

TOWN BOARD
FEBRUARY 12, 1997

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
Freeman T. Putney, Councilman
George Lenhardt, Councilman
Doris M. Davis, Councilman
Robert C. Johnson, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR FULLER: This is a regular meeting of the Bethlehem Town Board. Welcome to everyone. Starting with our first meeting in January those of you who have not been here, we begin each meeting with the pledge of allegiance and I am asking Mr. Putney to lead us tonight.

Pledge led by Mr. Putney.

SUPERVISOR FULLER: The first item on tonight's agenda 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 12, 1997 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 3 of 1997, Amending Local Law No. 5 of the Year 1989 which Established an Interim Development Density Act and Local Laws No. 7 of 1991, No. 2 of 1993, No. 1 of 1994, No. 1 of 1995 and No. 2 of 1996 which Extended said Act.

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
TOWN CLERK

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State of New York)
County of Albany)

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 29th day of January 1997.

/s/ Mary A. Ahlstrom

Sworn to before me this 5th day of Feb. 1997.
/s/ Kathryn Olsen
Notary Public, Albany County

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Public Hearing
Local Law No. 3
Interim
Development
Density Act

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 January 29, 1997, 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
 5th day of February 1997.
 /s/ Catherine T. Picarazzi
 Notary Public

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The motion was made by Mr. Putney and seconded by Mrs. Davis 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. Putney, Mr. Lenhardt, Mrs. Davis,
 Mr. Johnson.
 Noes: None.

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SUPERVISOR FULLER: Jeff Lipnicky, if you would address the Interim Density Act since 1989.

MR. LIPNICKY: Basically, what is before you is a draft local law that would extend what are now the current density regulations, if you will, in the Town that apply to new development projects. Okay. Basically, in 1989 this interim law was adopted for 2 purposes. 1. To bring us a little more in line with the density requirements that other communities have in the Capital District and really suburban communities in the Capital District and the other reason for adopting this was to raise the current zoning code requirements regarding density, while LUMAC worked on the master plan.

Just to give you an idea of what the current zoning code says in terms of some of the densities, the Residence AA district which for all practical purposes is the most restrictive zoning district in the Town primarily because in the Residence AAA district which is more restrictive, there really isn't any land zoned AAA so for all practical purposes, the AA district is the most restrictive in Town. In that particular zoning district the interim regulations raised the minimum lot size requirements to 12,000 square feet which is approximately a quarter of an acre. Under the current zoning code, the requirements in those districts are 8,500 square feet, is the minimum lot size requirements. That's just one example, so basically, what this interim legislation does that is proposed tonight is extend the current regulations regarding lot width and zoning density to currently undeveloped parcels in Town, if you will.

If there are any questions, I would...

SUPERVISOR FULLER: Thank you, Jeff. Ask anyone wishing to speak in favor to come to the mike. Anyone wishing to speak in opposition?

I think that you have heard me in the beginning when I said this has been a local law that has been extended each year since 1989. So, it is a repeat of what has gone on until the LUMAC plan is adopted.

May I have a motion to close the public hearing?

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to close the public hearing at 7:39 p.m. The motion was passed by the following vote:

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

Noes: None.

Kathleen A. Newkirk
Town Clerk

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

Mr. Lipnicky said technically the current law expires on the 23rd of February. Supervisor Fuller noted they are taking a vote now.

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

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
DETERMINATION OF SIGNIFICANCE/NEGATIVE DECLARATION
INTERIM DEVELOPMENT DENSITY ACT EXTENSION OF 1997

SEQR
Resolution
Interim
Development
Density Act
Extension of
1997

WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of a Local Law, entitled "Interim Development Density Act Extension of 1997", which would extend for a period of one (1) year the provisions contained in Local Law No. 5 of 1989; and,

WHEREAS, the purpose of Local Law No. 5 of 1989, known as the Interim Development Density Act, was to control the density of residential development (through increased minimum lot size and lot width requirements) while the Town's Land Use Management Advisory Committee prepared a Town Master Plan and revisions were drafted to the Town Zoning Code; and,

WHEREAS, the draft Master Plan has been completed and the Town Board is currently considering adoption of said Plan; 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, 6 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,

WHEREAS, the Town Board has received a short environmental assessment form and supporting materials prepared by the Town Planning Department which address the proposed action and said documents indicate that: (1) the proposed action is subject to SEQR; (2) there are no federal agencies or other involved agencies in the action; (3) the action is appropriately classified as Unlisted; (4) the action complies with applicable provisions of the Agriculture and Markets Law; and (5) the proposed action is unlikely to have a significant adverse impact on the environment; and,

WHEREAS, the Town Board has considered the potential environmental impacts of the "Interim Development Density Act Extension of 1997" by applying the criteria for determining significance found at 6 NYCRR 617.7(c);

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that adoption of the Local Law to extend the Interim Development Density Act is an Unlisted action subject to SEQR and that there are no involved federal agencies or other involved agencies with respect to this action; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that it is lead agency with respect to this action, that adoption of the Local Law will comply with the Agriculture and Markets Law, and that a short

environmental assessment form is sufficient for determining whether the proposed action will have a significant impact on the environment; and,

BE IT FURTHER RESOLVED,

that based upon its review of the environmental assessment form and supporting materials prepared by the Town Planning Department, and comparison of the action with the criteria for determining significance found at 6 NYCRR Part 617.7(c), the Town Board of the Town of Bethlehem hereby determines that extension of the Interim Development Density Act constitutes an action which will not have a significant impact on the environment and therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that a copy of this determination shall be filed in the Office of the Town Clerk; and,

BE IT FURTHER RESOLVED,

that this determination is based upon the following facts and conclusions:

1. The extension to the Interim Development Density Act (IDDA) is an interim or temporary measure which will extend for one year current requirements regarding minimum lot sizes and lot widths (or density) for new residential development in the Town. The IDDA adopted in 1989 increased these dimensional requirements for new residential development from those dimensions which would otherwise be permitted under the Town Zoning Code.
2. The purpose of extending the IDDA is to give the Town Board additional time to consider adoption of the Town's draft Master Plan which contains recommendations for revised residential zoning densities throughout the Town.
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 Zoning 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. Adoption of the extension to the IDDA, in itself, 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 extension of the IDDA requirements would enhance protections of the environment.

On a motion by Mr. Putney, seconded by Mr. Johnson, and by a vote of 5 for and 0 against, this RESOLUTION was adopted on February 12, 1997.

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Supervisor Fuller next asked for a motion to adopt Local Law No. 4 of 1997 relating to the Extension of the Interim Development Density Act.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adopt Local Law No. 4 of 1997, amending Local Law No. 5 of 1989 which Established an Interim Development Density Act and Local Laws No. 7 of 1991, No. 2 of 1993, No. 1 of 1994, No. 1 of 1995 and No. 2 of 1996 which Extended said Act. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mr. Putney,
Mrs. Davis.

Noes: None.

Supervisor Fuller announced she was not able to start the next public hearing until 7:45 p.m. so she would go on to other items on the agenda. She skipped over the appointment of Mr. Alessi and discussion of the \$100,000 appropriation.

The next item was a recommendation from Bruce Secor, Commissioner of Public Works, for award of bid for Materials for 1997.

Public Works
Award bid for
Materials

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the award of bid for Materials for 1997 to the low bidders as listed on the recommendation Memorandum from Commissioner of Public Works, Bruce Secor, dated January 25, 1997. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for consideration of a proposed Local Law permitting a traffic signal at Elm Avenue and the entrance to the Elm Avenue Town Park. Could set public hearing for March 12, 1997.

Set Public
Hearing for
Traffic Signal
at Elm Ave
and Park
entrance

The motion was made by Mr. Putney and seconded by Mr. Johnson to set a public hearing for March 12, 1997 at 7:30 p.m. to consider a proposed Local Law amending the Code of the Town of Bethlehem permitting a traffic signal at Elm Avenue and the entrance to the Elm Avenue Town Park. The motion was passed by the following vote:

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

The following item was a request from Engineering Services Administrator, Michael Cirillo, for approval to hire Clough, Harbour & Associates, LLP to design traffic signal system for the intersection of Elm Avenue at the entrance to the Elm Avenue Town Park. Supervisor Fuller said there is some confusion in the audience how the Board could set a public hearing for this and then go back to hire someone to design it. She asked Mr. Cirillo to explain the long drawn out process with regard to the bike path.

Engineering
Service
for approval
to hire firm
to design
traffic signal
system for Elm
Ave and Park
Entrance

Mr. Cirillo said the discussion of this bike path was started in 1992. He said Mr. Lipnicky, Town Planner, put together a justification package and forwarded it to Capital District Transportation Committee for an approval to get on their 5 year program. He said that was approved as of July 1994. He said at that time, work had been done on the bike path, acquiring land, coming to the final design. He said they had to get approval from New York State, the Federal Government and at this time the approvals have been received. He said approval has to be received from Albany County to do work along County Route 52. The permit along County Route 52, according to Mr. Cirillo, is contingent on the Town putting a light at the intersection of Elm Avenue and the Town park entrance. Mr. Cirillo said this season, they are hoping to put this out for construction. He said he is trying to save some time and move forward. He said the commitments and goals are not always someone else's priority, therefore, he is trying to save at least 30 days in designing the system, going back to Albany County and acquiring an additional highway work permit for the signal light. He said that is why he has asked the Board to move forward with this approval. He offered to answer any questions.

Supervisor Fuller thanked Mr. Cirillo and asked for a motion to approve the hiring of Clough, Harbour & Associates, LLP.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the hiring of Clough, Harbour & Associates, LLP, Albany, NY

to design a traffic signal system for the intersection of Elm Avenue at the entrance to the Elm Avenue Town Park. The motion was passed by the following vote:

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

The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for approval of reduction in bonding for the Fisher Hollow Subdivision.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the reduction in bonding for the Fisher Hollow Subdivision from \$445,000 to a new letter of credit amount of \$100,000 from Charlew Builders. The motion was passed by the following vote:

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

Engineering
Services request
reduction in
bonding for
Fisher Hollow
subdivision

The following item was a request from Engineering Services Administrator, Michael Cirillo, for approval of acceptance of deed for Wildwood Lane Right-of-Way.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the acceptance of a deed for Wildwood Lane right-of-way from Joseph and Dorothy Zdziebloski, Selkirk, NY. The motion was passed by the following vote:

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

Engineering
Services for
approval
acceptance of
deed for
Wildwood Lane
Right-of-way

The next item was to acknowledge receipt of the Quarterly Franchise Fee from Cablevision for the 4th quarter of 1996 in the amount of \$37,854. Supervisor Fuller thanked Cablevision for their donation to the Town.

Cablevision
Quarterly
Franchise Fee
4th Quarter 1996

The following item was a request from David Austin, Administrator, Parks & Recreation Department, for authorization of the Supervisor to sign an agreement for the Clarksville Playground. Supervisor Fuller explained this is a program held in the summertime at the Clarksville School. She said the Town of New Scotland pays the Town of Bethlehem to have this program for the young people in Clarksville. She said as is known, the Clarksville School is in the Town of New Scotland. The amount of money is \$2,635. which the Town of New Scotland pays to the Town of Bethlehem.

Request from
Parks and
Recreation to
sign agreement
for Clarksville
Playground

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the Supervisor signing an agreement for the Clarksville Playground as requested by Administrator David Austin, Parks & Recreation Department for the year 1997. The motion was passed by the following vote:

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

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

Parks and
Recreation approval
seasonal personnel

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as requested by David Austin, Administrator, Parks & Recreation Department as follows:

Recreation Program Director at a rate of \$10.50 per hour	
William L. Cushing	William J. Silverman
9 Catherine Street	16 Euclid Avenue
Delmar, NY 12054	Delmar, NY 12054

Recreation Instructor I at a rate of \$5.20 per hour
 Laura M. Ryan
 51 Peel Street
 Selkirk, NY 12158

Senior Attendant at a rate of \$6.70 per hour
 Charles J. Asprion
 12B Asprion Road
 Glenmont, NY 12077

The motion was passed by the following vote:

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

Parks and
 Recreation
 approval to
 award dock
 system

The following item was a request from David Austin, Administrator, Parks & Recreation Department, for approval to award the bid for one (1) launch dock system to Waldizon, Inc., Feura Bush, NY at a bid price of \$28,938.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the award of bid for one (1) launch dock system to Waldizon, Inc., Feura Bush, NY at a bid price of \$28,938. The motion was passed by the following vote:

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

Supervisor
 Fuller thanked
 the Highway
 Department
 for the work
 they also did

Councilman Davis commented it is nice to see how things are moving down at the Henry Hudson Park. Mr. Austin said they are making progress. Councilman Lenhardt noted even though only 1 bid was received, it was nice to know it was under the estimate.

Supervisor Fuller said the Highway Department crew needed to be thanked for all the work they have done down there as well. Councilman Putney said for the wood chips also. Councilman Davis thanked Mr. Sagendorph and his crew.

Parks and
 recreation
 annual report

The next item was to acknowledge receipt of the Annual Report for 1996 from the Parks & Recreation Department. Supervisor Fuller thanked Mr. Austin for a job well done. She said it is a very busy location in the Town of Bethlehem.

Receiver of
 Taxes accept
 resignation
 part-time clerk
 of 15 years

The following item was to accept the resignation from a part-time Clerk in the office of the Receiver of Taxes. Supervisor Fuller said it is with regret that Charlotte Wright, who has been a 15 year employee with the Town working part-time in the office of the Receiver of Taxes, is retiring to have some good time.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to accept with regret the resignation of Charlotte Wright, Delmar, NY from the Receiver of Taxes office. The motion was passed by the following vote:

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

The following item was a request from Nancy Karins, Receiver of Taxes, for appointment of part-time Clerk to replace retired employee. Supervisor Fuller noted they are appointing Veronica Rinaldi to replace Charlotte Wright. She said the position averages about 2 or 3 days a week, however, during tax season she may be working full time. She said the pay is \$7.54 an hour.

Receiver of
Taxes request
appointment
part-time clerk

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the appointment of Veronica Rinaldi, Delmar, NY to the position of part-time Clerk in the Office of the Receiver of Taxes and Assessments at a rate of \$7.54 per hour. The motion was passed by the following vote:

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

Hearing began: 7:45 p.m.

SUPERVISOR FULLER: It is time to go back to the second public hearing. Ask the Clerk to read the call of the hearing.

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 12th day of February, 1997 at 8:00 p.m. to consider Local Law No. 4 of 1997, Amending the Code of the Town of Bethlehem as follows:

Public Hearing
on stop sign
Maple Ave
South

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

Add:
Stop sign on Maple Avenue, south, at intersection of McCormack Road, Slingerlands.

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 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
- - -

State of New York)
County of Albany)

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 29th day of January 1997.

/s/ Mary A. Ahlstrom

Sworn to before me this 5th day of Feb. 1997.

/s/ Kathryn Olsen
Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on January 29, 1997, 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
5th day of February 1997.
/s/ Catherine T. Picarazzi
Notary Public

- - -

The motion was made by Mr. Putney 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. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.

Noes: None.

SUPERVISOR FULLER: Is there anyone here who would like to speak in favor of adding the stop sign on Maple Avenue at its intersection with McCormack Road, in Slingerlands?

COUNCILMAN LENHARDT: I have a question. Unfortunately, Lt. Vanderbilt isn't here to answer this but that intersection is... there is an island so it is asking for 1 stop sign, where are they going to place this stop sign?

SUPERVISOR FULLER: Mrs. Capone is here from the Traffic Safety Committee. Doug Hasbrouck. Traffic Safety Committee has made this recommendation, do you know the exact location of that stop sign?

MR. HASBROUCK: Actually, it was made at a meeting I was not at.

COUNCILMAN LENHARDT: My only concern is that there is an island there and it splits... Maple splits going I guess it would be westerly and east onto McCormack and I think if you put 1 stop sign in the middle that would be rather odd.

MR. HASBROUCK: It wouldn't be in the middle.

MR. SAGENDORPH: Under Traffic and Safety Law, you are able to put 2 stop signs at an intersection like that. Very similar to the situation down at the corner of Adams Place and Kenwood Avenue near Dr. Sager's dentist office. He said there is a mall there and there are 2 stop signs as you head easterly on Adams Place and approach Kenwood. It would be the same thing, there would be 1 on the right and 1 in the mall itself.

COUNCILMAN LENHARDT: Thanks, Gregg.

SUPERVISOR FULLER: Thank you, Gregg. Is there anyone wishing to speak in opposition? May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to close the public hearing at 7:50 p.m. The motion was passed by the following vote:

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

Noes: None.


Town Clerk

Supervisor Fuller asked for motion to adopt local law No. 5 Stop sign on Maple Ave

Supervisor Fuller reconvened the regular meeting following the close of the public hearing. She asked for a motion to adopt Local Law No. 5 of 1997 amending the Code of the Town of Bethlehem.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to adopt Local Law No. 5 of 1997 amending the Code of the Town of Bethlehem permitting the installation of a stop sign at the intersection of McCormack Road and Maple Avenue, Slingerlands, NY. The motion was passed by the following vote:

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

Appointment of Counsel to advise board in review of Spurlock and discussion

Supervisor Fuller said the next item on the agenda pertained to the appointment of Counsel to advise the Board in review of the Spurlock Industries proposal. She asked resident, Sigi Morice, if she wished to speak at this point. Supervisor Fuller said Mr. Alessi is here.

Questions were raised by Bethlehem Citizens for Clean Air regarding Mr. Alessi's track record on environmental projects. Mr. Alessi gave information regarding the law firm and himself in regard to their environmental record. He indicated he has worked for many entities including the Lake George Association. He said they have represented parties who are opposed to projects and represented parties who are in favor of projects and he represents the municipalities and governmental entities whose job it is to determine whether the project should go forward or not.

Mr. Alessi said his firm represents numerous municipalities and other entities. He said there is a large corporate client base, a large utility base and a large municipal representation. He indicated their representation of citizens groups is not as large as either of the others but still substantial.

Further question was asked if the firm has a network of air experts to call upon. Mr. Alessi said he has many contacts in the environmental field. He said he is dealing with almost every major air issue that exists in New York State and the Northeast. As a result of this, Mr. Alessi said he knows every known and respected environmental and technical consulting person there is. He said their use and invocation is the judgement of the policy makers, the Town Board here.

Question was raised regarding no formaldehyde plants in New York State and whether Mr. Alessi was aware of this. Mr. Alessi said he has just been retained and this has not been researched. He said he was not aware of any. The resident said one thing that disturbed her was this fact and that nobody was aware of this. She said she learned this a week ago and said this raised concerns to her. The resident kept insisting we are in the middle of the process. Mr. Alessi said he did not necessarily agree that we are in the middle. He said we are at the beginning of the SEQR process, the scoping process. He said the real SEQR process begins when the draft scoping document comes out. He said this is not at the very beginning because the lead agency status has been designated, however, we are at the beginning.

Mr. Alessi asked if the resident would agree with him that an application has not been filed by Spurlock with DEC regarding the SEQR. The resident said the application started. Mr. Alessi indicated he was referring to the SEQR filing. The resident said DEC decided to call it an unlisted action. She thinks DEC has made a mistake. The resident said Bethlehem Citizens for Clean Air is dismayed at the way this is being handled.

The issue of a public scoping meeting was brought up and a resident commented that DEC is not going to have a public meeting. Mr. Alessi said he was not aware of their decision. He asked if this was put in writing. The resident said the overseer of this application told the resident they were not holding a public scoping

meeting. Supervisor Fuller said DEC will be having a public scoping session and it can be held in the Town of Bethlehem according to the information she has received.

Mr. Alessi asked if her point was that she wanted to see a public process for the scoping. The resident said this was correct. She also inquired as to the fee to retain Mr. Alessi's services. Mr. Alessi said this has not been estimated. Mr. Alessi said the scoping document will frame what the issues will be and at that point you will be able to see what the project is going to be. Mr. Alessi also noted he has not sat down with Mr. Kaplowitz to discuss the precise degree of his representation although they have indicated to him that they want him to be involved in a very major way in this process.

The resident raised a question regarding a new issue being brought up. Mr. Alessi indicated if a new issue comes up, you are not precluded. He said the regulations indicate you have to put it in writing to the lead agency -- if there is a new issue that is not in the scoping document, along with the reason you are asking the applicant to take a look at it and why this could not have been asked in the scoping process. He said it is not an absolute preclusion but you have a higher hurdle to get over than you otherwise would and it is best to have as many of the issues in the original scoping document so you do not have to deal with the extra hurdle.

The resident raised the issue that DEC has now declared a positive declaration and the fact that this plant is nasty. She said the scoping check list sent to Spurlock was not well done. The resident feels this process is being done too quickly and it seems to her this process should be done slowly and carefully. She said this is not what the agency has done.

The resident asked Mr. Alessi what he plans to do about the scoping check list. Mr. Alessi said he is going to do what the process allows him to do. He will sit down with his client, the Town Board, and in the larger case the citizens of the Town of Bethlehem. He said the lawyer's role is an advocate. The lawyer's role is not a decision maker, it is to advise and draw upon what the Town Board believes to be his expertise. He will advise the Town Board with regard to his recommendations and it will be the decision of the Town Board with regard to his advice. He plans to review and identify areas to be addressed.

Mr. Alessi noted he will carefully scrutinize the scoping document and indicated there is a lot of time on the scoping check list because the applicant has been asked to submit one and has not done that yet. The resident said DEC is expecting that any day now. Mr. Alessi said he understands this but there are 2 ways to go and it should happen in both ways.

Mr. Alessi said number 1. You can wait for the applicant to put in the scoping check list and take a look at what they are doing and what the lead agency has sent out, as will be found, it is not going to be that meaningful in the end. He said it is going to be developed but this is not an adverse comment on the DEC. He said they get it out quickly because they want to have this public dialogue going on as soon as possible within the process. He said if the scoping check list is not out there, things occur that are outside the process. This is how the process is started. He said they will make sure it is expansive enough to cover the issues. He said not to just identify the issues but it is important at the scoping stage to really get at the level of detail of the analysis. He said it is the level and the detail of the scoping issue that is important.

A resident further questioned the hiring of scientists and engineers to get the expertise so the detail is supportive. Mr. Alessi said he was retained this evening. Supervisor Fuller interrupted to note that he has not been retained yet. She said they have not had time to complete this action.

Mr. Alessi said the point is that he is the attorney and the Town Board is the client. He will make recommendations and he can tell everyone, that is one of the clear issues to be discussed as to

whether or not there should be scientific expertise in addition to that of the DEC. The resident asked if he thinks it is possible to get through review without scientific expertise. Mr. Alessi said that question is best pointed at the Town Board. He further said you have to let the process occur. He said if the Town Board retains him, this issue will be discussed.

The resident asked where the Town Board is on this issue. Supervisor Fuller said the first order of business is to appoint the attorney. She said there is another resident who has a question. The resident indicated in regard to Southgate that we have been in scoping for 3 years because the Town is the lead agent. She said there is going to be a clock ticking.

Supervisor Fuller thanked the resident. A gentleman said he had a brief question, asking if this process is out of the hands of the Town Board now that DEC has taken lead agency. He asked if the Board and the residents said they don't want Spurlock in the Town, would that stop it or is the process inevitable. Supervisor Fuller said she is not an attorney but they do have to allow the process to continue. She said this is not a decision tonight whether they can come in the community or not. She said they are before DEC. She said the Town Board has decisions to make. She indicated they wanted to hire counsel this evening for advice and Mr. Alessi's expertise is environmental law. The resident said he is not a member of the Citizens for Clean Air and not an expert but what really puzzles him about the whole process -- he has lived in the Town 17 years now -- is that there has been 3 issues -- the incinerator, the water issue and now this -- where a significant number of people in the community have said we feel very strongly about this and there has been a certain amount of scientific feeling that it would be the wrong kind of industry and he said what puzzles him is the inevitability of bringing into the community manufacturing or environmental issues that clearly many people feel against and we continue to have them. He said he does not understand why a significant number of people and the Town Board continue to invite into this community, regardless of the overwhelming preponderance of scientific evidence, an industry that we just don't want in this community.

Supervisor Fuller said she wished to mention that she did not send a letter out asking them to be here in our community, nor did the Town Board but when they came here and this was part of New York State Economic Development, it would be Albany-Colonie Regional Chamber, Mr. Breslin our County Executive and she had all discussed this. The company was here and had gone with Niagara Mohawk on their site. They were looking to save a brown field. She said the first thing she did was have a meeting in Town Hall so the community could come in and hear that this company is here and they do have a right to go through the process. Supervisor Fuller said we might say we don't want them here but based on what, you know civil liberties, that is a 1980s phrase. She said we cannot just shut them out of the Town but we can make sure they will not be here if there is any problem with them. She said they are going to do their best with that but they need to get on with the process. Furthermore, Supervisor Fuller said, the issue of lead agency, Spurlock has still not applied to the Town of Bethlehem for anything. They did submit an application to the IDA and withdrew. Since then, Supervisor Fuller said they have not heard anything out of Spurlock.

Town Attorney Kaplowitz said at this point in time, the Town Board does not have the authority to say no, you may not come here. That is a fact of life. He said we are a part of the SEQR process which is being conducted by the Department of Environmental Conservation. He said some could argue about it but in his opinion, we never had an opportunity or chance to be lead agent. He said if you read the law, he believes this to be the case. Mr. Kaplowitz said it is not worth arguing over. Very often, the Town has a right to say no. Mr. Kaplowitz said if Spurlock came in, found a location and that location was a residential or commercial zone where they did not belong, we would have every opportunity but unfortunately they picked an industrial zone which is where they would be allowed. He said we do not have the zoning in our favor. He further said they do not need anything from the Town of Bethlehem that they know of except one minor thing which would be the discharge of wastewater into the

Town system. If this is the case, we may have something in our favor and something to negotiate with. The answer to the question at this point, according to Mr. Kaplowitz, is that there is no way we can say no and have them go away.

The resident further commented he finds the whole process of putting the Town through this mind boggling. Attorney Kaplowitz said he is not agreeing with DEC but he is playing the devil's advocate. He said he does not think anyone can argue it is going to have regional impact. He said it will impact the Town of Bethlehem more, he thinks, than the other people in the region.

An additional resident said she has a little problem with believing that here in the Town of Bethlehem you can play God because most people in this room are only 5 maybe 7 miles from this plant. She noted in the City of Albany there is a center for the disabled, people with problems and a housing project for people with low income. She said they have no idea of this, she is sure. She feels these people will be affected. She said she has spoke with some fire departments regarding this and it is a danger.

Supervisor Fuller said she wished to get back to the appointment of counsel.

A resident said she wanted to speak to the issue of hiring Mr. Alessi. She said she is sure he is a lovely person and a good attorney but she does not think he is the right person for the job. She said any attorney knows that a good attorney leans on their client and it is not a matter of I lay out the alternatives and my client tells me what to do. She said the Members of the Board -- whom she has called herself -- and was told by a couple Members that we are going to defer to the advice of our attorney, Mr. Alessi. She said many of the things unfolding in this drama are presented as a fete a comple and it is sort of this illusory hearing that the community can contribute their comments to. She said it seems the hiring of Mr. Alessi is pretty much a done deal. In any event, she said it concerns her that Mr. Alessi is saying well, I will lay out the problems in the scoping list and the Board will advise him. She said the Board has said they are going to see what the Attorney advises. She said Mr. Alessi is pointing his finger at the Board and the Board is pointing their fingers at Mr. Alessi, asking where the responsibility is. She asked who is pointing their fingers at the Town. She said those in attendance are showing their disdain and their anger and their fright by being in attendance. She said she sees it falling between the cracks. She said there are wonderful people in the community.

Supervisor Fuller said the Board will move on for the discussion. She said 2 or 3 weeks ago an attorney came in and met with her and another Board Member and he did forewarn her that if she hired anyone else it would be viewed as an insider and a friend of mine. So, she said she is sorry that they feel that way but she was forewarned that this may be a problem. She asked the Board to discuss what they have considered. There are applications of other attorneys also.

COUNCILMAN PUTNEY: Yes. I would like to speak to the hiring of Mr. Alessi as proposed. I did not participate in the selection process. I read all of the resumes and I think all of the applicants, as far as I can see, come very well equipped. The only handle I have on this, is personal knowledge of Bob Alessi's talents. We served together on the first year of LUMAC which was 8 to 7 years ago when you and I were both a little younger. And, I was very impressed by what I saw of Bob and his knowledge and his skills and also his ability to recognize when he was out of his element to say so quickly. So, I am supporting Bob for this position. I feel that he is a talent, the ability and the concern for the best interests for the Town of Bethlehem and I have a number of other personal examples where I know that that is true. So, I am perfectly happy with the prospect of Bob serving Us well in this matter. And, I would like to propose the nomination.

SUPERVISOR FULLER: Thank you, Ted. Bob.

COUNCILMAN JOHNSON: I haven't had the privilege to work with Bob directly. I have observed him over the years when he was with the Planning Board which I have great respect for that position. Just listening to Bob tonight, I feel even more comfortable that he has the answers that we are looking for and I look forward very much to working with Bob and I definitely support the nomination.

SUPERVISOR FULLER: George.

COUNCILMAN LENHARDT: I have had the pleasure of working with Mr. Alessi a number of years ago on the Planning Board and during that time period he successfully represented this Town in a rather nasty law suit brought against it by a developer. I have the utmost respect for his talents and capabilities and I am sure he will be relentless in his efforts at making sure that this is a complete review and a thorough review. And, I will second that motion made by Mr. Putney.

COUNCILMAN DAVIS: I too served on the Planning Board at the same time... under the same circumstances that George just referred to. It was a very difficult law suit and one that we were very uncomfortable with because we could have lost our entire fortunes to be. It was an unusual case. Bob defended us very, very, very, very well. On many occasions during the time that I was on the Planning Board and since then, I have called Bob to seek help very often on SEQR problems because it is something that is not easy to understand and almost every case there seemed to be variations. He is always very thorough, very helpful. And, frankly, I have to say that we have had a number of very, I would say, very, very qualified people submit their resumes. When it comes to making a choice, I feel more comfortable in choosing between someone who is qualified or 2 people who are qualified but if I know that person, one of them personally, both of them being qualified, one personally, the one who has represented me successfully in a case that made a major or difference in my life, I am going to have to take the person who defended me successfully and made that difference. And, I have no reservations about choosing Bob Alessi and joining the Board and I am very concerned that there would be any public aspersion cast on his reputation by another member of his profession. I am sorry that that has happened because he does not deserve that.

SUPERVISOR FULLER: I also am supporting Bob Alessi as counsel. I am the one that did put it on the agenda. I have been in contact with many of you. I did interview 1 attorney which you asked me to. Another individual came before the Board a few weeks ago, and I have to tell you that I also went through each of their resumes and they do have great things to offer. But, I like the others at this table, feel most comfortable with Mr. Alessi. He is a credit to his profession. I have never, ever heard a disparaging word about Bob Alessi. He is one that I am sure each of you as our residents will be very pleased with as we go through this process and go through this process together.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt, that the Town Board approve the appointment of Robert Alessi, Esq., Delmar, NY as Counsel to advise the Board in review of Spurlock Adhesives Industries proposal. The motion was passed by the following vote:

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

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Supervisor Fuller welcomed Mr. Alessi aboard. Mr. Alessi thanked Supervisor Fuller and said he looked forward to working with the Board.

Discussion on
the expenditure
of \$100,000
for technical
scientific review
of Spurlock

A long discussion pertaining to the expenditure of \$100,000 for technical and scientific review of Spurlock Industries proposal between the Board Members and the audience ensued. Mr. Samsel

addressed the issue of the proposal noting he worked with formaldehyde and has had more experience with formaldehyde than anybody in the attendance. He worked on the railroad for 46 years as an engineer. He worked a job for 5 years that went into a formaldehyde plant twice a day and spent 4 hours a day in that plant each day. He said the smell was terrible, the health hazards he could not find any place. He further noted there was a housing project built 1,000 feet away for World War I veterans, right across from the plant which was built in 1922. He said there was no such word as environmental concern in those days. He further indicated spending 8 hours a day in the plant compared to somebody here talking about how terrible they know formaldehyde is, just does not match up with him.

Mr. Samsel said getting back to the question at hand, he is opposed to the Town Board awarding any money to this tonight because it will set a precedent. If this is passed, Mr. Samsel said, in the future every gad fly, every self-appointed expert, every activist with a political agenda, will be here at every subsequent meeting looking for money. He said he would rather see Clean Air raise the money themselves. He said this is not an impossible task citing an example of a group of high school kids raising \$100,000 out in Cody, Wyoming that has a population of 6,000 to send the band to the inauguration. He said he is sure Clean Air in a more affluent and highly populated area can do it themselves. He thanked the Board.

Ms. Sigi Morice said she takes a different tack than Mr. Samsel. She said the reason the \$100,000 was asked for at the time was when the lead agency status was lost and Bethlehem Citizens for Clean Air wanted to be certain that we were really going to be tough through the SEQR process. She said they know none of them know about air emissions. She said they don't know about water and within this preliminary scoping check list it is obvious that you need to have people who have the expertise. She said when she approached the Town Board she wanted to know how tough they were going to be at keeping Spurlock out of town or at best to make sure that the health and safety is protected. She said she still wants to know where each and every Board Member stood regarding having Spurlock in town. She said she also wants to know how they feel about spending the money and protecting our interests.

Mr. Sherwood Davies provided the Board with some suggested modifications which have been put together on the scoping check list. He presented a copy to Supervisor Fuller and Town Clerk Newkirk. He gave some background regarding the proposal and posed some questions.

Additional residents commented on the proposal and requested the Town Board be very careful to protect the health and safety of the Town of Bethlehem community.

The Town Board Members made the following comments pertaining to this proposal:

COUNCILMAN LENHARDT: I will be the first if you don't mind. I have had a problem with the figure of \$100,000 right along. I stated at a previous meeting what my position was on Spurlock and I am prepared to provide whatever resources are necessary to provide experts, technical experts, people versed in this field and to ensure that this entire process receives a complete review and that this project receives a complete review. Couple things tonight, I am certain that all of the input that we have heard will be digested and probably be used in our response to the scoping document that is out there. I would welcome input from any qualified technical experts that live in the community that are willing to provide input to us. We can only make our response to DEC that more informed, that much stronger. So, as far as \$100,000 I have a problem with that, however, I am prepared to provide whatever resources are necessary for this Town to provide input to the DEC to Spurlock or to any other agency that requests it and requires it.

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A resident said she did not understand the statement. Mr. Lenhardt said he is in favor of providing whatever resources are

necessary. The resident further asked if that was referring to money. Mr. Lenhardt said it included money.

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COUNCILMAN JOHNSON: I think it was Nancy Scholes that said we ought to hire the very best legal expert and I think we did. Looking at some of the familiar faces down here, I think I saw some smiles tonight on some of the things Bob had to say. I think... he gave me a lot of reassurance and I think he gave everybody a lot of reassurance. We have said constantly we need to work together and I think tonight it became even more clear we need to work together. My \$100,000 comments are similar to George's. I want to set... we have hired an attorney. I want to sit and listen to the attorney and see what he says and I will support his decisions. Thank you.

COUNCILMAN PUTNEY: Sure. I am all for economic development and I recognize the need for the tax base and job opportunities which economic development brings. And, as Chair of the IDA I am committed to that process. However, based on the totality of the information presented so far, I am convinced that we must do everything in our power to deny Spurlock permission to build a formaldehyde plant in this Town. If it happens, the deterioration of our environment is virtually assured. The occurrence of accident is probable. The event of a disaster is possible. To boot, we would enjoy no significant economic benefit. I am going to appropriate whatever is necessary to give us the maximum strength and protection but I am not at all sure that \$100,000 is the right figure. I came here tonight with the expectation that we would have sufficient time to receive... to get a more specific handle on the sorts of money which we would need to be most effective. And, this is what I am hoping to be able to do. In other words, I would prefer not to appropriate a specific sum or even a specific limit sum tonight. But, rather await a more detailed proposal which could come after Mr. Alessi has a chance to examine this and come back with a proposal in terms of the support that he feels he needs. I believe we have ample time in order to do that. So, I am trying to make sure that the... we have the resources available, that we also find them somewhere within the budgetary processes of the Town. Have a more detailed undertaking... a more detailed discussion of how we would pay for this and then be able to vote on a more specific proposal. So, that is my vote... that is the way I feel tonight.

COUNCILMAN DAVIS: I think we have all talked about a process. From the beginning I said that I felt that as a Board we needed to be involved in this process. We are going through the process. None of us at this point, any of us in this room, I think can comfortably say this process will take "x" number of dollars to do as best as we possibly can. I have no idea where the figure \$100,000 came from. It was a figure that was thrown out arbitrarily, I believe, and I don't feel comfortable with any specific amount. We have hired an attorney this evening. We will work with that attorney. We will work with the community to do what we have to do in that process which we are now involved in. And, at this point, I am not comfortable saying \$50,000, \$10,000, \$100,000. I would like to work with Mr. Alessi, with the community, for the health and the welfare of all of us not just some of us. And, to do that best, I don't feel comfortable saying "x" number of dollars is the best way to do it.

SUPERVISOR FULLER: Actually I had thought about going first and now I regret that I didn't because my feeling really, in all honesty and I have discussed this at great length with different individuals is, how do we put a price tag on health and safety and why are we voting on \$100,000. I think the most important thing is and as Sigi asked me when the meeting began tonight -- is this the order in which we are doing things, you are hiring an attorney first and then discussion of the expenditure of money. Well, I think it is very important that we have the very best attorney -- no insult Bernie -- but we need Mr. Alessi's advice. He is the one experienced with this. Each of you have had an open door. You have been able to meet with me, speak with me, and I think the Town Board has been very open in this whole process. We are all together. We all live in this Town and we all have families in this Town. I would not be in favor of spending any money at this point until we know that we are

spending it for the right reasons. And, that is to protect all of us.

Let me comment on the argument over lead agency. I am not so sure if we waged the battle, spent a lot of money, our taxpayers money would have been spent wisely. I think now is the time for how much money to be allotted is what is important and make sure it is for our health and safety not over whether we are the lead agency or not.

I am going to call for a vote from the Town Board. Motion this evening is the appropriation of \$100,000 for technical and scientific review of the Spurlock Industries proposal. Is there a motion?

The motion was made by Mrs. Davis and seconded by Mr. Johnson to appropriate \$100,000 for technical and scientific review of the Spurlock Industries proposal.

Supervisor Fuller asked if there was any discussion. Further discussion ensued and indicated that there was confusion with regard to the vote. Supervisor Fuller was asked to repeat the motion. Upon further consideration, Councilman Davis rescinded her motion and Mr. Johnson rescinded his second to the motion.

The motion was made by Mr. Lenhardt that the Town Board go on record that it is in favor of appropriating the necessary monies to provide the most capable technical and scientific review of the Spurlock Industries proposal. The motion was seconded by Mr. Putney and passed by the following vote:

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

Supervisor Fuller thanked everyone for being at the meeting. She said the remainder of the agenda will be taken care of.

The next item was to acknowledge receipt of the 1996 Annual Report from the Receiver of Taxes and Assessment.

Receiver of Taxes
Annual Report 1996

The next item was to acknowledge receipt of the 1996 Annual Report from the Town Historian.

Town Historian
Annual Report 1996

The following item was to acknowledge receipt of Conditional Approval of Final Plat for Colonial Woodlands, Section 2, Subdivision from the Planning Board for information purposes.

Planning Board
Approval Final
Plat for
Colonial Wood-
lands

The next item was to acknowledge receipt of Conditional Approval of Final Plat for Orchard Estates Subdivision from the Planning Board for information purposes.

Conditional
approval of
Final Plat
Orchard Estate.

The next item was to acknowledge receipt of Conditional Approval of Final Plat for the Feeney/Castronuovo Subdivision from the Planning Board for information purposes.

Conditional
Approval of
Final Plat
Feeney/Castro-
nuovo Subdivi-
sion

The following item was to approve the Town Board minutes of January 8, 1997 and January 22, 1997 as submitted.

Approval of
Minutes from
1/8 and 1/22
1997

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the Town Board minutes of January 8, 1997 and January 22, 1997 as submitted. The motion was passed by the following vote:

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

Supervisor Fuller asked for a motion to adjourn to Executive Session following the close of the regular meeting to discuss litigation.

Motion to adjourn to executive session. No formal action taken

The motion was made by Mrs. Davis and seconded by Mr. Putney 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. Putney, Mr. Lenhardt, Mrs. Davis,
Mr. Johnson.
Noes: None.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to adjourn the regular Town Board meeting at 9:55 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.