that would be overly difficult to accomplish, he guessed it was timing. Town Attorney Potter said he has talked to the Comptroller's office and the Department of State and these bills are routinely submitted and routinely passed. Councilman Plummer said the policy issue question would come down to what it means, as far as, people outside the community come to the community. Supervisor Egan said that was an issue and right now just the use of the park is restricted to Town residents. She said, obviously, that would not be the case with a baseball game.

Councilman Plummer asked if Mr. Bellizzi was still interested. Supervisor Egan said he is very interested. She said after the last meeting, he emailed and asked when he could start construction.

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Supervisor Egan asked if anyone had any other comments. Mrs. Capone asked if Delaware Avenue is ever going to be expanded from Verstandig's to the Mobil station. She said there is no sidewalk there; it is just on one side. Supervisor Egan said she agrees but there is no consideration at this point being given to a sidewalk on the second side. Mrs. Capone asked if she would consider it. Supervisor Egan said this is the first time she has heard this. Mrs. Capone said she has brought this up with previous Supervisors.

Mrs. Capone said the BIG arena was mentioned and asked if the River Rats are coming back. Supervisor Egan said she did not know but the YMCA has an office at Main Square and contact should be made with them. Mrs. Capone thanked the Supervisor.

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Mr. Howard Shafer asked about the BIG going to the YMCA and what amount is being taken off the tax roll. Supervisor Egan said it was not on the tax rolls now because it was an IDA sponsored project. She said it is staying an IDA sponsored project for the next 18 months at which time it will then be titled to YMCA. She said they are tax-exempt status so it will continue to stay off the tax rolls. Mr. Shafer thanked Supervisor Egan.

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Mr. Robert Jasinski inquired as to the absence of Councilman Marcelle. Supervisor Egan said she left her office earlier and she had not heard from him before hand and she did not get a chance to check her voice mail in the event he called in the interim. She said she was not sure. Mr. Jasinski thanked the Supervisor.

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Supervisor Egan said there was a memorandum that went to the Board Members from Commissioner Leveille in regard to the New Salem plant upgrades, noting that will be on the agenda at the next Board meeting. She said it is a reconsideration of the bonds for the upgrade. She said there was also some history put in there for the Board's information. Councilman Plummer noted he had not read through the packet yet but one of the things that was going to be put together, which will be very helpful, would be a comparison of what we are paying for the City of Albany now for water and when you factor in the bonding for the upgrades, what it would cost to essentially produce that water. Supervisor Egan said she would mention it to him again because she was not sure if it was part of the package.

Councilman Plummer said the other thing that he thought would be important as part of this is the need for capacity for industrial purposes. He said initially when they voted for the bond, which was roughly over 13 million dollars it did not

include taking care of the industrial needs in the community. He said it is his understanding that there is a need to do that now. Supervisor Egan said that was correct. She said one of the things discovered, is when approval was given for the initial bond act for this it was based on an O'Brien and Gere study.

The capacities and the numbers were all based on that study. Upon review, the study dealt only with the residential and the commercial needs and not the industrial needs. She said it was believed that the Clapper Road plant would service the industrial needs and the Hudson River wells would meet that capacity. She said there is some concern and that is one of the issues they are trying to deal with. To make sure that there is some duplication in the process so that we can service adequately all of our customers not just the residential and commercial but

the industrial customers as well. She said this could be explored more on August 25.

Councilman Lenhardt said he did read the information over and he concurs with the conclusions as far as doing the entire package. He said as long as the engineers and Commissioner Leveille are comfortable with downsizing the one (1) trunk line from 24 inch to 20 inch diameter. Supervisor Egan said she would double check with O'Brien and Gere noting she thought they had that discussion and that our needs would be adequately met with the smaller trunk line. .

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Hearing began: 6:00 p.m.

SUPERVISOR EGAN: At this time I'd ask Ms. Newkirk to read the call of the public 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 August 11, 2004 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending Vehicle and Traffic, Chapter 119, Article VI, Schedule II, Speed Limits, as follows:

**South Albany Road** Reduce speed limit to 35 miles per hour from 45 miles per hour between Old School Road and Currey Avenue.

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, Extension 183. Advanced notice is requested

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

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State of New York)  
County of Albany)

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 28<sup>th</sup> day of July, 2004.

/s/ Liza Cline

Sworn to before me this 30<sup>th</sup> day of July 2004.

/s/ Sharon A. Doldo

Notary Public, Albany County

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

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 July 28, 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  
2<sup>nd</sup> day of July 2004.  
/s/ Catherine T. Picarazzi  
Notary Public

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon 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. Gordon.

Noes: None.

Absent: Mr. Marcelle.

SUPERVISOR EGAN: Okay, at this time I would welcome anyone who has any public comment in regard to the matter in front of us, which is basically to reduce the speed limit to 35 miles per hour from 45 miles per hour between Old School Road and Currey Avenue.

MRS. CAPONE: Okay, I am not familiar with the area; I asked the man who lived there. He told me everything was fine, you shouldn't touch it. And, that's it.

SUPERVISOR EGAN: Thank you.

MRS. KUHN: Good evening. My name is Barbara Kuhn. My family home is located at 253 South Albany Road. We've lived there for the past 28 years. I've seen a lot of changes in those 28 years and this is the section of road that we'd like to have reduced. I started... some of you may have copies of my correspondence to Commissioner Nealand of Albany County Public Works about various safety issues on that strip of the road. Last fall I wrote to him asking that a no passing line be put in and also to have a shoulder placed on the side of the road where pedestrians could walk safely between Harrison Lane and Currey Ave. Commissioner Nealand was terrific. He did, had... saw to getting both of those things done in a timely manner. We can now walk down our road and have a place to get off the road. I've seen so many changes in the neighborhood over the past 28 years. We have 3 side streets that have a lot of families with children. We have handicapped individuals in our neighborhood and we also live near the Selkirk Railroad Yards. We have a lot of truck traffic. Selkirk Railroad truck traffic that goes down our street, including tractor-trailers. We have shift change where there are quite a few cars. And, also we have an increased amount of commuters coming from the south end of Town using South Albany Road to get into wherever they are going to work. And, also we have and it's an incidental thing every Tuesday night for the past several years all spring, summer and fall, we probably have between 50 and 100 bicyclists. It is a bicycle racing team that uses our road and Rupert Road to race on.

And, then also South Albany Road is just one section of Albany County Route 53. The first section runs from 9W over to lower Elm Avenue and that's Jericho Road. That's 35 miles per hour. Then the lower end of Elm Avenue is Albany County 53, that's 35 miles per hour and that goes over to Creble Road, Albany County 55.

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Albany County 53 begins again up near the South Albany Airport where it is called Old School Road, that's 30 miles an hour and that goes over the Selkirk Railroad Yards Bridge and comes down onto South Albany Road. Turning left there, it heads down toward South Bethlehem.

Our section that we'd like lowered to 35 is that section of the road where it is 45 miles an hour. It then lowers down again to 35 miles an hour just before Rupert Road. That's where the Town landfill is. We also have a lot of truck traffic and cars using our road to go to the landfill. I'm very concerned about the children and the people in our neighborhood that walk and ride on that section of the road. I'm not asking for the entire route of South Albany Road to be lowered but just that section where there is the side streets. Okay.

SUPERVISOR EGAN: Thank you, Mrs. Kuhn.

MRS. KUHN: Thank you for listening to me.

SUPERVISOR EGAN: Thank you.

MS. JASINKSI: Linda Jasinski. I live down in the South Bethlehem area and this area of South Albany Road and let's not call it County Route 53 because the whole road that goes straight is South Albany Road. In this area that you are looking to lower the speed limit and really that whole section, there have been no new houses put in the last 15 years that I know of. There are maybe a dozen houses in this section. I know that less people work at CSX than when it was Conrail. Personally, I drive that almost every day and I see less traffic on it than I used to a few years ago.

I called up Albany County and talked to some people there. They put in new shoulders. They changed the road markings. They are hoping to put in sidewalks at some point but they feel that the speed limit should be kept the same. They're not going to get involved with the Town should the Town decide to change it but they really feel that it should be kept the same. I talked to people at the State level for speed limits on highways and both the County and the State brought up the Federal studies that have been done that show lowering the speed limit does not lower the traveling speed of the cars.

South Albany Road itself would go from a 45 miles an hour speed limit to a 35 to a 45 to a 35 all in an amount of less than 3 miles, I think it is. And, if that's not confusing to the drivers and not setting them up to get tickets by the police, I can't imagine what is.

My brother had asked that I speak for him. He lives right on South Albany Road a little bit south of this area. Unfortunately, he can't make this time frame because he runs his own business and has to be at the business but he does not think that the speed limit should be changed at all.

Thank you.

MR. SHAFER: My name is Howard Shafer. I'm the County Legislator for the district in which you're proposing an amendment to the speed limit. I support the issue. Nobody likes to travel any slower today than they did yesterday but my concerns – it's a safety issue. There is a handicap person in the area. The County has widened the road. There's now probably a 3-foot strip along the edge that's been put in. I think it's basically for the handicap person that I suggest the speed limit be changed. One thing I would recommend is that when the Town or if the Town does make the change that they stabilize or correct the speed limit as you are coming into South Albany. If you come in South Albany from Quarry, the speed limit is 55 but where it changes to 45 is different than if you go out South Albany to Quarry. I mean the change from 45 to 55 is not the same place going out as it is coming in. Understand what I said? Okay.

SUPERVISOR EGAN: I think so.

MR. SHAFER: If you go past CSX you'll see a sign saying end of 45 miles per hour. If you turn around and come back in the 45-mile an hour speed limit changes further in towards South Bethlehem. And, again, not like to see anyone travel any slower today I think it is an issue for handicap and I would support the change to 35.

SUPERVISOR EGAN: Anybody wants any further comment.

MR. JASINSKI: Sometimes... Robert Jasinski. Sometimes I don't agree with my daughter, sometimes I do. In this particular case, I agree with my daughter. I have a couple of questions. Number 1. I understand the problem somewhat here but even with the speaking that has gone on and everybody has their own views and everything, and as Mr. Shafer said and as you try to follow him, it's very confusing. I mean, really, you're hearing 35, 45, 55... you're hearing sections of the road and everything else. May I ask how many people have requested this change?

SUPERVISOR EGAN: I don't know. Mr. Sagendorph, do you have any information on that?

MR. SAGENDORPH: I got the initial letter from Mrs. Kuhn.

MR. JASINSKI: So, there's been 1 person that has requested this.

SUPERVISOR EGAN: One person that we've heard from, yes.

MR. JASINSKI: That you've heard from. I am not in favor of anybody being on some of these county roads or on roads like 9W. I mean, I was brought up as a little child you don't go out on these roads because you have a 3,000-pound vehicle and right or wrong, you just don't argue with them. And, so I think in a sense... the handicap I do feel sorry for the people. I do wish there was more that, you know, you could do for these 2 kids but I don't know by lowering the speed whether you are condoning them to be out on the road more often or what. I would suggest if you go forward with this thought maybe you find out how many cars... you put a timer there to find out how many cars are running on this road. You may find that this may give you some insight into which way you go with it.

I am not for reducing this at all. Thank you very much.

SUPERVISOR EGAN: Thank you.

MRS. CAPONE: Years ago...

SUPERVISOR EGAN: Come to the microphone, please.

MRS. CAPONE: Years ago there was a police officer named Dick Vanderbilt. He told me at one time, you can look out the window, and you cannot see the difference between going at 30 and 40 in front of the town hall. So, it's not a big deal.

MRS. KUHN: Just one more thing. I forgot to mention and I don't know if it's going to help my case or hurt it. I sat there one day on a typical weekday not at 7 o'clock in the morning, a typical weekday and did an hour study of how many vehicles traveled on... past my house and there were approximately 75 cars in 60 minutes. A little over a car a minute and they were cars and trucks and that. Okay.

SUPERVISOR EGAN: Thank you. Any further comments, anyone else want to be heard on this matter?

MRS. CHENEY: My name is Sandra Cheney and I live on Currey Avenue and I travel the section of South Albany Road that we are talking about between Currey

and Old School Road every day to go anywhere. I am not for lowering the speed limit to 35. Basically, Albany County has done a great job in fixing the road. They've paved the shoulder. They took out the passing lane, so it's no passing in this section and you very seldom ever see anybody walking the road or going down there. There are a couple guys that do and they are off to the side and they are young men, they are not kids and there's never any kids even playing in yards in this whole section. And, there's 10 houses between Currey and Old School Road that are facing on South Albany Road.

SUPERVISOR EGAN: Thank you. Any further comments?

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to close the public hearing at 6:17 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Marcelle.

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Town Clerk

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Supervisor Egan asked if the Board had any questions, further action or if they wished to adopt the proposed Local Law.

Councilman Lenhardt said he had a couple questions noting this was a rather unique situation. He said normally they are inundated with residents in favor of lowering speed limits and he was not hearing it here. He said he did not remember reading all of material or not and proceeded to ask if there was a petition circulated for signatures. Mrs. Kuhn said she did not. Mr. Lenhardt said he was vaguely familiar and said it sounds like the speed is being requested to be lowered on a 45 miles per hour road to 35 in one section, prior to that getting to South Bethlehem, where he considered the major population center in South Bethlehem, you go to 45 and then you go back to 35 again. He said if he were going to lower the speed limit he thought it would make more sense to lower it the complete route rather than have it piece meal. Mrs. Kuhn said the only reason she was thinking of just that section was because that's where the homes were. She said as you go further down South Albany Road, there's a lot of farm fields and she did not think it was necessary to go 35 miles per hour down about a mile strip of the road but that would be fine if the Board wished to make it all consistent.

Mrs. Capone said 11 years ago there was a Traffic Safety Committee that was started by Bernie Kaplowitz and we did that thing. And he said if the people were happy, we took credit for it. If they were not happy we blamed the Traffic Safety. Councilman Lenhardt said they get both sides of that now he guessed.

Councilman Gordon asked if the Superintendent of Highways had any opinion on this matter. Mr. Sagendorph said to reiterate what Mrs. Kuhn said; Albany County did a remarkable job of every thing she had asked for. He said they put up the street sign at the corner of Old School Road and South Albany Road. He said they did pave the shoulder; they took out the no passing zone.

Mr. Sagendorph said this area where Mrs. Kuhn has requested this change is about ½ mile in length. He said what he considers it and with the comprehensive plan study going on, he considers this and have for 32 years he has been with the Town, the hamlet of South Albany. He said it is the more populated area of town down there. He said same thing where Mrs. Kuhn said the speed limit goes to 35 when it goes into the village or hamlet of South Bethlehem that was why he considered forwarding this on to the Town Board for their decision and a public hearing. He said it is up to the Board and he realizes it is a 45-speed zone down to a 35 and back to a 45. He said he equates that to Route 20 heading west or Route 7 heading east out of Troy where every hamlet, every little village you come to you

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are dropping from 55 to 35 or to 30 and then back up to 55. He said this is in a little shorter span but where Mr. Jasinski has his business, it's a very much more rural area than where the 15 to 20 houses are located along South Albany Road. He said he thought this should be brought to the public forum and see where it all shook out.

Supervisor Egan thanked Mr. Sagendorph and asked if there were any other questions.

The motion was made by Mr. Plummer and seconded by Ms. Egan to approve the adoption of the Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Speed Limits, on South Albany Road, South Bethlehem from 45 to 35 miles per hour between Old School Road and Currey Road. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Marcelle.

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The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 6:22 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: Mr. Marcelle.

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Town Clerk