

TOWN BOARD
FEBRUARY 11, 1998

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
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR FULLER: Good evening and welcome to a regular meeting of the Bethlehem Town Board. We begin tonight's meeting with the pledge of allegiance. Susan, would you like to lead the pledge. Thank you. What is the occasion for so many students tonight, is it the end of a marking period.

STUDENTS: No, the beginning.

SUPERVISOR FULLER: Okay, great to see such enthusiasm. We begin tonight's meeting with a public hearing to consider Local Law No. 3. I would ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

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 February 11, 1998 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York to consider proposed Local Law No. 3 of 1998, concerning amendment to the Code of the Town of Bethlehem Chapter 128, Article IV Housing Density and Article XV Width of Lot.

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 are in need of assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

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

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This is a proof of publication in the Times Union, it was published January 31, 1998 and it was published in the Spotlight as well.

State of New York)
County of Albany)

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 January 31, 1998, 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
11th day of February 1998.
/s/ Nancy Karins Mendick
Notary Public

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The motion was made by Mrs. Davis and seconded by Mr. Johnson to indent the Notice of Public Hearing, Affidavit of Publication and

Public
Hearing
Proposed
Local Law
No. 3
Article IV
Housing
Density and
Article XV
Width of Lot
SEQR Resolution
and adoption by
Town Board

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,
Mrs. Burns.

Noes: None.

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SUPERVISOR FULLER: Mr. Flanigan, if you would like to present what this local law is all about.

MR. FLANIGAN: Thank you and good evening. I make this request to the Town Board to go to a public hearing to change some sections of the Zoning Code and I do this because we have been under the interim density law since 1989 when the Town formed a committee to work on the LUMAC plan. They felt that they should increase the lot sizes at that time on an interim type basis while this plan was being looked at. The plan has been reenacted about 4 or 5 different times over those years and the latest one was done last year, in 1997 and that requirement... those requirements will go out of effect on the 1st of March of this year because the plan has been adopted by the Board in May as a resource reference and it is felt that these requirements that we have been living with for some 8-9 years should be right in the Zoning Code where they belong. So, I have made the proposal to the Board that we put that in as part of the Zoning Code as it is because we have been living with that for 8 years now and those are the requirements everyone... all the new subdivisions, everyone has been living with and it has worked very well. I don't see any reason environmentally that it would bother anything because we have already gone through all that and all the changes are there that would go. The sheets I just handed out to you gives you some sort of an idea and I will just skip through a few of them.

If you go to the first page, single family dwellings, you will notice we are proposing 35,000 square feet in the AAA zone. That is what the interim says now. The existing is 20,000, so we are picking up 15,000 on that part of it. In the AA zone and the AR district, we are going for 15,000 square feet where the existing is 10,500. This is what it would revert to if we don't do this today... at the end of the month. In the A zone, 12,000 square feet is the proposal, 8500 square feet is what it is today... or would be if we didn't adopt this. You get into the next one is 10,000 square feet in the residence B and 5,000 and so on down the line and you get into the 2 families it runs the same way of the square footages being up a little bit higher and it really... like I said, we have been living with them and it has worked very well through the Planning Board all the subdivisions that have been approved since 1989 have used these figures. Now, that is just the size of the lots as far as square footages go.

Then you get into the minimum required widths of lots which you go from... on the 3rd page where you go from 120 feet which is required now in an AAA zone from 110 feet which we would revert to. And, so on it goes down through the whole... the whole different areas that we go through.

And, I feel that... you know, we should put them in there. I don't feel we should go back to the old square footages because that is going backwards. This way we are holding our own for where we are and if we decide from the reviews that will go on... and, I am sure from this resource guide, there will be a lot of reviews that go on from here... that if we decide to make them bigger or larger that we would do that. So, that is why I am proposing this and this came from the Land Use Management Task Force Committee that we recommended that we do this to move forward so that we wouldn't loose the square footages we have that are in the interim density at this time.

Do you have any questions?

SUPERVISOR FULLER: Thank you, John. Any questions from the Board?

COUNCILMAN BURNS: I have some questions.

MR. FLANIGAN: Sue.

COUNCILMAN BURNS: Mr. Flanigan, any proposal before the Town affecting land use, the Town Board has the responsibility to look at the LUMAC plan.

MR. FLANIGAN: Yes.

COUNCILMAN BURNS: That was adopted last year. We need to look at it and see what was envisioned and if it is supported or not supported. So, my question is, how does this fit in with the LUMAC Master Plan?

MR. FLANIGAN: This fits in with it up to the point of what we have been using right through the type period of time, through this 8 or 9 year period since 1989. There may be some areas there... and remember, that was not adopted as the plan, it was the resource reference plan that was there... some of these might be a little bit lower than what would be done but the further review, the Board would have to look at that and go further in that. I am just trying to protect us for what we have so we don't go backwards, that we stay where we are. That is why I am proposing these changes in this.

COUNCILMAN BURNS: So, these are different than what's in the resource guide, the LUMAC plan.

MR. FLANIGAN: No, I couldn't say for sure because I didn't go back against that. All I was doing was taking the interim density requirements that have been in force that we have been using over the last... since 1989 and put those... wanted to put those in the zoning ordinance as permanent so that we don't lose them the end of the month.

COUNCILMAN BURNS: Okay, so I just want to be clear on this. So, since 1989, every year you have passed the interim density law.

MR. FLANIGAN: That is correct.

COUNCILMAN BURNS: And, since '89 you have been working on the LUMAC plan and they are different. They are different in both.

MR. FLANIGAN: There could be, that is correct.

COUNCILMAN BURNS: Is... I guess my question is why is that? Does the Task Force have any recommendation as far as this?

MR. FLANIGAN: The Task Force has recommendation as being... that is why... if you would read my letter that I sent to the Board when I proposed this, it is the Task Force voted unanimously at the Task Force meeting to put those into effect so we wouldn't lose them and go back to the smaller square footages come the end of the month while we go on and we do more review.

COUNCILMAN BURNS: I guess to... I mean, it doesn't quite square with the LUMAC plan is what you are saying...

MR. FLANIGAN: No, it does not.

COUNCILMAN BURNS: And, we have adopted that and as a comprehensive land use plan...

MR. FLANIGAN: Well, I have to correct you there... it isn't a plan, it is a resource.

SUPERVISOR FULLER: John, let me interrupt for one second. For clarification, it was always referred to as the LUMAC plan. What we adopted here in May was the Land Use Reference Resource Guide. This law that John is talking about tonight is the interim density act which was interim since 1989. What we are looking to do is make that law tonight and do away with interim.

COUNCILMAN BURNS: I understand that. My question was how it squares with that plan.

MR. FLANIGAN: Some of them will be larger, some of them would be smaller. That's the best...

COUNCILMAN BURNS: I wondered why that is.

MR. FLANIGAN: Because, we haven't gone back and studied all of the different areas that have been there. We are not there to do that. We were... the LUMAC Task Force was put together to try to iron out the large landowner problems not to go back and implement the zoning code. We are just asking for this so that we don't go backwards where you would go from 12,000 square feet in an A zone to 8500 square foot lot. That we just want to make sure... that is only one example but that is why we recommend that we enforce this... or put this in as code now.

COUNCILMAN BURNS: Thank you.

MR. FLANIGAN: Okay.

SUPERVISOR FULLER: We also had gone along... or Jeff Lipnicky had gone along each year with interim until we had adopted this one way or another -- resource guide or plan. So, it has been the same... interim is a little ridiculous when you start 1989 and it is now 1998 and we are still calling it interim, it is time to make it law. So, that's what this is.

COUNCILMAN BURNS: Yes.

COUNCILMAN LENHARDT: Just for a point of clarification without getting into the specifics of the resource reference, I would hazard a statement that this thing that is in front of us tonight in all likelihood is less restrictive than the reference resource probably in total.

MR. FLANIGAN: In some areas, yes.

COUNCILMAN LENHARDT: I can't say absolutely but I would be pretty much assured that the reference resource has even a larger densities than these that are proposed here.

MR. FLANIGAN: Yes but in the reference resource, we haven't gone back and there are some 16 new categories in the reference resource. We haven't even begun to go back and find out what those square footages are or what the lot sizes or what the requirements would be at that at this time. We are just trying to cover what we have in the interim to make sure that it goes on and we don't go backwards.

COUNCILMAN LENHARDT: I would suspect that those recommendations in there call for some of these areas to even have larger square footages than are being proposed in here.

MR. FLANIGAN: Probably because if you look at the AAA to be 35,000 square feet, that is quite large. That is even bigger than probably three-quarters of the lots we have here now.

SUPERVISOR FULLER: And, basically, we adopt this tonight or it automatically goes back to 1989.

MR. FLANIGAN: It automatically goes back, the interim is not there any more after the end of the month.

COUNCILMAN DAVIS: We know that we have to do some rezoning.

MR. FLANIGAN: No question.

COUNCILMAN DAVIS: We know that we have to do that and it seems that we have to start some where and maybe this is the way to do it.

MR. FLANIGAN: Yes.

COUNCILMAN DAVIS: We have worked with it, it has been working. I mean it has been working.

MR. FLANIGAN: Oh, it has worked very well.

COUNCILMAN JOHNSON: John, you did say this is a... recommended by your Task Force?

MR. FLANIGAN: Yes, it was.

COUNCILMAN JOHNSON: Thank you.

SUPERVISOR FULLER: Any other questions from the Town Board?

COUNCILMAN BURNS: I just want to add, I have just one concern. LUMAC is a connected, integrated plan and it is a comprehensive plan and I have a little concern about doing things piece meal. I am just expressing that concern up front and want to bring that forward. And, we should be mindful of that.

SUPERVISOR FULLER: Okay. Are there any questions from the audience? Okay. I would ask those wishing to speak in favor. If you would identify yourself, please.

MR. MEAD: Okay. I am John Mead. I am President of the Rural Landowners of Bethlehem, also on the Task Force. I just would like to say, as well as John did, it was a unanimous... we did discuss this and it was unanimous at our Task Force meeting that we use this as a regular plan now, rather than an interim plan. So, I just for that... just to bring that up and it is squared that way. But, and so that we are on record as our organization that we are for it. So, thank you.

COUNCILMAN DAVIS: John, you don't mean the master plan... you mean this interim density.

MR. MEAD: Right, just what John said. Right, no.

COUNCILMAN DAVIS: When you said plan, I thought wait a minute this is a real change here now.

MR. MEAD: No, no, no, no.

COUNCILMAN DAVIS: You mean this.

MR. MEAD: Right.

COUNCILMAN DAVIS: Thank you. Okay.

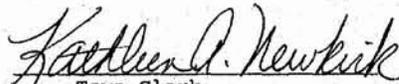
MR. MEAD: Okay, you are welcome.

SUPERVISOR FULLER: Is there anyone else wishing to speak in favor? Anyone wishing to speak in opposition? May I have a motion to close the public hearing.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to close the public hearing at 7:45 p.m. The motion was passed by the following vote:

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

Noes: None.


Town Clerk

The Supervisor convened the regular Town Board meeting following the close of the public hearing.

Supervisor Fuller asked for a motion to adopt the following SEQR resolution:

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
DETERMINATION OF SIGNIFICANCE NEGATIVE DECLARATION
AMENDED CHAPTER 128 ZONING
ARTICLE XIV MINIMUM LOT AREAS
ARTICLE XV MINIMUM REQUIRED WIDTHS OF LOTS

WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of a Local Law to amend Chapter 128 Zoning, Article XIV Minimum lot areas and Article XV Minimum required widths of lots 128-63; and,

WHEREAS, the proposed requirements have been in effect since Local Law No. 5 of 1989 known as the Interim Development Density Act; and,

WHEREAS, the LUMAC Master Plan was accepted as a Reference Resource in May of 1997; and,

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

WHEREAS, 6 NYCRR 617.6(a)(1) requires that as early as possible in an agency's formulation of an action it proposes to undertake it shall determine: (i) whether the action is subject to SEQR; (ii) whether the action involves a federal agency; (iii) whether other agencies are involved; and (iv) the appropriate classification of the action; and,

WHEREAS, 6 NYCRR 617.6(a) also requires that for Unlisted actions the agency must determine: (1) whether a short or long environmental assessment form is appropriate for determining the significance of the action; and (2) whether the action is located in an agricultural district and complies with applicable provisions of the Agriculture and Markets Law; and,

WHEREAS, 6 NYCRR 617.6(b)(1) indicates that when a single agency is involved that agency shall be the lead agency and determine the significance of the action; and,

WHEREAS, NYCRR 617.7(a) requires that a lead agency must determine the significance of an unlisted action in writing and in accordance with 6 NYCRR 617.7; and,

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

1. The Interim Development Act (IDDA) which increased lot sizes and lot width for new residential development since 1989, while the LUMAC Plan was drafted, has served the community well.
2. Since the adoption of the Master Plan as a Reference Resource there is no need for the extension of the Act. The Board feels that the requirements of the IDDA should be placed into the Zoning Code as a requirement.
3. The minimum lot size requirements contained in the IDDA are not unreasonable for a suburban community and range from 9,000 square feet for single family homes in the most permissive zoning district to 35,000 square feet for single family homes in the most restrictive district. The current Code would otherwise permit minimum lot sizes for single family homes ranging from 5,000 square feet in the most permissive zone to 20,000 square feet in the most restrictive.
4. The adoption of the proposed requirement into the Zoning Code would have no significant adverse impact on the environment and would not result in the exceeding of any threshold criteria listed in 6 NYCRR 617.7 (c). By lowering permitted densities from those which would otherwise be permitted under the Zoning Code it is expected that the adoption of the new proposal would enhance protections of the environment. The Board has considered the SEQR requirement of the IDDA during the extension of that Act since 1989. This proposal is the implementation of the IDDA requirement into the Zoning Code. The Board reaffirms all the previous negative declarations in this action.

On a motion by Mr. Johnson, seconded by Mr. Lenhardt, and by a vote of 5 for and 0 against, this RESOLUTION was adopted on February 11, 1998.

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Supervisor Fuller asked for a motion to adopt Local Law No. 3 of 1998, amending the Code of the Town of Bethlehem. The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adopt Local Law No. 3 of 1998 amending the Code of the Town of Bethlehem Chapter 128, Zoning, Housing Density and Width of Lot. The motion was passed by the following vote:

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

Request from
Chief of Police
for approval
for Sgt. Beebe
attend FBI National
Academy

The next item on the agenda was a request from Richard LaChappelle, Chief of Police, for approval of attendance of Sgt. Beebe at the FBI National Academy in Quantico, Virginia, June 28 through September 11, 1998. Supervisor Fuller asked for a motion to approve.

Councilman Burns said she had a few questions to be clear on this item. She said in the letter it says reasonable expenses and asked what would be the total cost. Chief LaChappelle said they estimated it at about \$1,000 based upon what the Town had provided previously. He said the interview for Sgt. Beebe with the FBI was this date and they do not have all the details from the FBI. He said lodging and meals are provided at the Academy, no charge. He said the travel expense and what is reasonable return over a 3 month period, how often, was estimated to keep the cost at about \$1,000. Mrs. Burns asked if this was budgeted in the budget this year. Chief LaChappelle said it is part of the training budget. He said it was not specifically included because they did not know that the opportunity was going to come up.

Councilman Burns asked if there was a plan due to the Department missing a Sgt. on the force during the summer months, if there was a plan due to them being down one person. The Chief said they weighed the opportunity versus the effect and this opportunity does not come along very often and the value to the Town by Sgt. Beebe's attendance would outweigh the results of his loss for 3 months.

Councilman Burns said her final question was if there was a process for applying for this within the Department. Chief LaChappelle said it was put out to those who were eligible to attend. Councilman Burns said to apply for it and further asked if there was a committee to decide on who would go. The Chief said Sgt. Beebe was the only one who expressed interest.

Supervisor Fuller asked if there were any other questions. Councilman Johnson congratulated the Chief and Sgt. Beebe, indicating it is exciting. The Chief said it is quite an honor for Sgt. Beebe and said he hoped everything goes well for him. Supervisor Fuller said it is an honor for the Town. Chief LaChappelle said this will be our third graduate. Councilman Lenhardt asked who the others were. Chief LaChappelle said it was Lt. Holligan and Lt. Vanderbilt.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the attendance of Sgt. Beebe of the Bethlehem Police Department at the FBI National Academy to be held in Quantico, Virginia, June 28 through September 11, 1998. The motion was passed by the following vote:

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

The next item was a request from Chief of Police, Richard LaChappelle, for approval of transfer of funds from Insurance Recovery Account to Police Account.

Chief of Police
approval transfer
of funds Insurance
Recovery Account

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the transfer of funds in the amount of \$2,241. from Insurance Recovery Account to Police Account to provide for repair of a police vehicle. The motion was passed by the following vote:

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

The next item was a request from Bruce Secor, Commissioner of Public Works, to go to bid for Water Meters for the Water and Sewer Departments. Could advertise February 18, 1998 and open bids on February 25, 1998 at 3:00 p.m.

Commissioner
of Public Works
to go to bid
Water Meters

Councilman Johnson asked Commissioner of Public Works, Bruce Secor, if these were the new automatic type that seem to be working so well. Mr. Secor said they are. He said they standardized the radio reads and now they are going out to bid to see who can give the best price. Councilman Johnson asked if he was still pleased with their performance. Mr. Secor said he was due to the fact they are saving the Department a lot. Councilman Johnson thanked Mr. Secor.

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

WHEREAS, the Town desires to advertise for bids for the purchase of Water Meters for the Water and Sewer Departments, pursuant to law, NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of February, 1998 and that bids be received up to 3:00 p.m. on the 25th day of February, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The following item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds for Cedar Ridge Subdivision.

Request from
Engineering for
acceptance of
deeds for Cedar
Ridge Subdivisic

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the acceptance of deeds for Cedar Ridge Subdivision, Section 3, 2 deeds for street right-of-way and 4 deeds for easement purposes from J. Lucarelli Land Development Inc., Schenectady, NY. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of a deed for Wemple Road, Glenmont. Supervisor Fuller noted this has been an ongoing project for reconstruction of Wemple Road. She said there is a letter from Josh Effron, Esq. to Town Attorney Kaplowitz with the recommendations which are to accept the Newells counter-offer and authorize preparation of the deed acquiring the needed easements; the Town authorize the preparation of deeds from the Harringtons and the Nowacks reserving to them the right to commence proceedings in Supreme Court should they be so advised; the Town accept the deed from Frank Bauer and the Town approve the Wemple Road improvement

Request from
Engineering
acceptance of
deed for Wemple
Road

project and authorize commencement of eminent domain proceedings to acquire the needed interest from Ms. Simon. She said all of this is about the reconstruction of Wemple Road from Feura Bush Road to Beacon Road.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the following as recommended to the Town Board by Josh Effron, Esq.:

1. Accept the Newells counter-offer and authorized preparation of the deed acquiring the needed easements;
2. The Town authorize the preparation of deeds from the Harringtons and the Nowacks reserving to them the right to commence proceedings in Supreme Court should they be so advised;
3. The Town accept the deed from Frank Bauer; and
4. The Town approve the Wemple Road improvement project and authorize commencement of eminent domain proceedings to acquire the needed interest from Ms. Simon.

Supervisor Fuller asked if there was any discussion. Councilman Davis said she was glad this was moving forward. Councilman Johnson said it was a nice job by all the attorneys. Supervisor Fuller said it was a long time coming. Councilman Burns asked how long this has been in the working. Supervisor Fuller asked Mr. Secor and he responded going on 3 years. Councilman Burns asked about the removal of the barn, will it be torn down or moved. Mr. Secor said the one barn is out so close to the road that they worked with Niagara Mohawk to relocate the overhead power lines noting they were going to put the power lines over part of the barn with the idea the barn would have to be moved at some point. He said they originally started out with the idea of only removing the section of the barn near the road. He said the barn has outlived its usefulness and because of the condition it is in, Mr. Newell no longer wants it and the addition is holding up the big barn. He said they were afraid if they took the addition down, there would be a larger problem. He said they would have to repair the existing barn and reside and Mr. Newell said he would prefer taking the entire barn down. Mr. Secor said through negotiations over the last couple of years, this is the point that this is at. He said the whole barn will be coming down and the other barn is in better shape.

Councilman Burns asked if there are any future plans to continue further down Wemple Road. Mr. Secor said the section from Beacon Road down has been repaved and it didn't need a widening job. He said this is more of a widening and taking enough right-of-way to leave room for bicycle paths and sidewalks. He said they are trying to concentrate on the carrier streets. Councilman Burns thanked Mr. Secor. Councilman Davis said one of the real positive features of the whole project is removing the knoll. She said the sight distance is terrible. Mr. Secor said it will be a sight distance improvement also. Councilman Davis said the safety of that portion of the road is going to be considerably improved. Mr. Secor said about 15 years ago, the piece from Feura Bush Road to maybe the first 600 or 800 feet was rebuilt. He said there was an area where it was very, very narrow and in the winter the banks were so steep and so narrow that the snow plows could not get the snow back off the road and it had a vertical hump in it. He said that section was improved and there is another hump by the barn where you can't see cars coming on the other side. He said that will be improved in 2 places which will be safer for everyone and stop the roller coaster effect.

The motion was passed by the following vote:

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

The following item was to accept the resignation of Lance
Accept resigna- Crossett as Water District Counsel effective February 11, 1998.
tion of Lance
Crossett as
Water District Counsel

Supervisor Fuller noted Attorney Crossett has accepted a new position which unfortunately would have him in conflict with his position as Water District Counsel.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to accept the resignation of Lance Crossett as Water District Counsel with regret.

Councilman Burns asked if Mr. Crossett was in attendance. Supervisor Fuller said he was not. Mrs. Burns noted in his letter he says the Board approved a number of assistant Town Attorneys, himself included, to act on behalf of the Town Attorney. She said according to the minutes, that was not her understanding of what was done. She said he was appointed as the Water District counsel. She said if he resigns, he will not be able to continue in that capacity. Supervisor Fuller said she believed that the Board did appoint several Town Attorneys, some with water, sewer, whatever but it was also added at the direction of the Town Attorney. Councilman Burns said it was only that group of attorneys who were appointed that day in the minutes. Supervisor Fuller noted as assistant Town Attorneys. Town Attorney Kaplowitz said they were not specifically assigned, there was a discussion. Councilman Burns said she read the minutes and it is on page... Attorney Kaplowitz said he did not know what was in the minutes but he remembered distinctly that he asked if it could be subject to the direction of the Town Attorney so that they could be used in different places. Councilman Burns said if Mr. Crossett resigns, he no longer is able to act in that capacity. Attorney Kaplowitz said as Water District counsel. Councilman Burns said as attorney. Attorney Kaplowitz said he was appointed, it is semantics. He said they can reappoint him to act as Attorney in the Justice Department. He said what he is saying is he has to resign from the Water District attorney's job and would like to continue in other things. Councilman Burns said it was her understanding that even though he was under Water District, all of those attorneys could act in another capacity not just water. But, she said, if not under the group, you can't act in that capacity if he is resigning. Attorney Kaplowitz said he thinks it is all semantics. Councilman Burns said that was not her understanding. Supervisor Fuller read from the minutes of January 2, 1998 and asked if it was Councilman Burns's understanding that of each of the attorneys that were appointed none are able to serve in the Police Court. Councilman Burns said that was not correct. Supervisor Fuller further asked if it was just Lance Crossett. Councilman Burns said they all were able to fill in if it was necessary. Attorney Kaplowitz suggested it be resolved by accepting his resignation and at the same time moving to appoint him as an assistant Town Attorney to serve in other capacities. Councilman Burns said she recommends that the Board take resumes from other attorneys who are interested in that position. Supervisor Fuller noted they are always welcome, she has about 500 of them in her office. She said anyone is more than welcome to apply for the position, that is how it has always been done. She invited Councilman Burns to look through them. She indicated the salary is about \$4900.

The motion was passed by the following vote:

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

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Supervisor Fuller asked for a motion to appoint Lance Crossett, Esq. to continue to serve in his duties as Assistant Town Attorney in the Justice Court.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the appointment of Lance Crossett, Esq. to continue to serve in his duties as Assistant Town Attorney in the Justice Court, effective February 11, 1998.

Appoint Lance
Crossett, Esq.
serve as
Assistant Town
Attorney in
Justice Court

Councilman Burns asked for discussion on this. She asked to make an amendment on this that the Board table this until she is able to look through resumes that are available for other attorneys until

the next meeting. Supervisor Fuller asked Mrs. Burns which attorneys she is looking to hire, for the water district or for the justice or both. She said she did not know which one she was referring to because Mr. Crossett will have to be replaced as water district counsel, which has to be interviewed for. She said that has not happened. She said the difficulty here tonight is an interpretation that Mrs. Burns had from the organizational meeting that because they were all assistant Town Attorneys he could continue in that position. She said Mrs. Burns has raised the question that Mr. Crossett cannot continue. Mrs. Burns said not if he resigns. Supervisor Fuller said as water district counsel, noting he did not resign as an assistant Town Attorney. Mrs. Burns said he is not in the pool of attorneys that can act in that capacity. Supervisor Fuller noted there was a motion and a second and asked if there was support for the amendment. Lacking a second to the amendment, Supervisor Fuller noted the motion fails.

Supervisor Fuller then asked for a vote on the original motion. The motion was passed by the following vote:

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

Request from
Building
Inspector
set Public
Hearing for
Height require-
ments in
Industrial
Districts

The next item on the agenda was a request from John Flanigan, Building Inspector, to set a public hearing for a proposed Local Law amending Chapter 128 of the Code of the Town of Bethlehem regarding Height requirements in Industrial Districts. Could hold a public hearing March 11, 1998 at 7:30 p.m. Supervisor Fuller explained this is to set a public hearing for March 11, 1998 at 7:30 p.m. She said it is basically to bring it into the modern times. The present height restriction is at least 30 years old and the only change being made is in the industrial area, noting the present restriction is 60 feet and it is to be increased to 80 feet.

The motion was made by Mrs. Davis and seconded by Mrs. Burns to set a public hearing to consider proposed Local Law to amend the Code of the Town of Bethlehem regarding height requirements in the Industrial Districts for March 11, 1998 at 7:30 p.m. The motion was passed by the following vote:

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

Engineering
request for
recognition
private streets
within General
Electric Plant

The following request was from Terrence Ritz, Engineering Division, Department of Public Works, for recognition of private streets within the General Electric plant.

Councilman Burns asked if these streets are given private street names does that mean that the Town will maintain them. Supervisor Fuller said they remain the private road but they have to be on the maps for 911 purposes only. Commissioner of Public Works, Bruce Secor, said GE maintains their own roads, the Town has no maintenance responsibilities on private roads. Supervisor Fuller noted it is just for emergency purposes.

Supervisor Fuller said they have named some of their roads along Creble Road and some of their side roads. She said there are 18 roads and they all relate to General Electric.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the adoption of road names as submitted by General Electric and recommended by Terrence Ritz, Engineering Division, Department of Public Works as follows:

Warehouse Road	Boiler Way
Containment Road	Tank Farm Road
Services Road	East Avenue
Process Way	Tech Drive

Safety Way	North Road
Recovery Way	Compliance Lane
Rail Way	Contractor Road
Homestead Avenue	Becker Road
Color Xpress Way	A/P Drive.

The motion was passed by the following vote:

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

The following item was a request from David Austin,
Administrator, Parks & Recreation Department, for development of
Selkirk property and use of Capital Reserve Funds.

Request from
Parks and
Recreation
develop Selkirk
property and
use of Capital
Funds and
Resolution

Supervisor Fuller said Mr. Austin was in attendance and explained this pertained to 4 acres that was donated to the Town by Mr. and Mrs. Gilbert Houk a couple years ago and it is time to take a look at this area on Thatcher Street in Selkirk to turn it into some park land. She said there are presently some basketball courts at this location. Mr. Austin said there were tennis courts also. Supervisor Fuller said in order to develop the park site, the work is estimated to be about \$74,000, which is in the capital reserve fund.

The following resolution was presented:

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 11th day of February, 1998, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to develop a neighborhood park in Selkirk; and
WHEREAS, it is estimated that the costs of said work will be approximately \$74,000; and

WHEREAS, in recognition of these needs, funds for such construction are in the Recreation Capital Reserve Account; and

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to develop this park; and

BE IT FURTHER RESOLVED, that the Town Board authorized the expenditure of the reserve monies to fund this project up to a maximum amount of \$75,000; and

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Recreation Capital Reserve Account the funds necessary up to \$75,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution with pleasure was made by Mrs. Davis and seconded by Mr. Johnson.

Councilman Johnson asked one question, he knows Albany County Legislator, Robin Reed has worked hard on the part of her constituents and he said he read Robin's letter along with Mr. Austin's proposal and he said the way he reads them, this satisfies what Robin was looking to have happen also. Mr. Austin said most of the residents have been asking for a playground. Mr. Johnson thanked Mr. Austin.

Councilman Lenhardt asked about the wetlands and how much is not allowed to be developed on the useable part of the land. Mr. Austin said unfortunately, the wetland analysis was done about a month and a half ago and it shows the wetland showing in middle of the site. He said from the northern end, where the residents houses are all the way to the southern end where all the water drains. He said that is going to make it very difficult to develop the western part of the parcel. He said they will be able to develop the eastern side of the parcel adjacent to the basketball and tennis court area. He said combining that with the roadway and parking, he thinks it is not going to be a very large park. Councilman Lenhardt asked how much

acreage is in the western part. Mr. Austin said probably 2 acres. Councilman Davis said the real positive feature is that it is right in the center of the hamlet of Selkirk, in the most settled area. Mr. Austin said it is a very good location. Councilman Johnson thanked Mr. Austin.

The motion was adopted by the following vote:

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

Noes: None.

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

Parks and
Recreation
approve Seasonal
personnel

The motion was made by Mrs. Burns and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as follows:

Lifeguard at a rate of \$7.20 per hour.

Merideth J. Rice
14 Werner Avenue
Delmar, NY 12054

Recreation Program Director at a rate of \$11.00 per hour.

William L. Cushing
9 Catherine Street
Delmar, NY 12054

Senior Attendant at a rate of \$6.80 per hour.

Christopher D. Gould
51 Fairway Avenue
Delmar, NY 12054

The motion was passed by the following vote:

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

Noes: None.

The next item was to approve the appointment of F. Michael Tucker, Delmar, New York as a Member of the Bethlehem Industrial Development Agency.

Approve
appointment
of Michael
Tucker member
of IDA

Councilman Burns asked if Mr. Tucker was at the meeting. Supervisor Fuller said he was not, he had to be out of town in New York City. Mrs. Burns said she had a few questions, asking if the Supervisor could answer them. Supervisor Fuller said she would try. Mrs. Burns said she noticed he works for Mercer Companies and asked if they have ever been a beneficiary of an IDA project in Albany County or anywhere else and, if so, what projects. Attorney Kaplowitz said not in the Town of Bethlehem. He did not know about the rest of the county. Mrs. Burns said that Mr. Kaplowitz did not know then, asking if this was correct. Mr. Kaplowitz said he did not know about the rest of the county. Supervisor Fuller said she did not think so, because she discussed at great length with Mr. Tucker if he would have a conflict with any projects as a result of his company and he responded he would not. She said he said he has not dealt with IDAs but she said she did not push it any further than that. Attorney Kaplowitz said to be in the county, Mr. Tucker would have had some kind of facility in the county and he does not know of one. He said he does not really know for sure.

Mrs. Burns asked Supervisor Fuller if she has interviewed Mr. Tucker. Supervisor Fuller said she has. Mrs. Burns asked if she knew what his vision of economic development was. Supervisor Fuller said yes and said she also knows why she thinks he is an asset for our IDA the way it is presently structure. Supervisor Fuller said she thought it was going to be a replacement, noting it is not, it is

an additional member. Mrs. Burns asked if there would now be 6 on the IDA. Supervisor Fuller said yes. Mrs. Burns asked if Supervisor Fuller knows what kind of projects Mr. Tucker thinks would fit in Bethlehem, asking further if he discussed this with her. Supervisor Fuller said they will be having their annual meeting and Mr. Tucker will discuss it further then with the IDA board. She said in her time as Supervisor, she thinks that the IDA has had 1 project before them and that was Spurlock. She said other than that there have not been any applications. She said there is an Albany County IDA also. She said there will be some projects coming in but she does not know what they will be. Supervisor Fuller asked if Councilman Burns had any other questions. Mrs. Burns said she did not think so. Supervisor Fuller noted Mr. Tucker lives in Town and if anyone has any questions, feel free to give him a call.

Councilman Davis said she thought the Board should be pleased that he is willing to do this. She said this is not the kind of job that your door is being knocked on on a regular basis. Supervisor Fuller noted it took some arm twisting. Mrs. Davis said she thinks the Board should be pleased he is willing to do this, noting he is a very qualified man. Supervisor Fuller noted this is all volunteers and he will add a whole new perspective to IDA and his expertise will be valuable.

The following resolution was presented for adoption:

WHEREAS, the Town Board of the Town of Bethlehem, by resolution duly adopted November 14, 1973, established and organized the Bethlehem Industrial Agency and

WHEREAS, there is a need to appoint a new member of such agency, RESOLVED that F. Michael Tucker be and he hereby is appointed a member of such agency to serve at the pleasure of the Town Board.

The foregoing resolution was presented by Mr. Johnson and seconded by Mr. Lenhardt and was duly adopted by the following vote:

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

The next item was to acknowledge receipt of the Preliminary Plat for the Apple Landing Subdivision from the Planning Board for information purposes.

Preliminary Plat
for Apple
Landing Sub-
division

The next item was to acknowledge receipt of the Amendment to the Final Plat for the Westland Park, Section 5 Subdivision from the Planning Board for information purposes.

Receipt amendmen
to Final Plat
for Westland
Park

The next item was to acknowledge receipt of the Amendment to the Final Plat for Crossroads Subdivision, Sections 1 and 2 from the Planning Board for information purposes.

Receipt of the
amendment to the
Final Plat for
Crossroads
Subdivision

The next item was to acknowledge receipt of the 1997 Annual Report from the Building Department. Supervisor Fuller said it was not a very productive year -- no 2 family houses, no town houses or apartment permits issued in 1997. She said the annual report reflects an increase of 19 single family dwellings compared to the year 1996.

Receipt of 1997
Building
Department
Annual Report

The next item was to acknowledge receipt of the 1997 Annual Report from the Town Historian, Joseph Allgaier. Supervisor Fuller said he did a very nice job and indicated he always does a great job for the Town.

1997 Annual
Report from
Town Historian

The next item was to acknowledge receipt of the Final Plat for The Meadows, Section 2 Subdivision from the Planning Board for information purposes.

Receipt Final
Plat for the
Meadows

Final Plat
Colonial Wood-
lands
Subdivision

The following item was to acknowledge receipt of the Final Plat for Colonial Woodlands Subdivision from the Planning Board for information purposes.

Final Plat
for Feenev
Castronuovo 2
Subdivision

The next item was to acknowledge receipt of the Final Plat for the Feenev-Castronuovo 2 lot Subdivision from the Planning Board for information purposes.

Final Plat
Wildwood
Subdivision

The following item was to acknowledge receipt of the Final Plat for Wildwood Subdivision from the Planning Board of information purposes.

The next item was to approve the Town Board minutes of January 2, 1998 as submitted.

Approval Town
Minutes 1/2/98

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the Town Board minutes of January 2, 1998 as submitted. The motion was passed by the following vote:

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

Supervisor Fuller asked if anyone wished to address the Board. No one addressed the Board.

Niagara Mohawk
present
Bethlehem
Energy Center
at the
February 25th
Town Board
Meeting

Supervisor Fuller said there was one announcement that at the next meeting of the Town Board in 2 weeks, February 25, Niagara Mohawk officials will be in attendance to present their proposed Bethlehem Energy Center which is being planned for location at the steam plant on River Road, Glenmont. She invited everyone to attend this presentation.

Supervisor Fuller asked if any of the Town Board Members had any comments. There were none.

Meeting
adjourned to
Executive Session
No formal
action taken

Supervisor Fuller asked for a motion to meet in Executive Session following the close of the regular Town Board meeting to discuss litigation.

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

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

The motion to adjourn the regular Town Board meeting was made at 8:12 p.m. by Mr. Johnson, seconded by Mrs. Davis and passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.