

TOWN BOARD
DECEMBER 8, 1993

A regular meeting 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: Kenneth J. Ringler, Supervisor
Frederick C. Webster, Councilman
Charles Gunner, Councilman
Sheila Fuller, Councilwoman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

ABSENT: M. Sheila Galvin, Councilwoman

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SUPERVISOR RINGLER: Good evening and welcome to a regular meeting of the Bethlehem Town Board. We have a rather long agenda tonight and the first item on the agenda tonight is a public hearing regarding a proposed change to our Code regarding stop signs on Fernbank Avenue. I would ask the Town Clerk to read the call of the hearing.

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on December 8, 1993 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 9 of 1993, Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-33, Stop Intersections as follows:

Add: Stop Signs to be added at 3 intersections at Fernbank Avenue and Brookside Drive.

All parties in interest and citizens will have an opportunity to be heard at the said hearing. The Town of Bethlehem provides reasonable accommodations for the disabled.

Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

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

Public
Hearing
Local Law
No. 9, 1993
Stop Signs
Fernbank Ave.
and
Brookside Dr.

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State of New York)
County of Albany)

CAROL STUART of the Town of Bethlehem, being duly sworn, says that she is the Advertising Coordinator 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 24th day of November 1993.

/s/ Carol Stuart

Sworn to before me this 24th
day of November 1993.
/s/ Kathryn Olsen
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 November 24, 1993, 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
2nd day of December, 1993.
/s/ Catherine T. Picarazzi
Notary Public

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SUPERVISOR RINGLER: Thank you, Kathy. Motion to indent.

The motion was made by Mrs. Fuller and seconded by Mr. Webster 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. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

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SUPERVISOR RINGLER: This change is being recommended as a result of a petition that was presented to our Traffic Safety Committee from neighbors in the area. The format of the hearing tonight and most of our hearings, is that we will allow our Chairman of the Traffic Safety Committee first of all to explain the rationale of the committee behind their recommendation. Allow the Town Board to ask any questions they might have at that point in time. Then, we will open it up to the public for the public first of all to ask any questions for clarification, although I don't think there are a lot of things that have to be clarified it is either a stop sign or no stop sign. However, we are willing and Dick can answer any questions that you might have and then we will ask anyone who likes to speak in favor of this proposal, to speak in favor and making any statement that you might wish to make to the Town Board. And, also, at the end, anyone who wishes to speak in opposition to the Local Law will be allowed to speak. First of all, Chairman Vanderbilt, Dick Vanderbilt is here. Dick, if you could give us a brief overview -- you will have to come up to the microphone and when anyone speaks in the auditorium, we do need you to come to the microphone -- I am going to start off by asking you a question and perhaps that will get you into the Traffic Safety Committee's recommendation. This recommendation seems to be different than you might have made at other times when attempting to address issues that are being brought to us by the residents regarding the use of stop signs. You do not have a unanimous vote but you did have a majority vote on the Traffic Safety Committee and for my benefit and the benefit of the Board, could you possibly explain the rationale behind the committee and if there is a change in your thinking regarding the use of stop signs or other special circumstances in this particular proposal that would make your recommendation different than the norm.

CHAIRMAN VANDERBILT: A little background might be in order first, Mr. Supervisor. We have been considering this matter since October of 1992 when we first received the request from Fernbank Avenue residents and neighborhood. We decided that we couldn't collect data accurately during the winter time so that's why the extensive delay in getting the data collected. The concerns that were presented were concerns of volume and concerns of speed. In our data collection and our evaluation of the situation, we did not necessarily find that there was an excessive speed problem. We did find that there was heavy volume, some days as many as 1500 cars traverse the highway. Fernbank Avenue is a residential street but it is used as a short cut for many people.

The concerns of the neighbors, as I said, were speed and volume. They brought to us concerns about the character of the roadway being what they considered to be narrow but in fact, it is narrower than some Town highways but it is wider than some Town highways. They also were concerned because there are no sidewalks and their children had to walk or ride their bicycles on the highway.

We found, as I said, no accident history, no excessive speed but we saw that they had a genuine concern. Their remedy that they were most forceful in presenting was stop signs at Brookside Drive. The manual for traffic control devices, as you all know, does not recommend the use of stop signs to control speed. We felt though, in this case, the majority of the board felt that we would due to their extreme concern over the situation, make an exception and put a caveat on our motion to the Town Board that we recommend to you that it be adopted for 1 year and during that 12 month period that we evaluate continuously the effect on the traffic flow and the speed on Fernbank Avenue and at the end of the 12 month period determine whether or not it was effective in achieving the goals that the neighborhood wanted, thus reducing the traffic flow and reducing the speed. That basically is the rationale behind our decision.

If any members of the Board have any questions, I could answer, to further clarify that.

SUPERVISOR RINGLER: Any questions from the Board? Okay. If not, we will open it up to the public. At this point in time, does anyone in the public have a question. Not a statement pro or con, questions of clarification. We will get into the pro and cons after any questions might be answered. If you do, please come up, identify yourself of the record and ask your question.

Okay. Then I would entertain anyone who would like to speak in favor of this proposal.

MRS. SAFFERTY: Katherine Safferty, 94 Fernbank Avenue. 194 taxing paying, voting households on Fernbank Avenue and the surrounding area are asking for a stop sign at Brookside and Fernbank. We are not the lunatic fringe as you may have been led to believe. We are for the most part, middle aged, middle class, your electorate. We have an average of 1,400 cars on our street every day which is more than 3 times the adjacent streets. More than on Albin where your children can play in the street, where your children play basketball in the street. More than on Harrison where you can drive up and down 4 or 5 times and not meet another car. We don't have that. We are not asking you to take the cars off our street, we are asking that it could be made safer for your children and the rest of us.

We have been led to understand that the Town's policy is against stop signs. You want the traffic to flow. To what advantage for the traffic to flow if someone is hurt, if someone's life is lost, if someone's dog is hit -- what is that worth? We just feel that our opinions should have some sway with the Town. We are the people that you have been elected to serve. You have not been elected to serve the advisor on the traffic board. Some of his opinions are false. Some of his statements were erroneous in the letter he sent you. Listen to us, listen to what we have to say, value our lives, our children's lives, the lives of the retired people that are walking at night, the joggers, the children going to and from the school, people walking their dogs. Listen to us and what we have to say -- we are not nuts, we are not rabid, we are not crazy, we want a stop sign on our street. We want something to help us on this -- this street is 7/10ths of a mile long. It is narrow, it has 1,400 cars on an average every day. That is a lot of cars on a little street. This is a residential street, not Kenwood Ave, not Elsmere Ave. We are asking the Town to do what you are supposed to do, serve the public and help us out here. Thanks a lot.

SUPERVISOR RINGLER: Thank you. Anyone else wish to speak? Don't be shy.

MRS. ROCKEFELLER: Okay, I have obvious reasons for.

SUPERVISOR RINGLER: Your name, for the record.

MRS. ROCKEFELLER: Nancy Rockefeller. I have obvious reasons for concern about the traffic. I have been home now with 2 children and I live right at Brookside on Fernbank and I watch the traffic speeding down the street from my dining room window.

SUPERVISOR RINGLER: He talks with his hands also, did you notice?

MRS. ROCKEFELLER: He does too. He must get it from me. And, you know, the concern is mostly for the children and when I was one of the people who went around and did the petition and it is not just me that feels insecure having my child walk on this street, I mean, when I walk on the street -- basically, you are forced to walk on people's lawns especially during the rush hour. In the winter you don't have that option and really, there is no immediate solution for that but the traffic does make up time in that long stretch there and it needs something to slow it down there. I mean, if you are going to have your children cross the street at the stop signs, you have a long way to go at that part of the street and I don't know, I think that -- I don't know if that is going to solve the problem but this is a residential street. When I moved into this area I looked at the street -- I think most of the people with children looked at the street in a non-rush hour and I mean, even though nobody can help that, we got the impression of a nice quiet residential street. And, then comes the rush hour and I even understand from someone on the Traffic Safety board that this is considered a through street -- well, come look at the street, it is not a divided highway, it is a narrow street. There is all houses on the street and yet it is being used as a through street -- I mean I don't expect this stop sign to make it stop being used as a through street but maybe someone will get the idea a little more that this is a residential street. That this is not a throughway. That this is not where you cut through from Elsmere across to go through to Winne to Kenwood just to make time. That there is people that live on the street, that the purpose of the street is not a throughway. And, that is just about the only immediate way that I could think of to do that. Thank you very much.

SUPERVISOR RINGLER: Thank you. Anyone else like to speak in favor?

MR. ROSEN: Get it so everyone can see. My name is Ed Rosen, I live at 89 Fernbank Ave and at this time, if it is not too inconvenient to my neighbors, I would like to ask the folks just to indicate to the Board, the level of support or indication...

SUPERVISOR RINGLER: We received your petition so we understand how many people are involved in this.

MR. ROSEN: Okay. Well, perhaps just raise your hands then so we don't have to have you stand up. Approximately 19 people raised their hands. Okay, thank you.

Just a couple points I would like to make very briefly to try to put this into a larger picture. Nobody on these issues has a monopoly on what is right, I don't think we do, I am not sure... the other side, so to speak, traffic engineers, Mr. Herr, and so on, those who opposed it also, I think, has to be recognized that this is the case as well. That's why we think the proposal to try it out for at least a year is a fair one and we -- I have seen Mr. Herr's letter and I guess you have and there is a lot of technical information there but in the piece that I just handed out to you, which appeared in the Institute for Traffic Engineers a very respected journal in the field, you have another group of experts -- some nationally known folks out of the Chicago area -- discussing almost identical problems which have occurred in the Chicago area and the suburbs of Chicago. And, they take really just the opposite approach of what Mr. Herr has presented in his letter. Now, who knows who is correct. I am sure the truth lies somewhere in between us, it is usually the case with these events but I think the point here is simply nobody has a complete monopoly on the truth of the facts and really the only fair thing is to try it out and see what the results are. Otherwise, we are just keeping closed minded about things and I don't think that is to anybody's benefit.

One other thing I would just like to -- through the use of visual aids -- which I am a little bit more familiar with here -- anyhow, quickly -- some of the issues that have been brought up. This is the thing that is Jefferson Road case, which we hear about quite frequently. And, we took a ride down there, on that road and essentially what has occurred there, you have a rather strange situation. The reason I bring up Jefferson Road for those who may not be familiar with the issue is -- Jefferson Road is often pointed out as a horrendous case where stop signs have been put in by... at

the insistence of the neighborhood groups and have caused all sorts of problems since. And, Mr. Herr refers to it in his discussion of this issue. However, my point is -- and I will try to demonstrate quickly here -- is Jefferson Road is not analogous to what we have on Fernbank. Basically, as soon as one turns off of Feura Bush Road, within maybe 50 yards, you run into a set of stop signs. I mean, why they were put here, Lord only knows but there is no... there is no point. Nobody could even accelerate here even if they wanted to. You go another very short distance, I don't have the exact measurement... but it is probably...

SUPERVISOR RINGLER: Let me just interrupt for a second. There is only one Board Member here at the time and he voted against it for the record.

MR. ROSEN: Okay. So, what you are saying is you are familiar with it or...

SUPERVISOR RINGLER: We are familiar with it but you were making fun of the decision and...

MR. ROSEN: Oh, all right, okay. Not to deprecate anybody's judgement here. In any event, basically you have situation where the set of stop signs are all in the upper quadrant of that particular road and then you have a very long stretch maybe 75 percent or so which is unimpeded with stop signs. So, not surprisingly, you don't have to be the proverbial rocket scientist to realize you are going to get a lot of speeding down this section and here, obviously, you are not going to be able to do too much but of course, there is going to be a desire to make up time and so on. So, this is quite predictable.

Now, if you look at our street... let's see here -- I think we are talking about something quite different. These are the existing stop signs, sets of stop signs, and in this case they are 4 way stops but I have illustrated just the 2 that are on Fernbank in both cases and I think in our case, it should be clear that it is much more sequenced, more symmetrical. The stop signs that we are asking for on Brookside, so it is a much more equal distance situation and it is unlikely that the vehicles, you know, would really get that opportunity or have the desire to go like a bat out of you know where. It is just not going to occur. So, we feel hopeful in any case, that it will not create any other problems and actually be quite beneficial. Of course, our current problem is right in this section right now.

I think some of the other speakers are going to address the effect of the signs that were put in at that time and I might add for the record, I guess some folks on the Traffic Safety Committee or what was at the time, the equivalent opposed the installation of these signs. And, I think by unanimous opinion on our street, we feel while it is not an end all, they do definitely make a difference and it is a positive effect on the neighborhood and the traffic.

Very briefly, and we are not going to hit every neighborhood in Delmar but just to show you another example where there are stop signs even closer again, than the ones being proposed on Fernbank, you have another basically through street -- this is the Kenholm area which I am sure you are familiar with -- and this is Devon and as Devon comes down off of Oakwood, you immediately have a set of signs on Gladwish, immediately after -- we are talking a very short distances on Brookview, another group on Greenock. And, the rest of the street is pretty empty. I am not aware -- I mean maybe Dick can speak to this but I am not aware of any undue speeding here, I may be wrong. But, as far as I know, this is a very workable arrangement in that neighborhood and it does keep the speeding down and I am not aware of any undue complaints about that. It is just an example.

So, as we pointed out at the Traffic Safety Committee, we think it would only be fair to focus on examples of stop signs in neighborhoods that work, not just the Jefferson Road cases which we think are more of the exceptions rather than the rule.

I guess that is about it and I had one other thing to say but it escapes me at the moment. I will point out on this article that I handed out on page 26, they discuss and I took the liberty of highlighting it for you, the whole issue of that concept in the middle on... towards the bottom it says to test the theory that unwarranted stop signs -- by unwarranted, of course, they mean signs that don't meet the strict... the normal strict criteria on that manual of uniform traffic safety control devices -- signs that don't meet the ordinary rules let's say, foster disrespect of the -- let's say the proper stop signs and they basically investigated that and their results show that, in fact, despite this, the number of accidents went down. And, you know, you can read the details, I don't want to bore you with all the data here. But, it is all contained in here and basically, the conclusion of these fellows is that the manual of uniform traffic control devices is in need of something of an update because a lot of things have occurred. A lot of suburbanization has occurred since the original manual was drafted. I might add the issue of the guidelines and so on, the point about the stop signs, in our case, I think, which is applicable it says stop signs are not recommended and they use the word "should not be used" as opposed to shall not and there are instances when the work shall is used and that is an absolute prohibition. Where as in this case, it is more of an advisory point.

Thank you very much and I will let some of my other friends here speak.

SUPERVISOR RINGLER: Thank you, Mr. Rosen. Anyone else like to speak in favor?

MR. HARVITH: Hi, I am Bernie Harvith. I have lived on Fernbank Avenue for 50 years. I am currently at 72. Is it okay, if I turn the visual aid back?

MR. ROSEN: Let me give you a hand with it.

MR. HARVITH: Yes, I just wanted to mention a few things. There has always been a problem or a perceived problem about kids safety on Fernbank Avenue. Going back to when I was a child, I can recall my father coming over and discussing the situation with the then Town Supervisor and that I think led to putting in the 30 miles per hour sign down at... close to Winne Road here, which did help. That was the first thing the Town did.

Then they put in the stop sign and there is no question... no question in my mind at all, the stop signs made a significant difference. It did slow people down overall. It also made people sort of be thinking about stopping. I think your mind set is a little different than if you are just pushing it down trying to go right through. I raised 2 children... my then wife, we raised 2 children on the street, one of whom has Down syndrome and obviously reacts a little more slowly, a less cautious than other children -- so this is an issue that we were concerned about at the time. We were very conscious of the effect the stop signs had. I don't care what the manual says or anybody else says, there is just no question in my mind that putting in the speed sign helped, putting in the stop signs helped and I am convinced that putting in the signs at Brookside would further help.

Perhaps a relevant analogy -- I don't know if you have notices, they put these 20 miles per hour speed limit signs in on both sides of the Academies in Albany -- I assume because they must have had an incident or whatever -- and the Police were there from the first day they were put in, assiduously enforcing them. I have seen them pull people over and it definitely has slowed traffic down significantly.

Couple other facts about the street, I will try to be brief here. There is this little bulge here but obviously the street is somewhat equal width all the way. And, there definitely is curve here and actually it starts right about where my house is. The thing about the curve is, it is kind of subtle and there is a lot of people who will tell you that Fernbank is a straight street and you see people come up here and as they come along here, they really don't have great visibility to Brookside, especially when the foliage is out.

But, even at this season of the year and also when you get just a little before my house the road is very level all the way along but then it starts to go down hill to Brookside, somewhat sharply. And, I was out there this morning putting my garbage out and I noticed that probably unintentionally, people were accelerating as they went to Brookside from Delmar because the road is going downhill and they haven't expected that. So, as you come around the curve the road goes downhill.

The other thing is that people here have a stone wall in front of their house. There is some large trees on this side of Brookside and large trees over here. It is very easy, I think, if some little chap was coming out of Brookside, not to see them. Actually, whenever they could get fairly close to the street with their heads still behind the stone wall so probably all you would see would be the head, if you were looking. And, even when you get out further, there are some trees that would be in front of them but then there are also some behind them. So, you would have to pick them out of that background. People do play in these side streets, they always have. I did myself and they play field hockey and all kinds of things. One thing that has changed now, is a lot of kids have roller skates and a lot more seem to have these rollerblades and they go like bats out of hell on the rollerblades. Fairly young kids have those. There is also people coming out on bicycles. So, I really think that it would help.

Also, the street is much more light, more visibility as you come along and then for some reason here, I think because of the pine trees this is a darker area and again, I think there is a little loss of visibility.

In terms of other people, like myself, I do walk my dog on the street it is very difficult at rush hours and these days it is hard to walk her before dark. The halogen headlights are also something that are new, it makes it harder to stay on the edge of the road to see what you are doing. And, we also have the pooper scooper law and I have...

SUPERVISOR RINGLER: I had a feeling you were going to bring that up.

MR. HARVITH: ... of times of this kind of unique obituary, where it will say, Professor Harvith died suddenly after being struck in the rear end while pooper scooping. I have had a couple close calls, that is not totally a joke.

John Oliver responded years and years ago, my father went and talked to him, the Town responded with the stop signs. I would really encourage you to think seriously about doing this. I think it is clearly the right thing to do. The other thing is, all the advertising from Detroit, the muscle cars are coming back encouraging people to get into the speed thing again. I think that is most unfortunate. The situation is going to get worse, you presume there is going to be a new shopping center. There is going to be more traffic.

Lastly, I think... there are some other points I could make but... the worst thing I have had to do as a school board member and it is something we do over and over... is to go to wakes and funerals for children. It is just the hardest, hardest thing to do and despite all the concerns about drugs and alcohol which are involved sometimes; the one common denominator that 90 percent of the cases -- the ones that are not disease cases -- seem to have, is some connection with motor vehicles. It is cars, it is trucks, in some cases it is motor bikes or motorcycles or something that over and over and over again that is the way young people are getting killed. So, I really would hope that you would do this and I appreciate it a lot. Thank you.

SUPERVISOR RINGLER: Thank you. Anyone else who would like to speak in favor of this proposal? There were none. Anyone who would like to speak in opposition to this proposal? Charlie, the man behind you raised his hand first.

MR. HERR: Okay.

MR. POLAND: In deference to my friends here who are in favor of this proposal...

SUPERVISOR RINGLER: Would you tell us who you are?

MR. POLAND: I am Orville Poland. I live on Fairway Avenue and I appreciate the problems that my friends have but I am opposed to this because I have lived on Fairway for over 20 years. I recall when we have put in stop signs on Fernbank before, it has significantly increased the traffic on Fairway, on Douglas, on Clarkson. And, these streets are not straight streets. They don't even have just one curve, they have lots of curves. They have blind intersections, there is an intersection between... at Sylvan and Fairway which was potentially a very dangerous intersection if there is an increase in traffic. There is an intersection at Clarkson and Wellington which is really blind, there is no stop sign there. There are no stop signs in any of these bad corners and if we get a significant increase in traffic and the percentage increase will be much greater for us than the percentage decrease will be for Fernbank, we are going to have problems.

We are a street which is presently useable for walking, our friends from Fernbank come over to our street to walk. We have a great deal of pedestrian activity and it will no longer be as safe as it has been and therefore, I respectfully oppose this.

SUPERVISOR RINGLER: Thank you. Okay.

MR. HERR: Charles Herr, I live over on Mosher Road and I happen to serve as a consultant to the Traffic Safety Committee. Mr. Rosen has nicely given you a copy of the Institute of Transportation issue of some time when they were talking about Chicago. If you want to read one by the trade, you see they follow the manual quite vigorously in Detroit. Engineers do agree and disagree and people like to get their name in print so they send articles to these magazines. I happen to be a fellow member of the Institute of Transportation Engineers so it is part of my professional organization where you see these articles. There are several between the Detroit issue and the one Mr. Rosen put in also commenting upon that Chicago article, some agreeing, some disagreeing.

First of all, let me say that I understand the position of those living on Fernbank Avenue and I sympathize with them. And, I am not vindictive against them. Most people would prefer to have the use of their street limited to only those who reside on it. However, for certain locations, this is not realistic nor fair to expect. I am involved with the Traffic Safety Committee because of my interest in providing a safe an environment as possible throughout the whole Town. Undo harassment in one location creates negative attitudes which are reflected elsewhere. It can have the greatest effect on the drivers most likely to generate concern anywhere. The drivers you are really concerned about will react more negatively to unwarranted control than those who really are no concern at all.

Fernbank Avenue is about 3200 feet long between Winne Road and Elsmere Avenue. Stop signs are presently spaced about 1300, 1700 and 700 feet apart. To place stop signs at Brookside would create spacings of 1300, 850, 850, and 700 feet apart.

The data produced by the Traffic Committee after a year of study indicated that speeds on Fernbank Avenue were not unsafe nor unreasonable and there were no accident problems. I believe it was the consensus of the committee, that additional STOP signs would not improve conditions. However, the split vote resulted from the relentless pressure by the residents.

One of the fears of unwarranted STOP signs, is that speeds will increase between adjacent signs and elsewhere in the town because of the resentment built up by a feeling of resentment. This disrespect leads to disobedience to stop signs, and disregard for other traffic controls at other locations. Unwarranted stop signs also cause unnecessary delay, waste energy and increase noise levels.

One has only to observe the widespread disobedience to stop signs, even where they are warranted, to understand their concern. And, I continuously watch people violate stop signs. Accidents also happen at stop sign intersections because of disobedience. And, you can check the accident records throughout the Town and you will find a number of accidents do happen where the stop signs are in place.

Stop signs were installed on Fernbank Avenue in 1980/1981 for a trial period of one year, but they are still there because an after study was not initiated and we don't have any before information to find out were they really any good or not. So, there is some question as to whether the professed improvement actually occurred. We have the opinion of people living on the street, of course, and that may be biased. In any event, recent speed checks show that the 85% speed is 28 m.p.h. and the average speed is 22 m.p.h., both reasonable for Fernbank Avenue conditions. This compares with Wellington Road where the 85% speed is only 24 to 25 m.p.h., and the average speed is only 19 m.p.h., even though the stop signs on Wellington are about 2800 feet apart. So, there you have a street with stop signs further apart than anything on Fernbank and the speeds are lower.

Now, it is true traffic volumes on Fernbank Avenue are about twice that on Wellington Road (ADT 1200 vs 600). Usually lower volumes result in higher speeds than higher volumes. This is not the case for Fernbank Avenue, which supports the fact that stop signs do not reduce speeds further than 100 to 150 feet adjacent to the sign. (It is possible without a great effort to reach 35 m.p.h. between Brookside Drive and Palmer Avenue, beginning with a stop at Brookside Drive and stopping at Palmer Avenue.) In that short distance, you can accelerate up to that speed which is what we are afraid of or I am afraid of.

This is further supported by speed checks taken of Jefferson Road, which has an ADT of about 300 and stop signs located at about its midpoint. Speed checks show that the 85% speed is now 43 m.p.h. and the average speed increased from 29 m.p.h. to 36 m.p.h. after the stop signs were installed. And, I do have the spacing on Jefferson. The first one is 475 feet, the next one is 650 feet and the last one is 2100 feet. 2100 feet is a little further than you have on Fernbank but less than we have on Wellington. The important thing is there the speeds did increase after those signs were up and the length of the street didn't change.

There is no question, but the residents on Fernbank Avenue would like to have traffic volumes decrease on Fernbank Avenue and directed to other streets such as Fairway Avenue and Wellington Road. In fact, they said they hope up to half the vehicles divert and that is a quote from somebody on Fernbank Avenue. I am sure the residents of those parallel streets will not welcome this although, because of the pattern of streets, much diversion is not likely.

Stop signs are not the proper device to use to control traffic volumes or speed. If they are, than they should be placed at every intersection in Town. To minimize traffic on residential streets, it is necessary in the initial development of plot plans to eliminate homes abutting on collect or and feeder streets. While this requires the sacrifice of "productive" land; it may well be worth the cost. While it is too late to do this in the older sections of town, it could be applied to the new ones as part of the new master Plan.

Based on this statement, I recommend Town Board vote negative on the proposed stop sign for Fernbank Avenue at Brookside Drive.

Thank you.

SUPERVISOR RINGLER: Thank you. Is there anyone else who would like to speak in opposition? There were none. If not, I would entertain a motion to close the public hearing.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to close the public hearing at 8:15 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.


Town Clerk

SUPERVISOR RINGLER: Okay. We have received a lot of information on this and I guess my question to the Board is, do you want to work on this tonight and make a decision or do you want to think about this and review some of this for the next meeting. It is up to you.

COUNCILMAN GUNNER: Might as well go ahead. I so move.

SUPERVISOR RINGLER: Mr. Gunner makes a motion for approval of Local Law. Is there a second? Second by Mrs. Fuller. Discussion.

COUNCILMAN GUNNER: I have a question. Very correctly, Lieutenant, the Traffic Safety Committee did recommend this. They haven't changed their mind or anything like that.

CHAIRMAN VANDERBILT: It was a majority but not a unanimous vote. It was 3 to 5.

COUNCILMAN GUNNER: We have majority too, so I understand what they are. Majority is occasionally minority.

COUNCILWOMAN FULLER: And, this is to try it for a year and you will be continuing to evaluate the situation on Fernbank?

CHAIRMAN VANDERBILT: Yes, we will be prepared to make a report to the Town Board a year from approval, if it is so approved, and report as to what the effects of the stop signs placement were. And, we will also give recommendations as to whether we feel they should be left in place or taken down because it was ineffective.

COUNCILMAN WEBSTER: But, was it true that there was a codicil that the other 2 stop signs would be looked at over a period of another year and they were never looked at?

CHAIRMAN VANDERBILT: Yes, we did look that up.

COUNCILMAN WEBSTER: No, no one here would have been here but...

CHAIRMAN VANDERBILT: At that time, there was no Traffic Safety Committee.

COUNCILMAN WEBSTER: Correct.

CHAIRMAN VANDERBILT: And, so there really was no body in place to do that study. It was just forgotten about evidently and never acted upon once the one year period elapsed.

COUNCILMAN WEBSTER: Will, during this current year, all of those stop signs be looked at and see if they are correctly placed? They may be left, maybe still be, say, 3 in line but maybe at some other alignment. Is that possible?

CHAIRMAN VANDERBILT: I don't know if we have enough historical data to really make a thorough study to determine whether or not they are effective.

COUNCILMAN WEBSTER: But, should that come to pass, we will be advised, right?

CHAIRMAN VANDERBILT: Yes.

SUPERVISOR RINGLER: I would like to also make a comment. I have to admit I came to this meeting tonight with the information I had, the experience I have had, with always an open mind but leaning towards voting no against this... to this proposal. And, if people don't believe that public hearings have an effect, they do. Tonight is the first time I have ever received any information from an expert that said that this makes any sort of sense, okay. This new article and new Engineer's report in here, makes me think that perhaps we should at least look at it. I personally and I have told you this before, Mr. Rosen, I don't believe this is going to solve the problem. I really do not based upon what I have seen in the past. I also have some concerns that stop signs can be more dangerous if they are in a wrong location on a street that is not a proper intersection. And, I

Discussion
Local Law
No.9, 1993
Stop Signs
Fernbank Ave
and
Brookside Dr.

am going to vote yes, with the caveat and I challenge, because I am not going to be here, I challenge the Traffic Safety Committee to really analyze it this time and not just make this some kind of a thing we are going to push it through for a year and then not bring it back. And, I challenge the neighborhood to look at it openly as well because we now have a chance to study this in detail and see -- and accidents are not going to be proven, because there is no accident history. The one issue that will be able to be looked at is the speed issue and as to whether or not this truly will reduce speed. Although I don't think they are excessive according to what we have, I know you do. But, I do think that we have a chance to study this and again, I challenge the Committee to do this and the new Town Board and I also recommend to them that as a result of this one decision for a study that this does not open the flood gates on this for the next year. I think... you know because we have people all over Town who think stop signs is the ultimatum and utopia to solve problems. I would go along with the test for a year but I strongly recommend that that test be watched carefully and that we do not have all kinds of stop signs put all over Town during this year until that test is done and we do our own evaluation as opposed to listening to what Charlie has in the ITE's manual and what these people now put in the ITE manual and let's get some real history in the Town for making this decision in the future. Because it is always an emotional decision. It is always one where our children are at risk and that is the argument that is used and safety is the issue and, as I said, I am not so sure that we don't create more of a problem with stop signs for safety. But, I am willing to change my views on this, at least temporarily and take a time out and I will be voting yes.

Is there any other discussion?

COUNCILMAN GUNNER: Yes, I want one. I think that this seems like... the way the motion is, seems like a fairly fair and cautious way to go about it. Neither side has won, neither side has lost. But, I think that these parents who are here worried about their children, if they see it isn't working, they'll be to us the other way. They are not there to have their children hurt, so I am sure they will be watching it too and they will be helping. And, I think that is reasonable.

COUNCILMAN WEBSTER: Only one comment I heard and that was that the children can't play basketball and play in the street. Please don't turn this on as the street will now become a playground. I know I raised 4 children on Kenwood Avenue and we don't consider that a playground. Nor should any street, that is what backyards are for. So, please, I have heard the comment every time we have had one of these hearings, the children can't play in the street. Well, the children shouldn't play in the street.

Adopt
Local Law
No.9, 1993

The motion was made by Mr. Gunner and seconded by Mrs. Fuller to adopt Local Law No. 9 of 1993 Amending the Code of the Town of Bethlehem, Article VI, Section 119-33, Stop Intersections to install 3 stop signs at the intersection of Fernbank Avenue and Brookside Drive. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

SUPERVISOR RINGLER: Thank you all very much.

Okay, we have another public hearing, I will give -- you are more than welcome to stay but we will take... you can't leave Counselor. We will take a 2 minute break to allow those who wish to leave to do so.

Public Hearing Began: 8:20 p.m.

SUPERVISOR RINGLER: Okay, if we can continue, please. Next item on the agenda is another public hearing to consider Local Law No. 10 of 1993 regarding the proposed Amendment to the Code of the Town of Bethlehem to create and establish a variance procedure for the permitting of solid waste management facilities within the Town of Bethlehem. Kathy, please read the call of the hearing.

Public
Hearing
Local Law
No. 10, 1993
Permitting
of Solid
Waste
Facilities

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

Notice is hereby given that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on December 8, 1993 at 8:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 9 of 1993 concerning a proposal to amend Article IV of Section 97 of the code of the Town of Bethlehem to create and establish a variance procedure for the Permitting of Solid Waste Management Facilities within the Town of Bethlehem

All parties in interest and citizens will have an opportunity to be heard at the said hearing. The Town of Bethlehem provides reasonable accommodations for the disabled.

Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advance notice is requested.

By Order of the Town Board of the
Town of Bethlehem

Kathleen A. Newkirk
Town Clerk

- - -

State of New York)
County of Albany)

CAROL STUART of the Town of Bethlehem, being duly sworn, says that she is the Advertising Coordinator 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 24th day of November 1993.

/s/ Carol Stuart

Sworn to before me this 24th
day of November 1993.

/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 November 24, 1993, 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
2nd day of December, 1993.

/s/ Catherine T. Picarazzi
Notary Public

- - -

SUPERVISOR RINGLER: Thank you, Kathy. Motion to indent.

The motion was made by Mrs. Fuller and seconded by Mr. Webster 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. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
 Noes: None.
 Absent: Ms. Galvin.

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SUPERVISOR RINGLER: Okay. Bruce and Mike are here, if you would please give an overview as to what this Local Law is about. There are some additional copies up here of this particular law, if anyone is interested in having one.

MR. SECOR: In 1993 we adopted a new part of our ordinance on solid waste setting standards. At the time of the public hearing and the discussion with the Board, we talked about whether or not we should have included in here, some type of an amendment procedure. It was not included and the Board asked that Mike and I go back and try to draft something up, which we have done. I just want to read the first... part of the first paragraph in this so we can just set the tone of what we are looking at.

In the application an original and 10 copies of an application shall be filed. The applicant for a variance must include evidence that:

- (1) identifies the specific provision(s) of this Article from which a variance is sought; and
- (2) demonstrates that strict compliance with the provisions identified creates practical or operational difficulties for the applicant which are substantial in nature and would impose an unreasonable economic or technological burden on the applicant, or demonstrates that unusual circumstances exist, unique to the applicant, that should excuse the applicant from district compliance with this Article's provisions; and
- (3) demonstrates that the variance sought is the minimum variance necessary; and
- (4) demonstrates that the facility, with the variance, shall not have an adverse impact on the public health, safety or welfare, or the environment or natural resources of the Town, and shall be consistent with the intent, provisions and policies of this Article and the Town Code.

What we are trying to create here is a forum or a method for the Town Board to have some discretion in applying the new law and the standards of the new law that we put in.

Since this law has been in effect, we have had 1 applicant. That applicant was a wood recycling facility and we had to throw it out because it could not meet these regulations -- the set back, side yards and some other things. There is nothing in here that allows the Board any latitude as far as looking at it. This particular site was in a heavy industrial zone and the set back and side yard requirements may or may not be applicable but we couldn't even hear it because he couldn't meet the technical standards and we had no provisions to bring him before the Board. This is not intended to dilute, diminish, or take away any power from this, it is simply to add another tool to this so that the Board can look at what is in the best interest of the Town and in keeping with the ordinance that it has in front of it.

With that, I would ask Mike to add any other comments he had and answer any questions the Board had.

MR. SMITH: In subdivision B2, the word district that Bruce read should be strict compliance. When I was outside in the hall, Liz McCoy, as she always enjoys doing and I enjoy getting it back, pointed out to me -- and you have this memory, Liz, that is encyclopedic -- that I had made a comment during the discussion of the original changes that before we were to adopt a variance

procedure that I would have to "take a long look" or that we should. And, that is exactly what I remember saying and my reasoning at that time and my reasoning at the time every time Bruce has brought up a variance procedure was based upon this fact. Long ago when I was a young lawyer I was able to knock out in front of the Court of Appeals a variance procedure and the concern I had expressed -- the concern I expressed to Bruce, to Town Board and everyone else who would listen, was that in the event that a variance procedure was something that was deemed to be desirable and perhaps even necessary, I had real concerns whether or not a variance procedure could be established that would pass legal challenge. This one will. Prior to putting together the draft language, myself and Mike Greco of my office, researched in detail the case law on the question of when can you have variance procedures; under what circumstances and standards have to exist; and we were able to find a substantial body of case law that takes the decision that I had in Nicholas versus Kahn years ago and interprets what is a standard that is purely discretionary or so discretionary to be per se arbitrary and capricious. And, we were both very surprised to find that in the area of solid waste management broad based discretion, almost discretion standards for variances have been approved. In fact, there is case law that says that in the event we wanted to vest this Town Board with the authority to grant a variance based upon the "public interest" that would be approved.

As Bruce said, the intent behind putting together a variance procedure such as what I have proposed is not to water down the standards. There is absolutely no right created by this procedure in any applicant for any reason to a variance. Let me say that again, there is no right created by this procedure to a variance. What we have done is two things. 1. We have established a procedure for the Town Board to consider requests for a variance because there was not one in the Article IV changes initially enacted. And 2. We have made it awful, awful tough for a variance to be granted. There are no red flags that allow someone to come in here to get a variance. There are a series of criterion that are in black and white. They are specific, they are in plain English, and in every case the criterion fall upon each other. Meaning, that there is not one single criterion which means that someone is going to establish a right to a variance. What they have to do is to meet a series of these criterion and I would point out, they are not all ones that Mr. Greco and I thought of. We have adopted language, whenever we thought best for the Town, that flows from the zoning area. For example, as I discussed with Liz outside, the concept of economic hardship is not enough to grant a variance. The fact that someone is having difficulties meeting the standards is not enough. There is a series of criterion that are connected by the word and. And, why did we do that, my goal was quite simply to ensure that a variance will never be granted unless these folks up here absolutely want it. It will not be taken from this Town by an applicant. They will not force it and the whole procedure has that as its goal.

And, I want to acknowledge the assistance of Sheila Galvin who made a number of substantive changes -- which I think were wonderful. They have been adopted almost verbatim. I then took some of the ideas she had and added some additional safeguards. I believe a variance procedure is a useable tool. It will not open, as Ken said before, the flood gates, I think to applications. Frankly, those are going to be there anyway. How do we know that? When Bill Glover from Capital Wood was talking about the proposed use that he was interested in, that was something that was very clearly -- you could read through the statute or excuse me the letters that they were saying that they were going to ask for a variance and then the question would be, us as a Town, if we don't have a procedure, if we treat his request, do we get ourselves in more trouble. So, what I have tried to do here, what Bruce and I have tried to do, is to create a framework within which the Town Board could consider a request by an applicant for a variance.

SUPERVISOR RINGLER: Thank you, Mike. The Board have any questions at this point in time?

COUNCILMAN GUNNER: Mike, when you are saying you and your associate created, has technically made this local law more powerful...

MR. SMITH: I think, Charlie...

COUNCILMAN GUNNER: ...and more safe.

MR. SMITH: Yes, my reaction is yes. And, where am I coming from there -- yes it does open the possibility for a waiver or modification in the standards -- and I know there are going to be some people who don't like that. On the other hand, it provides a procedural framework and substantive criteria which, in my opinion, once the Board follows that procedural framework and substantive criteria, the decision is going to stand regardless of legal challenge.

Now, one of the questions that Saul Rigberg asked me out in the hallway was, wait a minute, once we get into this, are we raising the possibility of variance decisions having some precedential value? Well, the answer is absolutely we are. Anytime there is going to be a proposed variance, whether we had this procedure in place or not, the Town's action does create some sort of precedent because it reflects an act on a variance request. But, as you can look at the procedure here, all of the criterion are incredibly fact intensive. And, it is going to be very, very difficult for an applicant to say that I am the same -- I, therefore, must be treated the same. So, I think, yes, we have made it stronger.

COUNCILMAN GUNNER: An universe of that would be, if we don't add this we could have difficulty according to what you said about previous law.

MR. SMITH: In the event that we don't add this and then we find ourselves faced with a situation which was not intended to be regulated or is a true hardship where a benign entity or something else is being adversely affected, the answer is without a procedure by going forward and granting a variance, then you do create precedential chaos. We can't do it that way. It is either all or nothing unless we adopt a variance procedure. If we adopt this procedure, we can regulate the request based upon what we consider to be the environmentally sound policies for the Town.

SUPERVISOR RINGLER: Any other questions from the Board? There were none. Entertain any questions from anyone in the audience. If you would, please come to the microphone and state your name. Come on Liz, I thought you had these all resolved in the hall.

MRS. MC COY: Actually, I thought his comments were very helpful. I am Liz McCoy.

SUPERVISOR RINGLER: I know.

MRS. MC COY: I knew that you were going to ask me for the record though, Ken.

SUPERVISOR RINGLER: Right, I know.

MRS. MC COY: And, I have to say that I haven't picked up on some of these issues lately, luckily. But, I did have an interest in this particular one, partly as a sort of... I don't know if I am a former member of the Solid Waste Task Force because I don't know whether the Task Force exists any more. But, I did talk briefly with several other members of the Task Force, some of whom aren't associated with Bethlehem Work on Waste, just for the record. And, I just wanted to say that I think that we all would appreciate an opportunity to have heard some of the discussion that I now have seen through the Town Board minutes and shared in the dialogue in some way. I don't know how that can be done, perhaps in the future, but that is really the only comment, in general, that I have on these particular... on this particular proposal here, except to say that I do have the concern also that while we thought the regulations were definitely a step in the right direction, with some concerns about health standards and some concerns about the importation ban, we really wanted to make those standards work. And, we did have some concerns about to what degree will these... this variance procedure do something to undermine that. I certainly have heard the comments that were made tonight and I want to be reassured and I would just reiterate that I

think that one mechanism for doing that is to bring back some discussion with the citizens who have been very concerned about solid waste issues for a number of years. Thanks.

SUPERVISOR RINGLER: Thank you.

MR. SMITH: That raises an excellent point, in connection with what Charlie said as well. One of the motivations behind the procedure, one of the things I attempt to do, is to insulate us from litigation but one of the motivations is that there has been some discussion that the standards as we have enacted them are so unfair as to be illegal because we are regulating environmental uses and facilities that are merely incidental to manufacturing and there was some comments to the effect that the adverse impacts of such a regulation are so catastrophic that we would be involved one or more pieces of litigation. This is kind of like an ability to avoid that in the event... and force that objectant, that person who is saying that his or her facility should not be regulated, to be treated through a procedure with some criterion.

SUPERVISOR RINGLER: Any other questions? There were none. Is there anyone who would like to speak in favor of this proposal?

Anyone who would like to speak in opposition to this proposal?

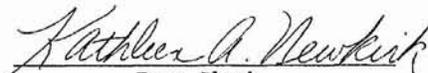
If not, I will entertain a motion to close the public hearing.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to close the public hearing at 8:40 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.

Noes: None.

Absent: Ms. Galvin.


Town Clerk

The Supervisor reconvened the regular meeting following the public hearing.

SUPERVISOR RINGLER: Is the Board inclined to take action on this tonight?

COUNCILMAN GUNNER: I think so, we only have a little while with this Board. Normally I don't do this, that is why he keeps looking at me. I like to wait a week or two after there is a hearing and twice in a row I have sort of caught him off guard. But, we have to finish our work before we leave.

SUPERVISOR RINGLER: Is that a motion?

COUNCILMAN GUNNER: Yes.

COUNCILMAN WEBSTER: Second.

SUPERVISOR RINGLER: Motion by Mr. Gunner, second by Mr. Webster. Discussion. All in favor?

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.

Noes: None.

Absent: Ms. Galvin.

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SUPERVISOR RINGLER: Thank you. Mike, do we need a neg dec?

MR. SMITH: I didn't prepare it.

SUPERVISOR RINGLER: We are not have secrets up here, I just asked our attorneys if we need to make a negative declaration under the State Environmental Quality Review Act.

MR. SECOR: Let me prepare something because I am going to have to prepare a resolution for that.

SUPERVISOR RINGLER: Well, we have done that by motion in the past.

MR. SMITH: I think we should do it so that the appropriate findings go on the record.

SUPERVISOR RINGLER: Okay.

ATTORNEY KAPLOWITZ: It should be done first before it is adopted.

SUPERVISOR RINGLER: Okay, so how do we undo what we just did, counselor?

MR. SMITH: Withdraw the motion.

COUNCILMAN WEBSTER: I withdraw my second.

SUPERVISOR RINGLER: Okay.

MR. SMITH: Charlie can just withdraw the motion.

ATTORNEY KAPLOWITZ: Yes, we can pass it again next meeting.

SUPERVISOR RINGLER: Well, that is what we will have to do. We will have to table it and bring it on and have that resolution in front of us. I thought of it afterwards, I am sorry.

ATTORNEY KAPLOWITZ: None of us thought about the neg dec.

SUPERVISOR RINGLER: Good thing I am around to keep you attorneys straight.

ATTORNEY KAPLOWITZ: What are we going to do next year?

SUPERVISOR RINGLER: I don't know. Mrs. Fuller, you are going to have to go to law school.

COUNCILWOMAN FULLER: I am not so sure of that.

SUPERVISOR RINGLER: Okay, Mr. Gunner withdraws his motion, I think for the record. And, I will entertain a motion to table this til next meeting and we will have the SEQOR resolutions at that time.

Local Law
No. 10, 1993
Tabled

The motion was made by Mr. Gunner and seconded by Mr. Webster to table Local Law No. 10 of 1993 regarding a proposed amendment to the Code of the Town of Bethlehem to establish a variance procedure within the regulations of Solid Waste Management. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

SUPERVISOR RINGLER: Okay. Next item is a presentation regarding the LUMAC traffic study by David Jukins with the Capital District Transportation Committee. And, I believe Mr. Lipnicky is here who is going to start this off.

Presentation
LUMAC
Traffic
Study

MR. LIPNICKY: Well, I really don't have much to say about this. As far as the LUMAC study, CDTC to do an...

SUPERVISOR RINGLER: Jeff, we need you at the mike. She can't hear you.

TOWN CLERK NEWKIRK: Sorry.

SUPERVISOR RINGLER: We want your comments in the record.

MR. LIPNICKY: It is going to be real short.

COUNCILMAN WEBSTER: We want that part about being short.

MR. LIPNICKY: All I was saying was that essentially Dave Jukins is here with us tonight. As part of the LUMAC study we had contracted with CDTC to do a Town-wide traffic study in conjunction with both the Planning Department and LUMAC and Dave is here to present an overview of the results of that study. I would just like to acknowledge 3 of the LUMAC members who are here tonight -- Sam Messina, Jim Blendell, and Ted Putney and I would also like to acknowledge that Jeff Marko from DOT is also here tonight. DOT also gave us some assistance in conducting the study and with that I will leave it to Dave.

MR. JUKINS: I will try very hard to be brief. What I would like to be able to say to you today is that we have a plan that will give us a transportation system that looks like that -- easy to get around, pedestrian friendly and so on and so forth. But, I can't. If you all read the Spotlight article today, I think that sums it up pretty well. They did a good job of basically saying what I am going to say to you folks and to you folks and to each of the LUMAC neighborhood meetings that we are scheduling over the next month, is that basically things are going to get worse, right, if we don't do anything about it. And, they are going to get worse for a few reasons and let me just touch upon the key reasons, just to give you are background. A sense of what has been happening within the region, within the Town of Bethlehem, within New York State and to give you a sense of where we are going as we enter the 21st century.

First of all the growth that we seen in the 80's basically has slowed down somewhat but we expect it to continue, whether it occurs in the later part of the 90's or through the first decade of the beginning of the year 2000 or 2010, we expect a somewhat growth trend, particularly in traffic. And, one reason is that like the last decade we expect into the next decade an increase in the employment force. During the 80's and the 70's and 80's basically, an increase in the labor force, more women entering the labor force, more teens entering the labor force, we expect that trend to continue. What that means is that we have more people making more trips particularly during the peak travel period in the afternoon. Another reason is

that we have seen a shift in commuting patterns. During the 50s and 60s we have seen a shift to the suburbs, people live in the suburbs rather than the urban areas. In the 80s we have seen a shift in employment patterns where people no longer just work in Albany, Schenectady or Troy, they work all over the place -- in Guilderland, Colonie, and all the suburbs, okay. Basically, prior to the 1970s, most of the trips in the Town of Bethlehem were oriented towards the City of Albany, okay, most trips. Today it's less than 50 percent. More and more of our trips are oriented on the old farm to market roads directed toward Guilderland, Colonie and elsewhere.

The other reason is that we have more vehicles. While the Town of Bethlehem, for example, population increased about 13 percent, over the last decade, the vehicle population increased by more than 30 percent. That was a greater increase, 3 times the increase in the population of cars than it was people. We own more cars per household. In the 70s another way to look at it, in the 70s we owned about 70 cars for about every 100 licensed drivers. Today in 1990, that is up to 85 per 100 licensed drivers and we expect as we enter the 21st century, that every licensed driver... virtually every licensed driver in the region will own a car to get around. All right. And, because we are going to own all these cars, we are going to use them to do more and more trips. Okay, for almost everything. Universal auto mentality, okay. Trip... using a car to do... to go to work, to play, to the doctor, to the corner store, to almost anything, okay. All these combined add to the burden during the day or through the highway system. All these factors combined with the unfortunate situation that in the Capital District, in New York State, in the entire northeast, that we are blessed with an inadequate arterial highway system, basically.

If... you know, to see a little technical here, what we do is functionally classify a roadway system. Basically we say arterials are those streets that should carry through traffic movements from one part of Town to the other, from one part of the region to the other. Basically, roads like the Slingerlands bypass, okay, with little interference from side elements. We say collector streets or local streets are those that provide direct land access. Streets like Fernbank Avenue for example, okay. And, collector streets function in between that they take all of the traffic from these local streets and funnel them to the arterial street system. All right. Unfortunately, here in the Capital District we not only have an inadequate number of arterial streets like the Slingerlands bypass, okay, but the streets that we do have perform a dual function. They just don't function as arterials, they function as land access too. Just look at Kenwood Avenue, Elsmere Avenue, Delaware Avenue, New Scotland Road. The list is on and on, the old farm to market routes, okay. In fact, some of these farm to market routes if you visit the State Museum there is a system of old Iroquois trails that basically have become our arterials. Anything that follows the rivers, Central Avenue, Route 7. Basically, old Indian trails. And, all we did was pave them over, basically.

So, what that is pointing is not only are we faced with congestion, okay, as defined by engineers in terms of we carry too much traffic at an intersection, therefore your level of service is poor but also we are faced with heavy traffic on these residential farm to market roads. And, even some intrusion into residential neighborhoods. Okay, part of the reason, of course, is investment in arterial street system hasn't kept up with development in the northeast, in New York State, in the Town of Bethlehem. And, now that we are faced with a need to fill the gaps, we have no longer have the land available to do that. All the best land has been used or is planned to be used for different activities, places to live, places to work. The land that is available is awful. All right, filled with ravines, gullies, streams, you name it.

What CDTC's effort involved over the last couple years was a couple things. 1. We set out to establish some kind of base line condition to kind of give us a feel of where we are today and for the most part that has been summarized in our July 1992 report and I will just touch upon it once I get into these charts a little bit and 2. To establish future traffic flows within the Town related to the expected growth using traffic simulation model. And, in that we

worked very closely with the LUMAC committee, of course, and Jeff in the Planning Department.

What I want to briefly do is to kind of give you a sense of the methodology that we used. Sort of kind of a mini traffic lesson, if you would bear with me for a moment. And, to do that, let me put it up that way and search for my crayola or crayon I borrowed from my children. Typically, we have a 2 lane road, a 2 lane road if designed properly has a certain capacity. Now, let's say roughly around 1800 vehicles per hour per lane. Okay, now what happens when we add an intersection and we add a signal depending on the timing of that signal, we automatically decrease the capacity of this roadway that carried 1800 cars per hour per lane to roughly 50 percent... 60 percent of that, almost 900 to 950 vehicles per hour. So, if we have a road, say for example like the Slingerlands bypass, okay -- it is a good example and that Blessing Road -- where we had a road with no signals, no interference, traffic can move up and down without stopping, typically we could carry 1800 cars in one direction with very little problem. When we introduce a signal for very legitimate reasons, we have to share the time between the side street. The capacity of that road is reduced. The other reason, the other factor that affects capacity along the street, are side driveways. Okay, that serve more along a commercial road that serve commercial development. Okay, as these number of driveways increase along the segment of road, the capacity is reduced. So, if you look like -- at a road like Central Avenue or even Delaware Avenue, the number of driveways that are along that road, we automatically decrease the capacity of that road by about 20 percent. All right. And, there is some research out there that says even if we have a bunch of driveways along that facility, we will decrease speed along that arterial by about 2 and 1/2 miles per hour for every 10 driveways, whether anyone is using the driveways or not. All right, just the fact that those driveways are there tends to slow people down some more.

On a residential street, of course, heavy traffic has a different effect. All right, we can carry, you know, a lot of cars along Kenwood Avenue, all right but there is a point at which the perceived congestion becomes a problem. We may only be carrying 900 cars on a road that can carry 1,000, all right, but by this heavy traffic movement along residential street, there is a perceived congestion that tends to affect the quality of life.

With that brief introduction, what we did within this planning effort was to look at 2 aspects of traffic. 1. Dealt with congestion, dealing with the intersection and also dealing with the mid-walk conditions -- which isn't really typically done in most traffic studies, all right. The second aspect that we looked at had to deal with traffic and land use conflict. Okay, how much... more subjective evaluation, how much is too much traffic on a residential arterial collector. And, how can we reduce the volume to a more appropriate level. And, thirdly, looking at the traffic/land use conflict along commercial streets like Delaware Avenue. What's too many driveways, how do those driveways affect traffic flow.

With that in mind, we took Jeff's and LUMAC's proposed land use plan... Most of what I am talking about is in that document. And, I can just go through that with you at the end here just to give you an idea what is in there and what it all means. But, this is a summary and that summary will also have each of those maps attached as part of the transmittal.

Basically what this map shows is a summary of the trips attendant -- and anyone who wants to come up here and look at that, you are more than welcome to, it is not visible from a long distance -- but, what it does is summarizes the trips attendant to the range of future conditions that Jeff put together. For the most part, we are looking at the future 20 years from now under what the LUMAC has called the moderate growth scenario. Which is reasonable given regional projections for the entire region of roughly... what it translates to is roughly almost a doubling of trips going into and out of the Town of Bethlehem. All right, or trips generated in the Town of Bethlehem. All right, most of those trips, most of that new growth is expected to occur under this land use plan within the 9W

corridor. All right. These dots represent the amount of growth in trips. The red dots represent the highest growth, blue the next highest and green the least growth. The red dots in total count appear in North Bethlehem and within the 9W corridor, roughly 2/3s of the growth trips expected under that plan. All right. Trip making within the Route 9W corridor comprises about 50 percent of the total growth.

Okay. What we have attempted to do with this chart is just to give you a sense of what the extent of existing in the future congestion within the Town of Bethlehem based upon that land use plan that you saw below this map here. Again, based on the engineering standards of what comprises an adequate level of service at intersections and what comprises an adequate volume on streets without regards to residential uses along that street or commercial uses along that street. I mean there are no surprises. You know, we all drive the streets in Bethlehem and we have a sense of where the heavily traveled routes are and for the most part, that is where the congestion is. You know, we are pointing, this is a reference there -- everything in black, the legend is missing -- everything in black represents current congestion as measured against the standards. Those items in red represent expected future growth and congestion. There is some reds with half the dots in them, that represents kind of right on the thresholds, right on the margin. So, if... you can call it a emerging congestion problem.

Basically up in North Bethlehem, the intersection of Schoolhouse Road, Blessing and Krumkill -- you know, New Scotland Road corridor between Cherry Avenue extension and the bypass at several intersections along Delaware Avenue; notably Cherry, Kenwood and Elsmere; the intersection at Delaware Plaza; Feura Bush Road and US 9W shows up. In the future we expect, again, because 85 is a prime commuter corridor in and out of Bethlehem, we expect a worsening of that situation. We expect to see 9W to show up and that makes sense given the fact we are seeing almost 50 percent of the total growth occurring in the 9W corridor. And, a few spot intersections throughout the Town and even down in the southern part of Town along Route 396 and the Exit 22 access to the Thruway.

If you can see that, what this map represents is what I talked about, the second aspect of this traffic study and that deals with the residential or the traffic and land use conflict issue. And, how we defined it here, we did some research and no one is willing to commit themselves to a number, all right. So, roughly what we are saying is that, you know, if an acceptable volume for congestion purposes is about 1,000 cars per lane per direction, mid-block condition -- what we found is somewhere between 500 and 625 is an acceptable level along residential arterial or collector street, like Kenwood Avenue, Elsmere Avenue, so on and so forth. It probably doesn't provide the best environment but given the fact that that road has to function as both an arterial and a land access street, that is a reasonable number to start with.

We also within that category, looked at some of the key residential streets that have been acting as short cuts. Okay, Fernbank Avenue for one, Bender Lane, Darroch, Murray and for those streets -- that is a different category entirely. All right, it is classified as a local street in a hierarchy of function classification, all right and the research indicates that roughly 1500 cars on that kind of road a day is probably pushing it, okay. Not because it doesn't have the capacity to carry more but because it is intended environment that it is a residential street and so on and so forth. There are several that show up here as exceeding that standard -- the upper part of Bender, Fernbank certainly does show up, Darroch, parts... entire section of Murray Avenue, and parts of Jefferson Road shows up, and parts of Elm Avenue.

The next display here tells you what you have to do to solve the problems and as...

SUPERVISOR RINGLER: I hope you brought your check book.

ATTORNEY KAPLOWITZ: Have a lot of fund raisers.

MR. JUKINS: Jeff did. They are all State problems.

SUPERVISOR RINGLER: Is DOT here.

MR. JUKINS: As the Spotlight indicated so well, that solution to any of our problems whether they are existing or expected in the future are going to be difficult. Not just because of the cost involved but because of the typography that we face here in the Town of Bethlehem. It is not like we are out in South Dakota where we just have flat land and we can build anything we want anyplace we want and if you can't build it here, we can move it over here and have the same effect. We are faced with a number of challenges. And, what we have done here is -- I guess in order to avoid getting boxed into a position that we really can't fully defend, what we have laid out here is a number of options for some of the problem areas that could be implemented to either mitigate or minimize some of the problems that we have identified on these maps.

Some problems lend themselves pretty easily to a solution. All right, but others don't. And, of course, in terms... and I will take them 1 by 1 and go through real quickly -- you know starting off with the most immediate concern perhaps in the Town, with the New Scotland Road corridor, all right. The solution to part of that problem is the extension of that bypass to the Cherry Avenue extension. The benefits of that are two fold basically, it gives... it diverts traffic from basically what is a residential section of New Scotland Road and puts it on a facility where the traffic belongs. We are carrying roughly 18,000 cars today on a 2 lane road. That is phenomenal, all right, that is just amazing that we can do that. All right, it is congested and it causes problems for people who live along that street. It is extremely difficult to get in and out of driveways.

What shows up as well, as we said, is the emerging problem along the rest of New Scotland Road out to New Scotland. That problem is a little bit more difficult to deal with in terms of congestion, we are kind of on the margin here of how congestion is defined, but we do have a conflict issue. All right, we would like to resolve, if we could. One way of doing that is to extend that bypass out to New Scotland. Either to hit and run along the D & H railroad or extend it fully to Route 85 or to intercept Route 85 somewhere in New Scotland. The problems with that solution is that the alignment that would follow is pretty rough, as most of these alignments are. There are a number of streams to cross, ravines and crests -- a very costly solution.

The next -- and I should just mention, part of the problem... part of the solutions are programmed as part of the Capital program for this region and that is the extension to Cherry Avenue and Route 140. Let me jump to the second action here that again, is already programmed as part of the Capital program for the region -- again, basically as a result of the efforts of the Town of Bethlehem and the LUMAC and CDTC collectively, is the programming of a project down in Selkirk that would resolve basically a... it is missing but it is a land use conflict issue with truck traffic along that road. That road carries almost 30 or 40 percent of trucks, which is a lot compared to what a typical arterial would carry, around 2 to 3 percent trucks, all right. And, many of them are very large and dangerous and so on and so forth.

The next area of concern is up in North Bethlehem where we have a problem of this intersection, all right. That is basically a sole congestion problem up there. We are looking at a couple different options to realign the roadways up there to provide 4 way intersection with signalization. The other problem up there that shows up under future conditions is the fact.. is the issue of conflict along Schoolhouse Road. And, basically what we are suggesting there and this is a follow through with the County's Krumkill study, that said roughly the solution that would take care of the conflict issue, would be either construction of some kind of a parallel facility to Schoolhouse Road intersecting with Blessing Road, following through down to Route 85.

The other major area of concern is the 4 corners area where we have existing congestion at that intersection where we have an emerging concern of land use traffic conflict along Kenwood Avenue and what we have identified here -- is a couple different options. Okay, 1. you can take the approach that we have an intersection problem -- let's just reconstruct the intersection, all right. But, we know how tight the land use is around that intersection are. Reconstructing that intersection would require significant destruction to what is around there.

In terms of dealing with the conflict along Delaware Avenue near the 4 corners, one solution would be to make the decision to widen that out to provide a flush median through that area so you can segregate left turns from the main stream of traffic, get that traffic out so travel can flow through Town. Of course, that is somewhat in conflict with the intent or the land use plan under the LUMAC where the Town would like to develop that area into some kind of downtown area -- to be a center focus. The more pavement you put down, the more difficult it is to support that kind of scenario.

And, of course, reconstructing that intersection and building a flush median on Delaware Avenue would do nothing to the land use conflict along Kenwood Avenue. The other solution... or the other option is to utilize when it is abandoned, the D & H railroad corridor to provide some kind of transportation facility parallel to Kenwood Avenue along that facility. What that would effectively do is to spread the burden in that corridor between Kenwood Avenue and that new facility. It will also reduce the demand at the intersection, eliminate the need to do much there.

The other option too that we looked at is an old proposal that the Town looked at many years ago was to provide a link between the bypass, essentially, and Elsmere Avenue. That essentially provides the same benefit as these 2 but roughly 3 times the cost, all right. You know, we are still working with the Department to work up some reasonable costs on these things but we are looking at roughly maybe a 7 million dollar cost here to build to standards. Roughly we are looking at maybe 21 million to do something through here. There are a number of gullies that would have to be crossed, a number of streams and other environmental considerations. The other disadvantage of this action here is that you can see what is emerging here, if we pull something like this off that basically Elsmere Avenue now becomes a prime corridor through Town, okay and Elsmere Avenue is one of those farm to market roads. One of those street within the Town of Bethlehem its character -- tree lined, residential in nature. This virtually could destroy that character.

In terms of the Elsmere/Delaware problem and the conflict along Delaware Avenue -- the commercial conflict with the number of driveways that they have, there is -- again, a couple of options here. 1. We can reconstruct the Elsmere/Delaware intersection and disrupt the property and businesses next to it but in doing that, what we would have to do is provide a double left turn lane from Delaware onto Elsmere. Essentially what that is saying, is that we would have to provide some kind of transition along Elsmere, widening Elsmere out to at least under the railroad bridge.

One other option that we are looking at is to provide some kind of connection between Delaware Avenue and Rockefeller Road, crossing the railroad bridge in the vicinity of Delaware Plaza. What that does, it provides an alternative route for that traffic that otherwise would use Elsmere Avenue. Again, the idea here is to spread the burden out between those 2 facilities.

Down through Feura Bush and Wemple Road area, what we are suggesting here because Feura Bush Road is beginning to emerge as a problem corridor in terms of land use and traffic conflict, to provide supporting infrastructure here in terms of local road construction built to collector facilities that would tend to provide access to development down through here through these facilities rather than using Feura Bush Road for that function.

Next the 9W corridor, clearly in terms of congestion, the upper piece of the 9W corridor, we are suggesting should be widened at least

between the bypass and Feura Bush Road with appropriate intersection improvements at Feura Bush Road.

The section between Feura Bush Road and Wemple, is pretty tight. What we are suggesting here to buy us a little more time, is some kind of collector road/service road that was recommended under the 9W corridor study. These are the kinds of concepts that we are pursuing or that are being pursued elsewhere in the region as well to add some support or supplement the capacity of the arterial system. The other thing that emerges here as a problem at the what is called the jug handle of 9W and 32. The north bound to west bound movement now has to pass through a traffic signal, there is not a whole lot of capacity there. It is not an easy movement to make but as this corridor develops, this movement is going to get heavier and harrier. There are 2 options here that we are suggesting. 1. Is to provide some kind of connector here between 9W and the bypass or as an option to construct a fly-over that would provide that... or make that movement a little bit easier and more efficient to make.

That... in conjunction with this, I just have to point out that there a number of management actions that were suggested too that go along with us. Development of an arterial management plan or access management plan for roads like Delaware Avenue that give us the opportunity to consolidate driveways or to eliminate driveways that aren't needed. And similarly, to follow-up with some kind of access management plan along the Route 9W corridor too to preserve the integrity of any capacity improvements that we provide there as well.

Again, in summation, these are basically options that we are laying on the table. We don't have many of them. We don't have many opportunities to build brand new facilities. We have to really manage... what we are saying is we have to manage what we have the best we can and provide some strategic connections where we can and with the minimum disruption.

SUPERVISOR RINGLER: Thank you, Dave. I know the Board has just received the draft tonight and we certainly are going to have much time to question and listen. For the public's benefit, there are going to be a series of meetings, the first one being when, Jeff?

MR. LIPNICKY: Monday at North Bethlehem.

SUPERVISOR RINGLER: Monday, where at the fire house?

MR. LIPNICKY: Yes.

SUPERVISOR RINGLER: Time?

MR. LIPNICKY: 7:30.

SUPERVISOR RINGLER: Next Monday and there will be a series of meetings after that where you can answer... ask as many questions and there is a list of all the meetings on the bulletin board over here. I don't know if the Board has any questions tonight, I certainly will ask that.

COUNCILMAN GUNNER: Yes, I have one. 396 bypass, down at the bottom there. As far as your knowledge is, the Town was in the press a while ago; not too long ago, for being in favor of doing that -- as I remember reading it. Do you have any knowledge of that?

MR. JUKINS: Yes.

COUNCILMAN GUNNER: And, that is on the board?

MR. JUKINS: That is program project on the region -- it is what we call a transportation improvement program. It is fully funded.

COUNCILMAN GUNNER: It is funded?

MR. JUKINS: Yes.

COUNCILMAN GUNNER: So, there will be a paving land, so forth.

MR. JUKINS: Well, the next step and Jeff can speak to this a little bit better than I can but the next steps I guess would be to enter the preliminary engineering phase and to begin looking at alternative designs and so on and so forth.

SUPERVISOR RINGLER: That was programmed for 5 years out, as I recall.

MR. JUKINS: That is probably toward the end of our 5 year program.

SUPERVISOR RINGLER: Right, but that is on the plan and thanks to David's help, who is very.. and John Poorman of Capital District Transportation Committee, that particular link and also the link in Slingerlands is on the plan now. What we have to make sure is that priorities don't change over the next few years and we certainly will be watching that carefully and we know that you will help us David.

MR. JUKINS: I just want to point out that one thing that allowed projects like that to make it onto the capital program as occurred in other communities as well -- in Niskayuna with Balltown Road and Route 50 in Glenville -- was the fact that communities made the effort or made the commitment to enter into an integrated land use/transportation planning process that allowed us to develop the support and the reasons why various improvements would be needed as opposed to a community coming to the table out of the blue asking for something that had little technical support and little community support, you know. These kinds of actions, you know and others that appear on this chart -- I am not suggesting that all of them lend themselves to Federal or State financing, some do, some don't, some we won't be able to pull off. But, by being part of a comprehensive land use/transportation planning process, there is a better opportunity for them to receive that attention, you know, collectively from CDTC.

SUPERVISOR RINGLER: Does the Board have any other questions? Again, thank you. We look forward to considering all of this and, as I said, we enjoyed working with CDTC, Jeff is still on the planning committee, I believe of CDTC and we certainly will keep our involvement in that because it has helped us and we appreciate all of your efforts up to this point. Thank you very much.

SUPERVISOR RINGLER: Next item on our agenda is a request from the Supervisor for authorization to sign a Memorandum of Agreement between the Town of Bethlehem and the Town of Bethlehem Police Union, Local 3364 and Counsel 82, AFL-CIO. This basically is a one year monetary agreement entitling the police for 1994 to the same 4 and 1/2 percent increase that we gave all of our other Town employees.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to adopt the following Memorandum of Agreement:

Adopt
Memorandum
of Agreement
Police Union
and
Town of Bethlehem

MEMORANDUM OF AGREEMENT made this 13 day of December 1993, by and between the Town of Bethlehem *("Town") and the Town of Bethlehem Police Union, Local 3364 and Counsel 82, American Federation of State, County and Municipal Employees, AFL-CIO ("Union").

re: Salary
Increase

Whereas, the Agreement between the Town and the Union for the years 1193-1995 provided that negotiations shall be reopened no later than October 1, 1993 solely with respect to the salary schedule for 1994 and 1995,

It is agreed by and between the Town and the Union that:

1. For the year 1995, the salaries set forth in the salary schedule contained in Section 6.1 of said Agreement shall be increased by four and one-half percent (4 1/2%).

2. Negotiations shall be reopened no later than October 1, 1994 solely with respect to said salary schedule for the year 1995.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement on the day set forth above.

Town of Bethlehem, New York
 /s/ Kenneth J. Ringler, Jr., Supervisor
 Approved as to form:
 /s/ Bernard Kaplowitz, Town Attorney
 Local 3364
 By /s/ Anthony S. Arduini, President
 Council 82, AFSCME
 By /s/ Walter B. Cavanaugh

SUPERVISOR RINGLER: Discussion.

COUNCILMAN GUNNER: Yes. It's all right.

SUPERVISOR RINGLER: That is okay.

COUNCILMAN GUNNER: I will be doing it right up to the last meeting.

SUPERVISOR RINGLER: I know.

COUNCILMAN GUNNER: This is the first I have really heard of this. It is in line with the... what our Town employees got, however, at the last time, Town employees weren't in line with the Police Contract. Okay.

SUPERVISOR RINGLER: This is true and, however, we negotiated this and...

COUNCILMAN GUNNER: Okay.

SUPERVISOR RINGLER: Further discussion, all in favor.

The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
 Noes: None.
 Absent: Ms. Galvin.

- - -

SUPERVISOR RINGLER: You may recall, we had a 3 year commitment at that point. One of the reasons now that we don't go more than 1 year is so that we have a better handle on where these things are going.

COUNCILMAN GUNNER: Okay.

SUPERVISOR RINGLER: Next I would entertain a motion to accept the resignation of John Esposito as part time Telecommunicator.

Accept
 resignation
 John Esposito
 as part time
 Telecommunicator

The motion was made by Mrs. Fuller and seconded by Mr. Webster to accept the resignation of John Esposito as part time Telecommunicator. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
 Noes: None.
 Absent: Ms. Galvin.

SUPERVISOR RINGLER: Next I would entertain a motion to remove from the table and consider the recommendation of Bruce Secor, Commissioner of Public Works, for a request for extension of time for PRD No. 11, Delmar Village. Entertain a motion to remove that from the table.

Remove from
 the table
 extension
 of Time
 Delmar
 Village

The motion was made by Mrs. Fuller and seconded by Mr. Webster to remove the discussion concerning an extension of time request for PRD No. 11, Delmar Village. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
 Noes: None.
 Absent: Ms. Galvin.

SUPERVISOR RINGLER: Bruce, you want to just give us a brief overview of what is being recommended.

MR. SECOR: I tried to put together a package for the Board that had the materials that were submitted by the developer and also that Jeff Lipnicky put together as a proposed draft amendment for the building project approval. We are not asking to release the developer from any controls or conditions that were originally imposed but the developer has run into some road blocks as far as regulatory problems with the Corps of Engineers and some other people and he has been unable to move forward with the project. So, he needs to come back before the Board for this request to extension. Mr. Lipnicky is recommending it and we are recommending it. I think it is in the best interest to the Town to get Fisher Boulevard extension constructed and this is a method to do it rather than to start all over again with the process.

SUPERVISOR RINGLER: Any questions? There were none. Entertain a motion to authorize the change in the building project approval.

Approve
Ext. of time
Delmar Village

The motion was made by Mrs. Fuller and seconded by Mr. Webster to approve the amendment to the Building Project Approval for an extension of time for PRD No. 11, Delmar Village as recommended by the Town Planner and Commissioner of Public Works. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

Go To Bid
Gasoline,
Diesel Fuel,
Heating Oil
and
Purchase of
1994 Mid-size
sedan
Highway Dept.

SUPERVISOR RINGLER: Next a request from Mr. Sagendorph, Highway Superintendent, for approval to go to bid for gasoline, diesel fuel, heating oil as needed. Could advertise on December 15, 1993 and open bids on the 18th at 2:00, 2:10 and 2:20 p.m. And, also as a part of the same motion, requesting to go to bid for the purchase of 1994 mid-size sedan passenger cars. Could advertise on December 15th and open bids on December 28th.

ATTORNEY KAPLOWITZ: Weren't we buying those cars under State contract.

SUPERVISOR RINGLER: Yes. The State contract... the question Mr. Kaplowitz was asking was that we usually buy them under State contract. Sometimes the State contracts don't have this vehicle on and sometimes they do and sometimes we get a better bid than we do. This is just a testing of the waters to see if we can get a better price than off the State contract.

The following resolution was offered by Mr. Gunner and seconded by Mr. Webster:

WHEREAS, the Town desires to advertise for bids for gasoline, diesel fuel and heating oil, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 15th day of December, 1993 and that bids be received up to 2:00, 2:10 and 2:20 p.m. respectively on the 28th day of December, 1993 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

The following resolution was offered by Mr. Gunner and seconded by Mr. Webster:

WHEREAS, the Town desires to advertise for bids for mid-size sedan passenger cars, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 15th day of December, 1993 and that bids be received up to 2:30 p.m. on the 28th day of December, 1993 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

SUPERVISOR RINGLER: Next we have a request from Mr. Secor, Commissioner of Public Works, for approval to go to bid for Materials and Chemicals for the Water and Sewer Departments for the year 1994. Could advertise on December 15, 1993 and open bids on December 27, 1993 at 2:00 and 2:15 p.m. respectively.

Go To Bid
Materials
and
Chemicals
Public
Works

The following resolution was offered by Mrs. Fuller and seconded by Mr. Gunner:

WHEREAS, the Town desires to advertise for bids Materials and Chemicals for the Water and Sewer Departments for the year 1994, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 15th day of December, 1993 and that bids be received up to 2:00 and 2:15 p.m. respectively on the 27th day of December, 1993 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

SUPERVISOR RINGLER: Next a request from Mr. Cirillo, Engineering Services Administrator, for approval of change of some certain lot numbers in the Jolley Road in Glenmont. What happened is when he received this for 911 on these undeveloped lots, the numbers did not match the subdivision map and now we have people coming in, we want to make sure that the same number as on the subdivision map that is on the approved 911 plan.

Just so you are not confused, because I was and I had Mike in for 1/2 hour go over this. The question is, why do we have numbers for Jolley Road and the houses are on Mallard Road with Mallard Road addresses. On corner lots, you can request a number on either street and we assign 2 to each of these for subdivision map purposes so that if the individual comes in, they may come in and request to have their house on the other street when they live on a corner. Anyone like to authorize those changes? I would entertain a motion.

The motion was made by Mr. Webster, and seconded by Mrs. Fuller to approve the house number designations as recommended by the Engineering Services Administrator for Jolley Road in Glenmont, Town of Bethlehem. The motion was passed by the following vote:

Approve
House Nos.
Jolley Road

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

SUPERVISOR RINGLER: Next I have a recommendation from Mr. Cirillo, for acceptance of easements for storm drainage purposes in the

vicinity of Marvin Avenue and Gay Street. Did the Town Attorney look at these yet?

TOWN ATTORNEY KAPLOWITZ: Yes I did.

SUPERVISOR RINGLER: They have already been looked at by the Town Attorney. Entertain a motion.

Accept
Storm Drng
Easements
Marvin Ave.
and
Gay St.

The motion was made by Mr. Webster and seconded by Mr. Gunner to accept the easements for storm drainage purposed in the vicinity of Marvin Avenue and Gay Street as recommended by the Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.

Noes: None.

Absent: Ms. Galvin.

Refund of
overpaid
water
rents
Nov. 1993

SUPERVISOR RINGLER: Next a request from Mr. Hahn, Receiver of Taxes and Assessments, for approval of reimbursement of overpaid water rents for the month of November totaling \$40.19.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to approve the reimbursement of overpaid water rents for the month of November totaling \$40.19 as requested by the Receiver of Taxes and Assessments. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.

Noes: None.

Absent: Ms. Galvin.

SUPERVISOR RINGLER: Next I would entertain a motion to authorize the Supervisor to sign a payment in lieu of tax agreement for the Beverwyck project. As my memo states, the Beverwyck applied for 501 (C) status with Internal Revenue which basically exempts them from local taxes. We had discussion with them on this because they said that they would like to pay their fair share to the community. And, I certainly agreed. So, voluntarily, they have suggested that they pay taxes to the Town in the form of payment in lieu of taxes because they are not required by law to do so and, what they have agreed to do is to pay what normally would be paid based upon their assessment with the exception of the school taxes to the Guilderland Central School District and the review on that was that they don't use that facility and never will and felt that they should maintain their exempt status there. I think this is a wonderful agreement and a true testament that Beverwyck is a good resident of our community. The total payment for the various entities, including County, fire department, Town tax, highway and ambulance will be this year, for 1994, \$75,000. Entertain a motion to authorize the Supervisor to sign that agreement.

Authorize
Supervisor
to sign
Beverwyck
Pilot
Agreement
for payment
in lieu of
taxes

The motion was made by Mr. Webster and seconded by Mrs. Fuller to authorize Supervisor Ringler to sign the Beverwyck Pilot Agreement for payment in lieu of taxes.

SUPERVISOR RINGLER: Discussion.

COUNCILMAN GUNNER: Yes. That statement about... could be a dangerous... I don't think this will be a precedent because they are an exempt thing but if we go along with this, then we are going to have senior citizens whose children are gone, and I have been through it and we will use the exact same thing. I mean, I have heard it before, many times.

SUPERVISOR RINGLER: I agree with that but the fact is the law doesn't allow that. So, in this...

COUNCILMAN GUNNER: I know they are not tax exempt, however, it is the first time I have seen it in print where it was actually used and that is the way our culture is going so, be ready.

SUPERVISOR RINGLER: All in favor?

The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

SUPERVISOR RINGLER: Next I have a request from David Leafer for approval of transfer of funds to allow the purchase of a chair totaling \$189.

The motion was made by Mr. Gunner and seconded by Mr. Webster to approve the transfer of \$189 from A1355.4, Contractual Expense Account, to A1355.211, Office Equipment Account to allow for the purchase of one chair in the Assessors Office. The motion was passed by the following vote:

Transfer
of Funds
Assessor

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

SUPERVISOR RINGLER: Next a request from Jeff Lipnicky for approval of transfer of funds to allow for the purchase of one map cabinet. As everyone knows, at this time of the year, the budgets have to be adjusted sometimes due to modifications and we are reaching the end of the budget cycle and this is a transfer within his budget totaling \$850.

Transfer
of Funds
Planning
Dept.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to approve the transfer of \$850 from Account No. A8021.1, Personal Services, to Account No. A8021.1, Equipment, to allow for the purchase of a flat map file cabinet by the Town Planner.

SUPERVISOR RINGLER: Further discussion. All in favor. Question.

COUNCILMAN GUNNER: May I... I got to slow you down every once in a while.

COUNCILMAN WEBSTER: You are doing pretty good at it.

SUPERVISOR RINGLER: I get faster as the night goes on.

COUNCILMAN GUNNER: The first time I read it, I thought it said nap cabinet. So, I figured it is going to be pretty expensive to give him a place to go, so we are all right.

COUNCILMAN WEBSTER: You got to get bigger type on that letter. It is pretty small, maybe you ought to put in for a typewriter.

SUPERVISOR RINGLER: Further discussion. All in favor.

The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

SUPERVISOR RINGLER: Being last, you are really in trouble.

TOWN CLERK NEWKIRK: I know.

SUPERVISOR RINGLER: Next I have a request from Ms. Newkirk, Town Clerk, for transfer of funds to allow the purchase of one chair and adding machine from State contract for use of the Town Clerk from Contractual to Office Equipment, \$750.

Transfer
of Funds
Town Clerk

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to approve the transfer of funds, \$750 from Account No. A1410.4, Contractual, to Account No. A1410.2, Office Equipment, to allow the Town Clerk to purchase one chair and one adding machine from State Contract. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

SUPERVISOR RINGLER: Next I would entertain a motion to remove from table and consider approval of redistricting in the Town of Bethlehem Election Districts.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to remove from the table and consider approval of redistricting of Town of Bethlehem Election Districts for 1994. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

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SUPERVISOR RINGLER: Okay. As you know, we made this presentation last week, Michael did, Kathleen did and I had asked the Democratic Chairman if he had any comment. And, he has not. The Republican Chairman -- do you have any questions, any comments?

CHAIRMAN KAPLOWITZ: No.

SUPERVISOR RINGLER: Any comments from the Board? If not, I would recommend that we move ahead so Kathy and Michael can get the necessary work done for the Board of Elections by the January deadline.

Approve
redistricting
of Elections
Districts

The motion was made by Mr. Gunner and seconded by Mr. Webster to approve the redistricting of the Town of Bethlehem Election Districts as drawn by the Town Clerk and Engineering Services Administrator effective for the 1994 Elections. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

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SUPERVISOR RINGLER: You can't vote, Bernie.

TOWN ATTORNEY KAPLOWITZ: I know, but every once in a while I feel the need.

SUPERVISOR RINGLER: Well, I try to give legal advice so I guess it is only right for you to vote on occasion.

Is there anything anyone else would like to bring to the attention of the Board this evening? If not, I would entertain a motion to adjourn.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller to adjourn the regular Town Board meeting at 9:35 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
Noes: None.
Absent: Ms. Galvin.

SUPERVISOR RINGLER: Thank you.

Kathleen A. Newkirk

Town Clerk