

TOWN BOARD
DECEMBER 8, 1999

A public hearing of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor
George Lenhardt, Councilman
Doris M. Davis, Councilman
Robert C. Johnson, Councilman
Susan Burns, Councilman
Kathleen A. Newkirk, Town Clerk

ABSENT: Bernard Kaplowitz, Esq., Town Attorney

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

The first item on tonight's agenda is a public hearing that the Town Board had reconvened on November 23rd. I simply need a motion to go back into public session to reconvene our public hearing. May I have a motion to approve?

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to reconvene the public hearing held November 23, 1999 regarding proposed Local Law amending the Code of the Town of Bethlehem for parking prohibited on Ridge Road, both sides for a distance of 160 feet south and Ridge Road at Kenwood Avenue on both sides for a distance of 150 feet north. The motion was passed by the following vote:

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

Noes: None.

Public Hearing
reconvened
regarding Local
law amending
code prohibited
parking on Ridge
Road at Kenwood
Avenue

I saw Mr. Eck from Traffic Safety Committee and Mr. Costigan, the Chief of the Elsmere Fire District. If you can bring the Town Board up-to-date on what the recommendation is from the Traffic Safety Committee.

CHAIRMAN ECK: Good evening. Basically the Town Traffic Safety Committee was asked by the Chief to look at a proposal for Ridge Road in regards to no parking to allow easier access of entry and exit onto Ridge Road with his apparatus. The Traffic Safety did review that and we did approve the Chief's request which was 150 feet on both sides on either end of Ridge Road. Since that time, we became aware of quite a few concerns by the residents in the area and we've been in discussion with the Chief. He has reviewed and taken his apparatus out and made actually tests on Ridge Road to see what would afford him the minimum amount he needs to access the road and exit the road. And, at that... in light of that I would like to invite Chief Costigan up and I'll have him explain what we are looking at now but it's an alteration of the original request. Chief Nedward Costigan of the Elsmere Fire Department.

CHIEF COSTIGAN: Good evening. I'm Ned Costigan from the Elsmere Fire Department, Chief of the Department. As Billy mentioned, we'd originally made a request to look at a problem that was reoccurring on somewhat of a regular basis and we were having some trouble getting a piece of our larger apparatus during responses around 2 intersecitons on Ridge Road and unfortunately, with our business being a reactive type of business instead of pro-active, we're more or less bound by looking at things that could possibly cause property damage not only to our own vehicles but to other people's vehicles and property. And, in light of what you've seen recently in Wooster, Massachusetts and if you watched Prime Time last night, even the volunteer fire service is not... cannot escape the liability and problems that many paid fire departments or businesses have in the past. So, as OSHA came into the fire service back the early '80s, we were pretty much bound by New York State Law and by the adoption of OSHA through the New York State Labor Department, to reduce fire fighter injuries. Part of that statistically is the problem that

occurs in an area called responding and returning. Statistically in New York State and nationwide over the last 10 year period, approximately 30 percent of fire fighter injuries and some deaths occur in the category identified as responding and returning which is basically responding to the call or coming back. So, this is an area that's been deemed, obviously, unacceptable under OSHA and not only are fire chiefs liable to look at these situations, we're almost mandated by law.

We took a look at revising the proposal and we took the liberty... I took some measurements of the apparatus. I also looked into the American Association of State Transportation Officials to look at the turning radiuses and the measurements associated with an apparatus of this size and in concurring with Bill Eck and the Traffic Safety Committee over the last couple days -- naturally, our concern... I did talk to a few residents and it appears the concern was a dimensional one and one of both sides of the street. So, what we did was, we took another look at it and what we would like to offer for consideration is to revise the proposal and if it needs to be relooked at again by Traffic Safety, engineering, highway, that would be fine. Minimum standard that we could probably deem adaptable in that area would be a 75 foot distance from the intersection and that would be on one side of Ridge Road at the intersection of Poplar which would be on the east side of Ridge Road. I believe that's in front of the yellow tri-plex and on the opposite side of the road at the intersection with Kenwood which would be the westerly side of Ridge Road at the intersection of Kenwood Avenue.

One of the things with a piece of our apparatus, in looking at the turning configurations and some of the things we have to clear not only do we have to look at the wheel base and the size of the apparatus but we also have to look up at the platform of the aerial. This creates a problem sometimes with obstacles such as signs, telephone poles, you know things... trees, you know, things of that effect. So, we did go back out and physically take a look at all these details and, you know, we'd like to revise our request for the 75 foot.

SUPERVISOR FULLER: Did you say only on one side of the street, Ned?

CHIEF COSTIGAN: Yes.

COUNCILMAN DAVIS: You did, Ned. But, the other question I have is you said on the Poplar end it would be the westerly side which is the left side.

SUPERVISOR FULLER: Easterly side.

CHIEF COSTIGAN: Westerly would be towards Elsmere Avenue, that side.

COUNCILMAN DAVIS: Okay, that's the one...

CHIEF COSTIGAN: I believe it is in front of the yellow... there is a yellow triplex.

COUNCILMAN DAVIS: So, it is the right hand side. Okay, good.

CHIEF COSTIGAN: And, in looking some... there are some other control devices there and my understanding is under certain enforcement regulations there is distances from fire hydrants, obviously. There is distances from stop signs and by the placement of those devices where they are... you know, being on both sides of the street would probably help the situation also. So, we didn't... if the enforcement concurs with both sides of the street with the existing devices that are there and the 75 foot that we are requesting, there should be no problem.

COUNCILMAN DAVIS: There is a telephone pole there anyway on that one end at the... toward Poplar.

CHIEF COSTIGAN: Yea, there is one on both ends of the street.

COUNCILMAN DAVIS: And, at the other end on the opposite side...

CHIEF COSTIGAN: Yea.

COUNCILMAN DAVIS: ...which is sort of a natural barrier for cars anyway. Good.

CHIEF COSTIGAN: Right and the fire hydrants, again, create a... you know... a distance from that.

COUNCILMAN DAVIS: So, I think roughly that would be just about to the first driveway of either end on either side.

CHIEF COSTIGAN: It would probably be just about to the driveway of the triplex and maybe not quite to the driveway of the corner of Kenwood Avenue.

COUNCILMAN JOHNSON: Ned, was... seems to me I heard somebody mention that even before this question came up, people on Ridge Road if they had a party or a couple cars visiting them that they've been welcome to use the fire company's parking lot even before this question came up. I think that's still ongoing, isn't it?

CHIEF COSTIGAN: To my knowledge we have no problem... I know sometimes the people in the residences use it. Typically as you know, there is 2 or 3 cars over there all the time that some people in the triplex use and you know, we don't... there is no problem with that that I am aware of.

COUNCILMAN DAVIS: The other, maybe, helpful thing to the triplex is that they do have a driveway off Ridge Road, as well as, the driveway off Poplar. So, they do have additional parking there.

CHIEF COSTIGAN: They do... I am not sure if that driveway goes full...

COUNCILMAN DAVIS: It doesn't.

CHIEF COSTIGAN: ...around any more.

COUNCILMAN DAVIS: No, it doesn't any more. But, they do have quite a bit of parking so and they have your...

CHIEF COSTIGAN: Right and there presently exists a fire lane with signage on Poplar Drive.

COUNCILMAN BURNS: Ned, I believe, last time a resident asked why Ridge Road had to be an access for the fire department whereas they have another access road from...

CHIEF COSTIGAN: Well, Ridge Road is the primary means of response... I'll say easterly on Kenwood Avenue. A demarkation point that we use is 269 Kenwood. If we're dispatched to anything less than 269 Kenwood, we pretty much know we go up to Kenwood and Ridge and we take a left. Anything greater than 269 Kenwood assuming we get cross streets from the dispatcher, we need to identify what's between Ridge Road and Elsmere which is basically 2 or 3 buildings and then from Elsmere on to the middle school. So, really, Ridge Road is the main, you know... and always has been the main thoroughfare to get to the easterly part of our district, you know, including as far as 9W.

SUPERVISOR FULLER: Okay, are there any other questions of Ned? The people in the audience have the opportunity now to speak in favor or in opposition of the reduced recommendation, 75 feet from 160 feet and this will involve parking only one side of the street. Is there anyone who would like to speak in favor or in opposition?

Kathy, I just need you to come up to the microphone.

MRS. MC CARTHY: I'm Kathy McCarthy. I live at 16 Ridge Road which is in the middle of that block. I would like to thank Chief Costigan and Doris Davis for speaking to me earlier about this. And, I also would like to thank you for reducing the request. I still feel it is too much for a number of reasons. I still think it could present a safety issue to our children. The center of our block has 13 kids who range in age from a newborn to 9 years old and they are back and

forth and playing out. And, anything that could shift more cars into that center, I think, provides a danger. We as parents try to be as vigilant as we can but it's just a second for a child to go after a ball or a bicycle to swerve and if the kids are also dealing with parked cars in the road that's another impediment to their safety, I think. I'm also concerned about property value, where you are not able to park and I know that if I had the choice if I were looking at 2 identical houses and I could not park in front of one but I could in front of the other, I would certainly buy the one where I could park as I wanted to.

I have some concerns about Ridge Road being used as the main thoroughfare. Elsmere right there is a big wide street where people are accustomed to a lot of traffic. I know the fire department posts a man and a car often with lights so that people are alerted to the traffic so... to the oncoming fire trucks so it seems that that's another way to get the time that they need and now that Poplar goes through, I think that also provides some alternates. I know not in every case but I think it does open up some more venues. So, for all of those reasons, I'd like to speak against any ban on parking on our street. Thank you.

SUPERVISOR FULLER: Thank you. Is there anyone else who would like to speak this evening? Anyone wishing to speak in favor or in opposition of the 75 foot ban on parking on one side of the street?

MR MORRIS: I'm Gordon Morris. I live at 6 Ridge Road. I raised 2 children on the street with probably as many fire alarms as they have today. It's always been a primary route. One of the standing rules in almost all the families on Ridge Road was, when the fire horn goes off, the children get up on the lawn. Now, no one can miss the fire horn if they live on Ridge Road. And, we've never... in the 26 years I've was in the fire department had an accident involving a child or even coming close to having one because all the families knew the potential and trained their children properly to get out of the road.

I was here 2 weeks ago and I had some deep reservations about the proposal that was put up at that time. I think that this is a very nice compromise. It will provide the fire department with what they need and I think it goes a long ways to take care of the problems that many of us foresaw before. I don't think that either the property owners that are involved in this -- and they are aware of the meeting -- have come so apparently they don't have really deep concerns either. Thank you.

SUPERVISOR FULLER: There were 2 additional residents that were here November 23rd.

COUNCILMAN DAVIS: They're here, they're still here.

COUNCILMAN LENHARDT: No, Chris is here.

MRS. KENISTON: I'm Chris Keniston. I live at 3 Ridge Road and I do appreciate the compromise. I think it is something we can live with and I have to say did a little experience when I was coming back from my lunch hour going towards Kenwood on my street. And, the fire trucks were coming back from a fire call and they were making the swing and I had to stop and back up because they couldn't... when I was coming to take a right, they couldn't make that swing so I just sat there looking at them and they came right around and they had to make that huge swing around and when I was near there, they couldn't do it. So, I had to back up... back down the street to let them get in. So, I do see, they do need to make that swing. So, that did show me that they do need some room. So, I think the compromise is good. Thank you.

SUPERVISOR FULLER: Thank you.

CHIEF COSTIGAN: In looking at the alternate routes, just for the Board's information, and the Traffic Safety Committee because they probably were not aware of this... I sense the thoroughfare of West Poplar Drive with the intersection of East Poplar Drive... a number of our responses to streets such as Maywood, Woodridge, Lavery,

Clarmont replace Mason Road take place down East Poplar Drive. So, that has pretty much eliminated the Ridge Road activity to anything westerly of Rockefeller Road and Kenwood Avenue and all fire district coverage on the southerly side of Kenwood Avenue. So, there has been over time, you know, some relief and statistically I couldn't tell you how many there were before and how many there are now but at least it has provided some relief for the activity on Ridge Road. In looking at a suggested alternate route of taking Elsmere Avenue, we've been in that position before. It is an increase in distance. It would compromise an increase in time differential at an average speed which could be 1/2 to 3/4's of a minute and that could affect our responses, you know, in a response time you are looking for 6 to 8 minutes, 1/2 minute, 3/4 of a minute or a minute can make the difference.

So, we did look at those factors, there are some restricting mechanisms, I'll call, at Elsmere and Kenwood. If we do go up Elsmere Avenue, if there are no cars at the stop light, we can make a left turn onto Kenwood which would be east bound. If there is a car at the red light there, it is impossible to make that left hand turn, just by the geometry and the positioning of what's there and one particular telephone pole. The same thing occurs at the top of Kenwood Avenue. There are a couple poles up there and as I mentioned before, we always look to keep the wheels in the road, off the curb and you look up to make sure that the platform doesn't clip the trees and the telephone poles so it is kind of a... it's not like a normal drive. You are basically looking down, you're looking up, you're looking left, you're looking right. So, those are some of the restraints that we were faced with and if we were to take Elsmere Avenue, the time increase to go around Elsmere Avenue... we'd have to make a left on Elsmere, go through that intersection, assuming we could make a left east bound on Kenwood and go through that intersection would probably be a time increase of about 67 percent of using Ridge Road. So, as I mentioned before with our business being what it is, not only is there fuel and fire but the other thing that works against us continuously is time and it would be extremely difficult for myself or any other fire chief to even consider agreeing to a longer response time at any residence in the fire district.

COUNCILMAN LENHARDT: Ned, just one point. And, coming from my background, I'm well aware of the shortest distance to a call. Has any consideration been given though on a return of using Elsmere Avenue as opposed to using Ridge Road just to reduce...?

CHIEF COSTIGAN: With the aerial apparatus which is, you know, 102 foot ladder truck, they can't turn on Ridge Road anyway. So, basically they are forced... occasionally the pumpers can get around Ridge Road without much problem. It's not convenient. It's not like turning at, you know, Montrose and Brookview but we can get around the corner there. Predominately, if there's cars sitting at the intersection there in a stopped position where we see them... you know, most of the guys will drive by, go down Elsmere and come around. So...

COUNCILMAN BURNS: Ned, my understanding, one of the factors is within the last... I don't know how many years, maybe 10 years, fire engines and your apparatus has gotten bigger and larger and that's one of the reasons.

CHIEF COSTIGAN: Well, dimensionally they have increased. They have not only increased in size but they've increased expense and predominately the cause for that was... as I mentioned before, with the influence of OSHA, basically the fire fighters came off the outside of the apparatus. Again, that factor of 30 percent of injuries or deaths many of that was occurring responding and returning due to the fact that they weren't in a crew cab. So, we've tussled over the last 9 or 10, 11 years to replace our apparatus with NFP and OSHA compliant equipment which we've done. Which... yes, in answer to your question, it's made them a little bit bigger and longer.

SUPERVISOR FULLER: Do you see this in other areas in the Elsmere Fire District? I'm sure Ridge Road isn't the only...

CHIEF COSTIGAN: Not that I am aware of... not that I am aware of at the moment. I think any... we understand that any of these circumstances can occur -- birthday party, a cook out, garage sales are great on Saturdays, that type of thing where sometimes you can't even get straight down a street and you know, we understand that and we work around it. You know, we realize we can't solve every situation that is going to come up but the ones that are pretty much static and are resolvable, you know, we're almost obligated to take a look at.

COUNCILMAN DAVIS: Ned, I just have to say I appreciate all the time you've put into this... both you and Bill. I know I mean, I have had a number of telephone conversations with both of you and I think that you have been very fair. I think you've been very reasonable. What you do is very important to us all and I appreciate what you have done.

CHIEF COSTIGAN: Well, the last thing, you know, we realize that most of our support comes from the residents we serve and naturally, the last thing we want to do is create any inconveniences for them. So, we were happy to take a look at it.

COUNCILMAN DAVIS: Thanks.

SUPERVISOR FULLER: Did you meet with all the residents on the street?

CHIEF COSTIGAN: I only talked with the ones that called me.

SUPERVISOR FULLER: Okay.

CHIEF COSTIGAN: There was no official meeting or anything like that.

SUPERVISOR FULLER: Okay, I didn't know if you had spoken with some of those that were here at our last meeting with concerns.

CHIEF COSTIGAN: Gordon Morris and Mrs. McCarthy were 2 that I talked to.

SUPERVISOR FULLER: Okay.

COUNCILMAN DAVIS: And, actually you did not request the 150 and 160 feet initially. That was not your figure.

CHIEF COSTIGAN: Well, initially I guess I did because not aware of all the circumstances or the inconvenience that would come up, you know, naturally you look for the overall safety factor. You try to allow for varying driving conditions, snow banks, you know, difference in operators who may be driving the apparatus so... But, again, we did not, you know, we worked with Traffic Safety Committee and you know, after taking... you know, we just wanted to take a harder look at it and see if we could tighten it up a little bit.

SUPERVISOR FULLER: Okay, thank you.

COUNCILMAN DAVIS: Thanks.

COUNCILMAN JOHNSON: I'd like to just add to what Doris said, I think the compromise that the Traffic Safety Committee with Bill's leadership and Chief Ned has done... I think you all did a great job and Bill, I thank you and the Traffic Safety Committee for all your hard work in the last month. Think you all do a great job.

SUPERVISOR FULLER: Okay. May I have a motion to close the public hearing?

The motion was made by Mr. Johnson and seconded by Mrs. Davis to close the public hearing at 7:55 p.m. The motion was passed by the following vote:

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

Noes: None.

Haskell A. Newkirk
Town Clerk

Supervisor Fuller convened the regular Town Board meeting following the close of the public hearing. She asked for a vote on this proposed local law. She noted the 75 foot requirement can be approved because it is less than what was advertised. She said the distance cannot be increased from what the legal advertisement specified.

Councilman Davis asked Highway Superintendent, Gregg Sagendorph, how many signs will go on either end of Ridge Road. Mr. Sagendorph indicated there will be 1 sign on each end indicating no parking here to corner. Councilman Davis asked where the sign would be placed. Mr. Sagendorph said it would probably go just behind the sidewalk unless there is a telephone pole. He said if the pole is in very close range of 75 feet, that is where it will be placed. Otherwise, he said it may go just behind the sidewalk in an effort to keep the obstruction out of the right-of-way but still visible to the traffic. Councilman Davis thanked Highway Superintendent Sagendorph.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to adopt the Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Parking Prohibited at All Times, for a distance of 75 feet at the intersection of East Poplar Drive on the easterly side and Ridge Road at the intersection of Kenwood Avenue on the westerly side. The motion was passed by the following vote:

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

Supervisor Fuller thanked Chief Costigan, the residents and Mr. Eck.

The next item was a request regarding an amendment to the Code of the Town of Bethlehem, Zoning, with regard to mini-storage facility use. Supervisor Fuller asked Mr. Zee to present his information. Mr. Donald Zee, is the attorney for Carmelo Crisafulli who is the owner of the property located on Route 9W (the former Glenmont Post Office building). He indicated they were here a couple meetings ago with Mr. Walsh, contract vendee, and noted he could not be in attendance at this meeting.

Mr. Zee noted at the meeting they were not sure of how to proceed with the matter and based on the conversations at the meeting, they have submitted a letter requesting that the Board consider addition of mini-storage facility use as a permitted use in a "C" General Commercial district. He indicated he did not know if the Board wanted him to review the previous information.

Mr. Zee said, basically, what they wish to do is install a mini-storage facility. He said it was proposed to be 50,000 square feet of storage space, subject to technical, engineering and design work. He said they anticipated there would be a substantial increase in real estate taxes generated from the use versus the vacant land that is currently there along with the former post office building. He said with the storage facility there will be very minimal use of utilities, meaning public water and sewer. He said they estimate only 100 gallons of water a day and 100 gallons a day of sewer. He said they would be generating no additional school age children from the site and probably \$20,000 or so tax revenue for the school district would be realized. He said the traffic impacts are minimal also, they believe. He said they anticipate 10 or less vehicle or traffic movements per day at the site. He said during the course of construction of a new building there may be up to 20 but it would be substantially less than other permitted uses.

Mr. Zee said they are requesting the Town Board refer this request to the Planning Board for their comments for the possibility of modifying the Zoning Code of the Town of Bethlehem. Supervisor Fuller thanked Mr. Zee.

Supervisor Fuller asked if there were any residents in attendance with reference to this request. She said she will be

Motion was made
adopt local law
Parking prohib-
ited at all
times for a
distance of
75 feet at the
intersection
of East Poplar
Drive on the
easterly side
and Ridge Road
at the inter-
section of
Kenwood Ave
on the Westerly
side

Request
amendment
to code zoning
mini storage
facility
presentation

asking for a motion to refer the request to the Planning Board for a recommendation. She asked for any questions to be addressed to the Board.

Mr. Steve Morelli, residing at 23 Patterson Drive, said he had a few general comments. He said he is against this personally and the reasons are a general feeling of a large missed opportunity for this area. He said there is an opportunity to develop that 4-corner type area stretching out 1/4, 1/2 mile down Route 9W and out 9W and make it a town center. He said he thinks it is referred to as Bethlehem Center. He said this would be an excellent way to develop things in a consistent manner to give the residential areas that surround this a small town feel. He said he feels this gives a very institutional, commercial, industrial look to the area. He said a restaurant or a strip mall with a lot of retail services, day care center, school across the street would be better. He said it has a good potential to build on the idea of a town center.

Mr. Morelli also commented about the tax increase revenue and indicated folks that are looking to locate into the suburbs but be convenient to downtown Albany, may think about building a middle or upper value home in this area, however, they actually may be put off or change their plans if they saw this kind of disjointed type development occurring. He said he thinks this would discourage many more homeowners that would generate additional increase in the tax base. He thanked the Board.

Supervisor Fuller thanked Mr. Morelli and asked if anyone else wished to speak. Mrs. Nancy Mendick said she heard the presentation at the first meeting and asked if they said you would not be able to see this facility from Route 9W; if this would be visible from Patterson Drive; and during tonight's presentation 100 gallons a day of water was mentioned; and noted she thought there would be 1 security guard on the premises. Mr. Zee noted the 100 gallons was an estimated requirement from the Health Department for 1 employee during the course of a day. He said with regard to the views, this is a very unique parcel with limited views from Route 9W and there is a 100 foot wide easement for Niagara Mohawk and on the right there is a tremendous drainage easement that buffers the rest of the property. He said from the rear there are existing trees and there is no anticipation to cut them. He said there was discussion of fencing and landscaping being installed at the last meeting and they are in agreement to do this. He said if this Board refers this to the Planning Board, they would be subject to those questions in the planning or review stage of this proposal. He clarified that he did not think you could see the facility from Route 9W or Patterson Drive.

Mr. Zee commented in regard to the comments made earlier and the potential lost opportunities, that he has represented Mr. Crisafulli for 15 years and during that time, he has had this parcel on the market for lease or for sale. He said the only tenants who have come forward, obviously was the post office and they ultimately chose that this is not the place for that building, and have moved. He said since that time, all there has been in the location is a karate school and other small temporary type tenants. He said other uses have been considered but no one has been interested. He said they have explored opportunities or potential opportunities over the past 15 years and nothing has materialized. He further noted they feel there is a necessity for this type of facility in the Town or area, however, they don't believe it is going to detract from the rest of the Route 9W corridor because it is not visible. He thanked the Board.

Supervisor Fuller thanked Mr. Zee. She said when this appeared in the Spotlight after the first presentation and the direction was unclear, the residents were asked to be in attendance. Mr. Zee said the dialogue can be continued.

Mr. Garo Derian said he has been working on Glenmont Self-Storage for the past 2 years on Route 9W. He said it is approximately 3/4 of a mile south of this location. He said it is across from the dentist's office on Route 9W. He said they are building a 62,000 square foot storage facility. He said when they

were looking for property in the area, they looked in the commercial areas and were advised that the only permitted area for a self-storage facility is in the Light Industrial zoning. He further noted they found the property and they have done their wetland mitigations. He said they have approval on this and are working with engineering on this noting they should be getting their permit in a month to a month and a half, with construction starting in January. He again said he does not think the Town can afford 2 facilities of this size. He noted the Building Inspector and the Planning Board indicated this facility should be in a Light Industrial zone and that is what they did.

Supervisor Fuller thanked Mr. Derian. She asked for a motion to refer this request to the Planning Board for a recommendation.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to refer the request for an amendment to the Zoning Code to permit the addition of mini-storage facility to the "C" General Commercial Zone. The motion was passed by the following vote:

Motion was
passed to
refer to
Planning Board

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

Hearing began: 8:10 p.m.

SUPERVISOR FULLER: The next item on tonight's agenda... we can go back now to the public hearing... sorry, we ran 15 minutes over. Ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

Public Hearing
Local Law
Add stop
intersections
Jordan Blvd
and Winne Rd

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, Albany County, New York on the 8th day of December, 1998 at 8:00 p.m. to consider Local Law No. 9 of 1999, Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-32, Article VI, Through Streets, as follows:

ADD: Stop intersections as follows:

On Jordan Boulevard at Winne Road for traffic entering Winne Road by means of the northerly leg of the center median; and
On Winne Road northerly and southerly direction at Jordan Boulevard.

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

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

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

- - -

State of New York)
County of Albany)

CHRISTINE BREEDEN of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 24 day of November 1999.

/s/ Christine Breedem

Sworn to before me this 24th day of November 1999.
/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 Nov. 24, 1999, 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
8th day of December 1999.
/s/ Nancy Karins Mendick
Notary Public

- - -

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

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

Noes: None.

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SUPERVISOR FULLER: This was readvertised for December 8th meeting which is this evening to consider proposed local law amending the Code for stop signs Winne Road from north and south direction and Jordan Boulevard at Winne Road. The Engineering and Highway Department have redesigned the intersection and I might add, did a very good job. So, now it would become... I think the initial request would have prompted maybe 7 stop signs -- 2 were at Jordan, would have been 2 additional on Winne... 4 additional Winne and then 1 which would have been at the leg, that the leg has been removed. I think, so simply tonight it should be a 4 way stop sign at Winne and Jordan -- stop signs on Winne and Jordan.

Are there people here wishing to speak in favor... in opposition?

MR. MULHERN: My name is Mike Mulhern and I live on Palmer Avenue and Winne. And, I speak in support of the stop signs. Winne is kind of like Fernbank, it's mostly straightaways and Fernbank though has 3 stop signs and a similar section on Winne has none. And, I know when my property which is next to this intersection, just half a block down, when I am mowing that portion of the property, you know, I realize it's an eye opener. The cars come upon you very quickly. It's a very long straight away from McGuffey all the way to Jordan. It curves a little and then it flattens out again, it's a long straight away. I think the people try to be safe drivers but the straightaways tend to make people drive faster and we've done that on similar parallel roads on Wellington and on Fernbank, we put stop signs. And, I think Winne could definitely use one.

I have 3 children ages 3 to 9 and I'm afraid that they or their friends are going to step out onto Winne Road sometimes. And, the cars come right up on you. They come right up on top of you and it's just that there's a curve there after going straight for so long and the visibility is not very good.

So, you know, I support the stop signs that were put on the other parallel roads and you know, that area is densely populated, there are no sidewalks, there are no street lights, the roads are narrow. And, I think that least that can be done is to put up a stop sign where that road curves to take down some of the speed. I know the average speed was recorded as 29 miles an hour. I got to believe that there is a frequent speed over 35 miles an hour because I've been on that and I think it is a safety hazard.

So, I know you put up stop signs on those other roads and there is less traffic on those intersections. You know, Jordan is a connector road, Sylvan is not. It is a very quiet road, there's very low traffic. They were put up there for speed purposes. And, I would ask you to do the same here and not wait until there is an accident there. Thank you.

SUPERVISOR FULLER: Thank you.

COUNCILMAN DAVIS: Thank you.

SUPERVISOR FULLER: Bill, did you wish to speak?

MR. ECK: Basically, I'd just like to bring everybody up to speed on the whole item, how it came about. We received that request and it was for putting stop signs on Winne at Jordan and we went out and we took... our normal process is we table for one month everyone goes out, drives the intersection, looks at the area and then we come back and make an educated decision after weighing all of the options. We definitely found a problem there and we forwarded the request to the Town Board for a stop sign on Jordan at Winne for the leg that came from Jordan.

Anyone who is familiar with the area, you have the intersection of Jordan at Winne in 2 different locations. And, when the local law was last written, we covered it by putting up stop signs on Jordan at

Supervisor Fuller convened the regular Town Board meeting following the close of the public hearing. She asked for a motion to approve the proposed local law regarding a 4-way stop at the intersection of Winne Road and Jordan Boulevard.

Motion was passed 4-way stop at the intersection Winne Rd and Jordan Blvd

The motion was made by Mrs. Davis and seconded by Ms. Burns to adopt the Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Article VI, Section 119-32, Schedule VI, Through Streets, permitting stop signs on Jordan Boulevard and Winne Road creating a 4-way stop intersection. The motion was passed by the following vote:

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

Supervisor Fuller thanked the residents for their patience. She also thanked Chairman Eck and the Traffic Safety Committee. She said special thanks to Mr. Secor and Mr. Sagendorph for the improvement to the intersection.

Mrs. Buess of Winne Road thanked everyone for their efforts. She said there certainly has been a lot of work done on Jordan Boulevard, including posting of speed signs. She said there is also Police cars on the street. She wished everyone a happy holiday. Supervisor Fuller thanked Mrs. Buess.

Request from Engineering acceptance of deed and bond for easement Planned residential district Terramere

The next item on the agenda was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of a deed and bond for easements for Planned Residential District, Terramere. Supervisor Fuller said the Town Engineering Division received this multi-purposed easement noting it is a varying width utility easement.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the acceptance of a deed for a multi-purpose easement with bonding for easements in the Planned Residential District, Terramere. The motion was passed by the following vote:

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

Comptroller request hiring Auditors to estimate loss caused by theft at Rupert Road Landfill

The following item was a request from Comptroller, Judith Kehoe, for approval to hire Auditors, Casey and Lubbe, at a fee not to exceed \$3,000, with regard to the recent theft at the Rupert Road Landfill. Supervisor Fuller said the Fidelity Bond coverage with Hartford Insurance will cover the recent theft discovered at the landfill, however, in order to receive the restitution, the Town needs to submit the claim for the estimated amount of the loss. She said the recommendation was for the independent auditors, Casey and Lubbe, to be engaged to determine the exact amount and to prepare the necessary report for the insurance carrier.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the hiring of Casey and Lubbe, independent auditors, to determine the exact amount of loss by the theft and prepare the necessary report for the insurance carrier in an amount not to exceed \$3,000 pertaining to the Rupert Road landfill.

Councilman Burns asked if an rfp was going out on this or was it because this was professional services and therefore, an rfp is not done. Comptroller Kehoe said when the Town engaged Casey and Lubbe originally, an rfp was done, and indicated it is done every 5 years for audit purposes. So, based on this and the fact that Casey and Lubbe have expertise in this area, Mrs. Kehoe said she was comfortable making this recommendation.

The motion was passed by the following vote:

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

Noes: None.

The next item was a request from David Leafer, Assessor, for reappointment of Raymond Russum as Board of Assessment Review Member, term October 1, 1999 to September 30, 2004. Supervisor Fuller said Mr. Russum had just completed a 5 year term and he certainly has been a real credit to the Town. She said his willingness to serve on this 3 member board is appreciated and noted the number of claims coming in have been reduced, part of it due to his handling of the claims.

Reappointment
Raymond Russum
as Board
of Assessment
Review Member

Councilman Johnson said he had coffee with Mr. Haverly and he noted that if nothing else was done this evening, to be sure and approve Mr. Russum. Mr. Johnson said he has firm support. Councilman Davis said it is not a glamorous job. Supervisor Fuller said far from it. Mr. Leafer, Assessor, indicated they make his job easier.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the reappointment of Raymond Russum, Delmar, New York as a Member of the Board of Assessment Review for the term October 1, 1999 and expiring September 30, 2004. The motion was passed by the following vote:

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

Noes: None.

Supervisor Fuller noted Mr. Haverly, Mr. Russum and Mr. Steele are the 3 members of the Board.

The next item was to acknowledge receipt of the Annual Highway Equipment Inventory from Highway Superintendent, Gregg Sagendorph.

Acknowledge
Equipment
Inventory from
Highway Super-
intendent

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

Parks and
Recreation
appointment
of seasonal
personnel.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the appointment of seasonal personnel as requested by David Austin, Administrator, Parks & Recreation Department, as listed in the Memorandum dated December 8, 1999 - Effective January 1, 2000 at the titles and rates indicated. The motion was passed by the following vote:

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

Noes: None.

The following item was a request from Comptroller, Judith Kehoe, for approval of payment of \$39,752 to M. Caputo & Associates for sewer work performed in 1999.

Comptroller
approval of
payment for
Sewer work
performed
in 1999

Councilman Burns asked Mr. Secor if he would go over the information on this item noting she was not clear on it. Mr. Secor said each year in the preparation of the budget he gives a write up and includes a certain amount of sewer report remediation work. He noted part of this is the use of television cameras, testing of the sewers and said a certain amount of work is budgeted each year. In 1998 Mr. Secor said the purchase order was written late in the year and it was his understanding that some of the work had been done and would be finished near the first of the year. He further noted,

unfortunately, this did turn out to be the case. He said the work was actually finished in March and then the purchase order for that year was used and it created a duplication for the same year. He said the problem is that under the State Comptroller's guidelines, if it is over \$20,000 in subcontractor costs, it is supposed to go out to bid. He said the first purchase order was about \$19,000 and it was for testing of methods to use for repair of the sewers. He said they decided to do the second round of it and it doubled up in the same year and became a purchasing violation. He said he had to come to the Comptroller and the Town Board because it was doubled. In order to try to eliminate this, Mr. Secor said, they feel they have enough background in doing this type of work and it will be put on the regular bidding agenda. He said when they go out to bid in January for the rental of heavy equipment and other services normally bid every year, this will be included as part of that. He said this will not reoccur, however, there is a purchasing violation this year which requires Town Board approval to pay.

Mr. Secor said the vendor did do a very good job and they got a number of written quotes before the work was started. He said they got the best price they could for the work that was done. He said they are very satisfied with their work.

Councilman Davis asked if the vendor, Caputo and Associates, overcharged the Town. Mr. Secor said they did not. Mrs. Davis further said this was not the vendor's error but the Town's. Mr. Secor said that was correct. Mrs. Davis noted Mr. Secor acknowledged that this was his error. Mr. Secor said there was a problem, however, it is a very cost effective method and they ended up doing a lot of areas and eliminated a lot of infiltration and inflow. He said all of Kenwood Avenue was done in coordination with the Highway Department resurfacing the road. He said the worst thing you can do is repave the road and then start digging up the sewer. He said they are trying to do this work as a coordinated method. He further said they found the sewers on Kenwood Avenue were structurally all right but the joints were leaking. He said this is a very good, inexpensive method to grout the joints. He said it was budgeted in 2 separate years, however, the expenditure took place in one year.

Councilman Davis asked if the new system worked out between the Comptroller and Mr. Secor will eliminate this problem in the future. Mr. Secor said that was correct and in the budget for the year 2000, they will again put about \$100,000 in there to continue on with the program because there are a lot of old leaky sewers. He said they will step up now and go beyond the bidding amount so they will bid in January and proceed to do as much work as can be lined out in the year within the budget.

Councilman Burns said from now on it will be bid and be accountable to the residents. Mr. Secor said that was correct.

Councilman Johnson asked Comptroller Kehoe about her memorandum, indicating there was no financial harm to the Town and it had been blessed by the Town Attorney also. Comptroller Kehoe said that was correct.

Supervisor Fuller said unfortunately when there are emergencies and things happen, this becomes part of the problem. She said Mr. Secor did not set out to spend money that was appropriated for 1998 to combine it all in 1999. She said he has been served notice and it will not happen again.

Councilman Davis said she appreciated the fact that Mr. Secor indicated immediately that it was his error.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the payment of \$39,752 to M. Caputo & Associates for sewer work performed in 1999 as requested by Comptroller Kehoe. The motion was passed by the following vote:

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

The next item was a recommendation from Commissioner of Public Works, Bruce Secor, for approval of revised water rates for the year 2000 and to adopt a resolution pertaining to water receipts. Supervisor Fuller noted the residential rates will remain at \$1.07 per thousand gallons and the increase for the rate for purchase of supplemental water from the City of Albany will be a 4 cent increase per thousand gallons for the industrial area. She said also part 2 is a resolution in regard to the new water billing system. She said there is no way to correct underpayment or overpayment and the Receiver of Taxes had to mail out the difference. This resolution, according to Supervisor Fuller, allows for the holding of the underpayments/overpayments on individual accounts and have them appear as a balance forward. Mrs. Mendick, Receiver of Taxes, supports this resolution and it will make it easier to handle the monies.

Commissioner of Public Works approval of revised Water rates for 2000 and adopt resolution pertaining to water receipt

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the revised water rates for the year 2000 as recommended by Commissioner of Public Works, Bruce Secor, as listed in his Memorandum dated December 2, 1999. The motion was passed by the following vote:

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

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The following resolution was presented for adoption:

RESOLUTION

WHEREAS, Town Law Section 198 (3)(d) empowers the Town Board to "establish water rates to be paid by consumers and may provide for the payment of said water charges in advance", and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem authorizes the Receiver of Taxes to accept overpayment of water bills and apply them to the individual water accounts as a credit balances on the accounts, and

WHEREAS, the Town Board has previously adopted a resolution that a 10 percent penalty be applied to any water bills which are not paid by the due date, and

WHEREAS, the Town Board wishes to modify this resolution to authorize the Receiver of Taxes to accept partial payments of water bills (or underpayments),

AND FURTHER RESOLVES that the 10 percent penalty be applied to any unpaid water bill or portion of any water bill which remains unpaid by the due date thereof

The motion to adopt the resolution was made by Mr. Johnson, seconded by Mr. Lenhardt and duly adopted by the following vote:

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

The next item was to acknowledge receipt of Final Plat Approval for the Dorato Subdivision, Lyons Avenue and Partridge Road, Delmar, NY from the Planning Board for information purposes.

Acknowledge receipt of Final Plat Approval to Dorato Subdivision, Lyons Ave and Partridge Road Fisher Hollow Subdivision, Fisher Blvd Approve minutes from 11/10/99

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

The next item was to approve the Town Board minutes of November 10, 1999.

The motion was made by Mr. Johnson and seconded by Ms. Burns to approve the Town Board minutes of November 10, 1999 as submitted. The motion was passed by the following vote:

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

Carol
Reilly
Lawsuit
Against
Town of
Bethlehem
discontinued

Supervisor Fuller said she wished to inform the community that the Carol Reilly lawsuit against the Town of Bethlehem citing racially motivated decision making has been discontinued at the request of Mrs. Reilly. She said certainly for the Town government, it has been a very difficult time. She said it was extremely difficult on Mr. Flanigan, who was the zoning inspector. She said Carol Reilly was the owner of the Pizza Hut franchise and was operating the business out of her home, if everyone remembered, a couple years ago. She said in notifying her the business could not be operated in the home, she came back and brought suit against the Town of Bethlehem's individual members of the Zoning Board and Mr. Flanigan as Building Inspector. She said today word was received that all of that has been discontinued. She said Mrs. Reilly's attorney has contacted Counsel to the Town Attorney, Tom Dailey, who is the attorney representing the Town for Coregis Insurance Company. She said everyone is very happy to hear it is over with.

Supervisor Fuller noted she needed approval from the Town Board to allow the attorneys to finalize this case. She said the total cost, as far as, the Town is concerned is approximately \$10,000 and noted this was really for attorney's fees. She said fortunately it has not cost the taxpayers any more. She said the insurance company has covered these costs.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the attorneys finalizing the case brought by Carol Reilly. The motion was passed by the following vote:

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

Supervisor
announced
special meeting
December 29 at 4:00 PM

Supervisor Fuller next mentioned that there is a special meeting scheduled for December 29, 1999 at 4:00 p.m.

Supervisor Fuller asked Councilman Johnson to stand for a standing ovation. She said he actually will have to report for one more meeting.

Mr. Johnson
was given a
standing
ovation

Councilman Johnson said it was too good an opportunity when he looks around and sees all the Department heads not to thank everyone for their cooperation over the last 4 years. He said he enjoyed working with everyone. He thanked everyone for all the cooperation and help they have given him. Supervisor Fuller thanked Mr. Johnson.

Supervisor Fuller said Councilman Johnson has been a very special and unique Board member, noting no matter what you ask of him, he is always there. She said Mr. Johnson has turned himself inside out a million times, not only for the Town government of Bethlehem but for the Town of Bethlehem as a whole. She said to cite everything that Mr. Johnson has done would keep everyone another 2 hours, so she was sure even Mr. Johnson did not want to hear that. She again thanked Mr. Johnson.

Supervisor Fuller asked if anyone in the audience would like to address the Board. No one spoke.

Supervisor Fuller wished everyone a very Happy Holiday season and told the students to enjoy their break. She noted the Organizational Meeting of the Town of Bethlehem will be held January 3, 2000 at 4:00 p.m. She said the regular Town Board meetings will resume on January 12, 2000 at 7:30 p.m.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to adjourn the regular Town Board meeting at 8:44 p.m. The motion was passed by the following vote:

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

Noes: None.

Supervisor
announced
organizational
meeting
January 3, 2000
Town Board
meeting adjourn

Kathleen A. Newkirk
Town Clerk