

TOWN BOARD  
FEBRUARY 14, 1996

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: Good evening and welcome to a meeting of the Bethlehem Town Board. Happy Valentine's Day to everyone. I am really excited about all of us are here spending our evening with you for Valentine's Day. Begin this evening with our first public hearing. I would ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM  
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold on February 14, 1996 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York to consider proposed Local Law No. 1 of 1996, establishing a fee to be collected by the Town for sending required delinquent tax notice.

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

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

Public Hearing  
proposed Local  
Law No. 1 of  
1996 fee to be  
collected by  
town for sending  
delinquent tax  
notice

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 31 day of Jan 1996.

/s/ Mary A. Ahlstrom

Sworn to before me this  
4 day of Feb. 1996.  
/s/ Kathryn Olsen  
Notary Public, Albany County

- - -

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on Jan. 31, 1996, 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  
12th day of Feb. 1996.  
/s/ Catherine T. Picarazzi  
Notary Public

- - -

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: Nancy if you would like to speak about the local law.

MRS. KARINS: This is the reminder card, Ken has... For years, we have been sending these out even before it became a law to remind our homeowners that a tax is due. And, when the law became mandatory that we charged \$1.00, we put on the tax bills. And, for years people have been accustomed to the \$1.00 fee. Now, the law has changed where it is still mandatory that we mail out these cards but they have changed the law, where the Town government decides if there's going to be a fee and it can be charged up to \$2.00. I have recommended that we continue the \$1.00 fee, so it is up to you.

SUPERVISOR FULLER: Okay. Thank you, Nancy. The \$1.00 is adequate to compensate the town for the cost of sending out the notice, correct.

MRS. KARINS: Well, I believe the cost is more. It probably... by the time all the people touch it... because we can't wait to the last minute to send these out, we prepare them ahead of time so probably 15 minutes is going into each card and there's 200+ cards we mail out a year. This is school and property time.

SUPERVISOR FULLER: And, the fee you have been charging is \$1.00.

MRS. KARINS: Is a \$1.00. People are used to \$1.00.

COUNCILWOMAN DAVIS: Would you feel more comfortable with \$2.00 we can charge.

MRS. KARINS: Right, the law says you can enact up to \$2.00. That would cover more of the cost of doing it. I don't know in these economic times, people that aren't paying their bills -- you know, I know the \$1.00 certainly isn't going to hurt them but perhaps they won't be receptive. I don't know. I can be swayed either way.

SUPERVISOR FULLER: The cards are printed with the \$1.00 charge on them.

MRS. KARINS: Yes, now.

COUNCILMAN LENHARDT: How many cards do you have?

SUPERVISOR FULLER: Thousands.

MRS. KARINS: No, actually, the present bills that we mail out say \$1.00 reminder card. These cards do not have... it is blank. We fill it in, how much the fee is.

ATTORNEY KAPLOWITZ: If you were to change it from \$1.00 to \$2.00, you would have to hold another public hearing after advertising in the Spotlight and everything else.

SUPERVISOR FULLER: Yes.

ATTORNEY KAPLOWITZ: I am really not sure it is worth it.

MRS. KARINS: Right.

COUNCILMAN PUTNEY: Wait until next year.

COUNCILWOMAN DAVIS: Maybe in the mean time we can get a sense of how people would react to that and incorporate that into our decision the next time we have to make one on this.

SUPERVISOR FULLER: Okay. May I ask those wishing to speak in favor of maintaining the charge at \$1.00 to please come forward. There were none. Is there anyone opposed to keeping the fee at \$1.00? There were none. May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mr. Putney 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 meeting following the close of the public hearing indicating the next public hearing is not scheduled until 7:45 p.m.

Local Law  
no. 1  
of 1996  
was adopted

Supervisor Fuller asked the Board for a vote regarding Local Law No. 1 of 1996.

The motion was made by Mr. Putney and seconded by Mr. Johnson to adopt Local Law No. 1 of 1996 continuing the required delinquent tax notice at \$1.00. The motion was passed by the following vote:

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

Noes: None.

Supervisor Fuller thanked Mrs. Karins, Receiver of Taxes and Assessments.

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Planner  
application  
for zone  
change  
Good Samaritan  
Lutheran Health  
Care Center

The Supervisor continued with items on the agenda in wait for the start of the second public hearing. The next item was a recommendation from the Town Planner, Jeff Lipnicky, regarding referral of application for zone change from the Good Samaritan Lutheran Health Care Center, Inc. for premises located on Rockefeller Road, Delmar, following lead agency designation of the Town Board. She stated this is a motion to send the application on to the Planning Board.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the referral of the application for zone change from the Good Samaritan Lutheran Health Care Center, Inc. for premises located on Rockefeller Road, Delmar to the Planning Board. The motion was passed by the following vote:

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

Noes: None.

Abstain: Mr. Johnson.

Councilman Johnson noted he wished to abstain from this action due to his being involved and on the Development Board of the Good Samaritan Home. He said it is a marvelous organization, however, he wishes to abstain from future issues of Good Samaritan Home.

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Quarter  
Franchise Fee  
from Cablevision

Supervisor Fuller next acknowledged receipt of the Quarter Franchise Fee from Cablevision for the 4th quarter of 1995 in the amount of \$34,813. She noted there was a typo on the letter from Cablevision, however, the amount is \$34,813.

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Records  
Management  
Officer  
request part-  
time  
worker

The next item was a request from Records Management Officer, Kathleen A. Newkirk, for approval of appointment of part time worker for the records management program. This is for a total of 3 days, 3 hours a day at a salary of \$5.50 per hour. The request is warranted to bring in, perhaps, a high school student to help with storing the records in the basement of Town Hall. It is basically a lot of hard labor.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the appointment of a part time worker for the records management program at a rate of \$5.50. 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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The next item was a request from the Town Clerk, Kathleen A. Newkirk, for adoption of a resolution regarding the conduct of voter registration and consolidation of registration locations. Town Clerk

Newkirk indicated under Albany County's adoption, in person registration only takes place once every 4 years in a presidential election year. This being a presidential year, in person registration will be held. To facilitate this without having all 30 election district locations open, this resolution proposes consolidation into 2 locations. The other advantage is to reduce the number of Election Inspectors needed to conduct the registration. Councilwoman Davis noted some of the Election Inspectors think this is a better way to handle this.

Resolution requested by Town Clerk registration and consolidation of registration locations

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

RESOLVED, that the Town Board of the Town of Bethlehem, hereby designates the following locations for consolidation of polling locations for the purpose of Voter Registration to be held in October 1996.

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

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

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

Districts 22, 24, 25, 26, 27, 28, 29 and 30.

The resolution was adopted by the following vote:

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

Noes: None.

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

Parks and recreation seasonal personnel

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator of Parks & Recreation Department dated February 14, 1996. 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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The next item was a request from the Receiver of Taxes and Assessments, Nancy Karins, for approval of reimbursement of overpaid water rents for the month of January. The total amount of returned money is \$16.27.

Receiver of Taxes and Assessments reimbursement of overpaid water rents

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the reimbursement of overpaid water rents for the month of January in the amount of \$16.27. 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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The following item was a request from Highway Superintendent, Gregg Sagendorph, to adopt resolution concerning the discontinuance of a portion of former Elm Avenue and a portion of Wildwood Lane, Selkirk.

Highway Superintendent discontinuance portion of Elm Avenue

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHLEHEM  
CONCERNING PORTIONS OF THAT PROPERTY OR HIGHWAY  
COMMONLY KNOWN AS WILDWOOD LANE AND THE FORMER ELM AVENUE

WHEREAS, the Town of Bethlehem (the "Town") and the Selkirk, New York, Congregation of Jehovah's Witness (the "Congregation") are mutually desirous of transferring to the other certain real property, and

WHEREAS, certain of the real property to be conveyed by the Board to the Congregation consists of a portion of what has come to be commonly known as Wildwood Lane which, although never dedicated to or accepted by the Town, may constitute a "highway by prescription", and

WHEREAS, the other portion of the real property to be conveyed by the Board to the Congregation consists of a portion of the former Elm Avenue used as a highway prior to its reconstruction, and

WHEREAS, the Town has no plans for the use of the real property to be transferred to the Congregation which has indicated a desire to acquire said property in consideration of which the Town would receive certain other real property from the Congregation, and

WHEREAS, pursuant to Section 64(2) of the Town Law of the State of New York, the Town Board is authorized to convey real property in the name of the Town by resolution which shall be subject to permissive referendum and

WHEREAS, to the extent that the portions of Wildwood Lane and/or the former Elm Avenue to be transferred to the Congregation are, were or might be deemed, as a matter of law, to constitute a highway or right-of-way, such a highway or right-of-way may be abandoned and/or discontinued pursuant to, inter alia, Highway Law Section 212-a, and

WHEREAS, the transfers of property that have been proposed shall not impair the ability of adjacent land owners to continue to utilize Wildwood Lane for access or egress nor shall this transfer prevent or impair the use of the present Elm Avenue as a highway, and

WHEREAS, the Congregation has, by Order of New York State Supreme Court, dated April 21, 1995, obtained that approval required by law for purposes of its transfer, and

WHEREAS, this proposed transfer has been duly recommended by Gregg A. Sagendorph, the Town Highway Superintendent, and the Albany County Commissioner of Public Works, Richard Rapp, has issued his consent thereto,

NOW, based upon the foregoing, it is hereby:

RESOLVED, that subject to permissive referendum, the Town shall convey to the Congregation all those pieces of land described in Schedules "1" and "2" annexed hereto, upon the expiration of the required thirty day period following the adoption of this resolution, and it is further

RESOLVED, that within ten days of the date of the adoption of this resolution, the Town Clerk shall post and publish a notice which will set forth the date of the adoption of the resolution and contain an abstract of this resolution concisely stating the purpose and effect thereof and, further, specifying that this resolution was adopted subject to permissive referendum, and it is further

RESOLVED, that the Board hereby consents to the discontinuance and the abandonment, as a highway or public right-of-way, those certain pieces of land described in the descriptions attached as Schedules "1" and "2" annexed hereto, and, for purposes of the Highway Law of the State of New York, the members of the Board here present shall affix their names to a certificate of the filing of the written description of the highways and/or right-of-ways being discontinued and abandoned, and it is further

RESOLVED, that the Town is hereby authorized to accept that land being transferred to it by the Congregation as described in Schedule 3 and it is further

RESOLVED, that the Town Supervisor is hereby authorized to execute such deeds and other documents necessary to implement the transfers authorized by way of this Resolution.

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

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

Noes: None.

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The next item was a request from Highway Superintendent, Gregg Sagendorph, to adopt a resolution concerning the discontinuance of a portion of former Elm Avenue, Selkirk.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHLEHEM  
CONCERNING PORTIONS OF THAT PROPERTY OR HIGHWAY  
COMMONLY KNOWN AS THE FORMER ELM LANE  
(CRISAFULLI)

WHEREAS, the Town of Bethlehem (the "Town") and Carmelo Crisafulli, Jr. and Helen J. Crisafulli, his wife, residing at 283 Murray Avenue, Delmar, New York 12054 (the "Crisafullis") are mutually desirous of transferring to the other certain real property, and

WHEREAS, by a warranty deed dated April 6, 1995 the Crisafullis conveyed to the Town of Bethlehem that certain property described in the Schedule "A" attached to said warranty deed consisting of a technical description, dated May 31, 1994 prepared by Ingalls, Smart Associates Engineers, and

WHEREAS, in consideration of the lands to be transferred by the Crisafullis to the Town, the Town has agreed to convey to the Crisafullis a portion of the former Elm Avenue as depicted in and described on that Map prepared by Ingalls, Smart Associates Engineers dated May 25, 1994, and

WHEREAS, the Town has no plans for the use of the real property to be transferred to the Crisafullis who have indicated a desire to acquire said property in consideration of which the Town would receive certain other real property from the Crisafullis, and

WHEREAS, pursuant to Section 64(2) of the Town Law of the State of New York, the Town Board is authorized to convey real property in the name of the Town by resolution which shall be subject to permissive referendum, and

WHEREAS, to the extent that the portions of former Elm Avenue to be transferred to the Crisafullis are, were or might be deemed, as a matter of law, to constitute a highway or right-of-way, such a highway or right-of-way may be abandoned and/or discontinued pursuant to, inter alia, Highway Law Section 212-a, and

WHEREAS, the transfers of property that have been proposed shall not impair the ability of adjacent land owners to continue to utilize the present Elm Avenue for access or egress nor shall this transfer prevent or impair the use of the present Elm Avenue as a highway, and

WHEREAS, this proposed transfer has been duly recommended by Gregg A. Sagendorph, the Town Highway Superintendent, and the Albany County Commissioner of Public Works, Richard Rapp, has issued his consent thereto.

NOW, based upon the foregoing, it is hereby:

RESOLVED, that subject to permissive referendum, the Town shall convey to the Crisafullis that parcel of land described in the Schedule "1" annexed hereto, upon the expiration of the required thirty day period following the adoption of this resolution, and it is further

RESOLVED, that within ten days of the date of the adoption of this resolution, the Town Clerk shall post and publish a notice which will set forth the date of the adoption of the resolution and contain an abstract of this resolution concisely stating the purpose and effect thereof and, further, specifying that this resolution was adopted subject to permissive referendum, and it is further

RESOLVED, that the Board hereby consents to the discontinuance and the abandonment, as a highway or public right-of-way, those certain pieces of land described in the descriptions attached as Schedule "1" annexed hereto, and, for purposes of the Highway Law of the State of New York, the members of the Board here present shall affix their names to a certificate of the filing of the written description of the highways and/or right-of-ways being discontinued and abandoned, and it is further

RESOLVED, that the Town is hereby authorized to accept that land being transferred to it by the Crisafullis as described in the Schedule "2" annexed hereto, and it is further

RESOLVED, that the Town Supervisor is hereby authorized to execute such deeds and other documents necessary to implement the transfers authorized by way of this Resolution.

The foregoing resolution was presented by adoption by Councilman Putney and seconded by Councilman Johnson and was duly adopted by the following vote:

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

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Highway  
Superin-  
tendent  
to go to  
bid hiring  
hazardous  
waste collec-  
tion company

The following item was a request from the Highway Superintendent, Gregg Sagendorph, for approval to go to bid for hiring of a company to perform a Household Hazardous Waste Collection Day on May 18, 1996 for Town residents at the Bethlehem Highway Department. Supervisor Fuller noted funds are in the budget and the Town recently received a \$10,000. grant for this collection.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve going to bid for hiring of a company to perform a Household Hazardous Waste Collection Day on May 18, 1996 for Town residents at the Bethlehem Highway Department garage. 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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Hearing began: 7:45 p.m.

SUPERVISOR FULLER: Ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM  
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold on February 14, 1996 at 7:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York to consider proposed Local Law No. 2 of 1996, concerning amendment of 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 and No. 1 of 1995 which extended said act.

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

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

Public  
Hearing  
Local Law  
No. 2 Interim  
Development  
Density Act

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 31 day of Jan 1996.

/s/ Mary A. Ahlstrom

Sworn to before me this  
4 day of Feb. 1996.  
/s/ Kathryn Olsen  
Notary Public, Albany County

- - -

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on Jan. 31, 1996, 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  
12th day of Feb. 1996.  
/s/ Catherine T. Picarazzi  
Notary Public

- - -

The motion was made by Mr. Lenhardt and seconded by Mr. Putney 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: Jeff.

MR. LIPNICKY: Just real briefly, basically what this local law would do, it would extend the current residential lot size requirements in Town and also the lot width requirements for residential development in the Town. This interim development density act was originally adopted back in 1989 so we have been working under the current lot size and also lot width requirements since 1989. Basically, just to give an idea of what the changes that occurred in '89 for residence AA zoning district, for example, this particular local law increased the lot size requirements from 12,000 square feet to 15,000 square feet and in residence A zone it increased the minimum lot size requirements from 8500 square feet to 10,500 square feet. So, the amount of really increases in lot size requirements that came about as a result of the interim act weren't really all that significant but they did increase the lot size requirements. And, actually what we are finding here now with the new subdivision between various Federal wetlands in the Town, the various ravines, that are typically in some of the subdivisions that we have by and large the average lot size requirements in the new subdivisions that we are getting are actually in excess of these requirements in the interim development density act. So, basically what this would do, as I said, would extend the current lot size and lot width requirements that we are now working under in our project reviews.

SUPERVISOR FULLER: Thank you, Jeff. Are there any questions from the Board?

COUNCILMAN PUTNEY: For one (1) year, right?

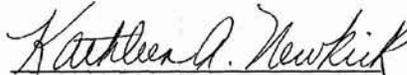
MR. LIPNICKY: Right, yes.

SUPERVISOR FULLER: And, for the last year. Is there anyone in the audience wishing to speak in favor? There were none. Is there anyone wishing to speak in opposition? There were none.

Motion to close the public hearing. The motion was made by Mr. Putney 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

The Supervisor reconvened the regular meeting following the close of the public hearing.

Supervisor Fuller noted the SEQR resolution must be adopted as follows.

TOWN BOARD  
TOWN OF BETHLEHEM  
SEQR RESOLUTION  
DETERMINATION OF SIGNIFICANCE/NEGATIVE DECLARATION  
INTERIM DEVELOPMENT DENSITY ACT EXTENSION OF 1996

Resolution  
for Interim  
Development  
Density Act

WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of a Local Law, entitled "Interim Development Density Act Extension of 1996", 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 carry out, 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 617.6; 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 1996" 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 Mrs. Davis, seconded by Mr. Putney, and by a vote of five (5) for and None (0) against, this RESOLUTION was adopted on February 14, 1996.

The motion was made by Mrs. Davis and seconded by Mr. Putney to adopt Local Law No. 2 of 1996 concerning amendment to 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 and No. 1 of 1995 which extended said act. The motion was passed by the following vote:

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

Discussion  
Parks and  
Recreation  
adoption of  
bond resolu-  
tion funding  
playing fields

The following item was a recommendation from David Austin, Administrator of Parks & Recreation Department, for adoption of a bond resolution for funding for the playing fields and resolution of public notice. Supervisor Fuller asked Mr. Austin to give some background on this issue. Mr. Austin said the information is a

recommendation for development of additional playing fields at Elm Avenue Park. Youth organizations have expressed problems with field access. Mr. Austin noted organizations have met to get input and discuss their needs. This meeting was held in October of 1995 with all the groups represented except the Bethlehem Soccer Club. Mr. Austin said there had been previous input from the Soccer Club. All input has been considered with regard to the recommendations, Mr. Austin stated. He said he has examined an 8 page survey completed by the groups to determine the needs for additional fields. He said 4 groups completed the survey. He said he has analyzed all the field schedules and availability on school property and in town parks. He said he has also looked at the field conditions.

Mr. Austin gave a brief review of the information and statistics collected in regard to the youth organizations. He exhibited a couple of maps showing the proposal. He indicated the north west corner of the Town of Bethlehem park lands will be used for construction of fields. Access to this area will be provided from the Delmar Bypass just east of the Niagara Mohawk sub-station and Juniper Drive. An easement from Niagara Mohawk will be required. Vehicle parking will be provided for 163 vehicles. There are 2 fenced off ball fields, 2 fenced full size baseball fields and a fenced smaller little league size field. Fencing is being proposed to protect the fields. He said the infields need a very smooth surface, not only for quality of play, but also from a safety standpoint. He said there are also accessible paths for handicap spectators. There is a water line proposed to each field area. There is also an electrical hook-up for future electrical use. Mr. Austin also noted the fields are appropriately turned for late evening sun.

Mr. Austin noted the area is mostly cleared at the present time. He said there are some small wet areas that have to be cleared. The biggest maintenance concern for the Town, according to Mr. Austin, in an area like this would be the care of infields. He said to maintain the fields during the season, they need daily care. Mr. Austin said the primary users of this area -- Tomboys, Babe Ruth and Little League -- have verbally agreed to take on that responsibility, as far as maintaining infields.

Mr. Austin indicated the current play field area, along Route 32 has a soccer area and the adjoining area is used for softball. He noted the construction of the new area will allow for the moving of the small field used for very small children and shifting the field with the elimination of one softball field -- would create approximately 3 more acres of soccer. He said this whole area could become permanent with goals for fall and spring and summer use. He said 2 of the present narrow fields will be able to be enlarged to intermediate size. Mr. Austin also said there will be some additional parking.

Mr. Austin said the timing of the project is for it to be ready for the 1997 season, the grass will have to be seeded by mid-September and construction will have to take place this summer. Time will be involved to prepare the specifications, design and contour map for the construction. He said the first Board meeting in May may be the time for a request to go out to bid and award the bid in June to get the project started.

Mr. Austin indicated the Board has a bond resolution which approves the funding for the project. He said the project must first be approved and then consider the bond resolution.

Supervisor Fuller thanked Mr. Austin and asked if there were any questions or comments from the Board. Councilman Lenhardt asked for clarification -- is the parking lot is for the 40 vehicles in or out of the final plan. Mr. Austin said this was budgeted this year because of the need which has existed for 3 or 4 years. He said if it were removed, it could lower the amount of the project and put the money towards the actual construction.

Councilwoman Davis said she has heard complaints about poor drainage in the southern area of the current fields and asked if this was true. Mr. Austin agreed this was true, indicating the problem

with the area was when it was constructed, in his opinion, it was not graded correctly. He said there are some drainage falls. Councilwoman Davis asked if something could be done about that. Mr. Austin said he has always wanted to improve these areas. The problem with trying to work on this project, even with this project, to do that and remove all these fields, would probably result in the loss of a whole season. Councilwoman Davis asked if he anticipated similar problems to be eliminated in the proposal. Mr. Austin said he did. He thinks the right way to do it is to develop a contour map and set grades. He said there are large drainage gulleys in different areas.

Councilman Johnson asked what the total number of fields will be as a result of the project. Mr. Austin said there would be a gain of 1 softball; 2 fenced baseball; 1 smaller size baseball; 2 intermediate soccer fields; and you are enlarging 2 other fields. Councilman Putney asked if these fields would be used exclusively by the clubs or would they be available to others. Mr. Austin said the primary users are seen as being those organizations, however, if it is an appropriate use, other situations could be worked out. Councilman Putney said this was good, asking if it would be by reservation. Mr. Austin said it would be by permit system through the Parks Office.

Supervisor Fuller said she thought a lot of the attendees can comment as to the need for fields for a long time. She said this is the Town's attempt to try and help solve the problem. She said the property is owned by the Town and is 15 acres of land. In discussion with the leaders of the groups, the need for additional fields was expressed. She said she hopes this project can go forward and everyone would think about what is most important and that is to keep the youth involved in activities. She feels adding field space in the Town of Bethlehem is not viewed as a luxury at this time. She said everyone has felt the frustration of juggling back and forth between school fields and Town fields and it appears there is a loss of more and more of the school fields. She is very supportive of this project and wishes to continue a dialogue with the soccer group. She said she would like to find a way to keep the discussion going. Note was made that the invitation had been extended originally to the soccer group, however, this is the first they have met with the Supervisor and Parks & Recreation Administrator Austin. She said they have come in and they will continue the dialogue. She said it is 5 additional fields and it does benefit everyone.

Councilman Putney asked if this will use up all of the available land at the Elm Avenue Park. Mr. Austin said just about, however, there is some flat land areas that are full of brush. He said these areas are not appropriately placed. Attorney Kaplowitz asked if this was land purchased from the Catholic Diocese. Mr. Austin said it was. He said the whole piece was purchased from the Bypass out to the water tower. Attorney Kaplowitz asked if there was a ravine in this area. Mr. Austin said yes, it is a long distance from the access to the field. He said it is probably about 500 yards.

Mr. Austin mentioned that part of the estimate was for a consultant to prepare the plans and specifications. The reason for this, Mr. Austin said, was because he had discussed this with the Engineering Services Administrator and his availability. Mr. Austin said some money may be saved provided Mr. Cirillo could find the time to prepare the plans and specifications without taking away from the highway projects.

Councilman Putney said he thought it would be helpful if numbers are mentioned. Supervisor Fuller said \$280,000. is the estimate. Mr. Austin said \$280,000 and the Comptroller could probably give information about the bonding. Supervisor Fuller noted it would be 5 years with bond anticipation notes.

Comptroller Kehoe said she recommends, since there is not currently money in the Recreation Reserve for this project, that a bond anticipation note be obtained for the \$280,000. She said there would be 5 years to repay the note. She said she also recommends that budgeting be done with regard to a complete repayment of these notes over the 5 year period. She said using current interest rates

and increasing slightly for the market to go up a little bit, she factored it just under 4 percent interest rate over the 5 year term. She said this would mean annual debt service of about \$62,000. She said for the \$280,000. cost, probably about \$32,000 additional in interest over the 5 year period, totaling about \$312,000. for 5 additional playing fields.

Supervisor Fuller thanked Comptroller Kehoe. She asked if there were any further questions from the Town Board. There were none. She said a motion must be presented to approve the project.

Resolution for  
bonding for  
additional  
playing fields

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve going forward with the project to construct 5 additional playing fields at the Elm Avenue Park, Elm Avenue, Delmar. The motion was passed by the following vote:

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

Noes: None.

- - -

The following resolution was presented for adoption:

BOND RESOLUTION, DATED FEBRUARY 14, 1996, AUTHORIZING THE ISSUANCE OF UP TO \$280,000 SERIAL BONDS OF THE TOWN OF BETHLEHEM, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE IMPROVEMENT AND CONSTRUCTION OF PLAYING FIELDS AT ELM AVENUE PARK, WITHIN SAID TOWN AND APPROPRIATING THE PROCEEDS TO SUCH PURPOSE.

Recital

WHEREAS, following the review of conceptual drawings for the improvement and construction of playing fields at Elm Avenue Park (the "Project"), in the Town of Bethlehem \*(herein called "Town"), in the County of Albany, New York, in order to assist youth athletic organizations who are in need of additional facilities, including, without limitation, detailed plans, equipment and apparatus required therefor, and after a public hearing duly called and held, the Town Board of the Town determined, that the Project is in the public interest, and ordered that the Project be carried out and that the estimated total cost of the Project is approximately \$280,000;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Bethlehem in the County of Albany, New York (by the favorable vote of not less than two-thirds of all members of said Town Board), as follows:

Section 1. The Town of Bethlehem, in the County of Albany, State of New York, shall issue its serial bonds in the aggregate principal amount not to exceed \$280,000 pursuant to the Local Finance Law of New York, to finance the specific object or purpose hereinafter described.

Section 2. The specific object or purpose (hereinafter referred to as "purpose") to be financed by the issuance of such serial bonds is the Project, all in accordance with the conceptual drawings prepared by the Administrator of the Town Parks & Recreation Department and the Town Engineer and detailed plans to be prepared by a qualified engineer or planning consultant to be selected. The proceeds of such obligations are hereby appropriated to such purposes.

Section 3. It is hereby determined and stated that the estimated maximum cost of such purpose as heretofore determined by the Town Board if \$280,000 and that no money has heretofore been authorized to the payment of the cost of such purpose and the Town Board plans to finance the cost of such purpose entirely from funds raised by the issuance of the obligations authorized by this bond resolution.

Section 4. It is hereby determined that the purpose described in Section 2 is a purpose described in Subdivision 19(c) of Paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is fifteen (15) years.

Section 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said serial bonds shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said serial bonds and any notes issued in anticipation of said serial

bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and any notes issued in anticipation of the sale of said serial bonds. Such bonds and notes shall be general obligations of the Town, and the Town shall be obligated to levy ad valorem taxes on all property taxable by the Town as may be necessary to pay such bonds or amount. Provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the serial bonds and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year. If the Town incurs any cost with respect to the purpose described in Section 2 prior to the issuance of any such serial bonds or any such bond anticipation notes, the Town expects to utilize general or special fund revenues to pay such cost and intends to reimburse itself therefor for such costs with the proceeds of such serial bonds or such bond anticipation notes. This declaration of intent to reimburse is made pursuant to the requirements of the United State Treasury Regulations Section 1.103-18 and is intended to constitute a declaration of official intent under such regulations.

Section 6. Subject to the terms and conditions of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00, inclusive, of the Local Finance Law the power to authorize bond anticipation notes in anticipation of the issuance of the Serial Bonds authorized by this resolution and the renewal of such notes and the power to prescribe the terms form and contents of such serial bonds and such bond anticipation notes, and the power to sell and deliver such serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds is hereby delegated to the Supervisor, the Chief Fiscal Officer of the Town. The Supervisor is hereby authorized to sign any serial bonds, and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of such Town to any such serial bonds or such bond anticipation notes and to attest such seal.

Section 7. This resolution shall be published in full by the Town Clerk of such Town together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law and such publication shall be in a newspaper having a general circulation in said Town and published in Delmar, in the County of Albany and State of New York. The validity of such serial bonds may be contested only if such obligations are authorized for such purposes for which such Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 8. The Town will comply with the applicable provisions of the State Environmental Quality Review Act before any contracts are entered into, any expenditures are made or any obligations are issued for the purpose to be financed with the foregoing obligations.

Section 9. This resolution is subject to permissive referendum and shall take effect in the manner provided in Article 7 of the Town Law.

The motion was made by Mr. Johnson and seconded by Mr. Putney to adopt the foregoing resolution regarding financing the construction of playing fields at the Elm Avenue Park, Delmar. The motion was passed by the following vote:

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

Supervisor Fuller thanked everyone for attending the meeting this evening and extended an invitation for everyone to keep in contact with regard to this project.

The following item was a recommendation from the Administrator of Parks & Recreation Department, David Austin, for acceptance of land donation from the estate of Dr. Robert Korn, Glenmont.

Supervisor Fuller asked Mr. Austin to give some background on this item. Mr. Austin said as the Board is aware, Dr. Robert Korn, Simmons Road in the Glenmont area passed away recently. He said the family members wish to donate a portion of the Korn property to the Town of Bethlehem. He said this property borders Frothingham Lake, is approximately 4/10ths of an acre and has the advantages of being directly adjacent to land that was acquired through the Federal Government. Mr. Austin noted it provides more access around the lake and it would help to allow people to enjoy the lake more. Mr. Austin said as the Board will recall, there were a number of deed restrictions that the family requested and rights of the family also of the property. He said he had quite a few concerns regarding the wording and also some of the items, as well as, the Board had some concerns. Mr. Austin said he and Attorney Kaplowitz met with Peter Walsh, the family's attorney, and all his concerns were satisfied and this is a new draft of the rights and deed restrictions. He noted the only thing not in the packet is a new diagram showing the memorial the family would like. The family has agreed to have the stones flush with the ground so the injury concern is no longer there. Mr. Austin said none of the family could be in attendance due to their residences being in other states, noting they personally wanted to be here.

Parks and  
Recreation  
acceptance  
of donation land  
from Dr. Korn  
Glenmont

Mr. Austin said it is okay to accept the property without a deed in front of you, according to Mr. Kaplowitz. Attorney Kaplowitz said what he would suggest is to accept the gift and get the deed later. The conditions have been agreed upon. He said he was concerned up until now that some of the conditions were not really clear, however, the family has given Mr. Austin a complete list and they are things the Town can live with. Mr. Austin agreed. Attorney Kaplowitz said the gift can be accepted and direct a deed be prepared. Mr. Austin added that the main intent of the property because of the nature of the property, is to be passive usage only. He said the extent would probably be a nature trail for that area. He said he does not think there are any restrictions in the list that would prohibit that. Councilman Putney said it is a beautiful piece of property. Mr. Austin agreed.

Supervisor Fuller noted it is a nice piece of property, noting the biggest concern was the memorial stones. She said as long as they are flush with the ground there was no major concern. She said the Town is very appreciative of the Korn family, that they were kind enough to donate this property to the Town. She noted it enhances the park land from the Federal government.

The motion was made by Mr. Putney and seconded by Mrs. Davis to accept the land donation from the estate of Dr. Robert Korn, Simmons Road, Glenmont, Town of Bethlehem. The motion was passed by the following vote:

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

Noes: None.

- - -

Supervisor Fuller noted she will send a letter of thanks to the family. Councilwoman Davis thanked Mr. Austin for all of his work on this donation.

Attorney Kaplowitz noted all of the conditions that were worked out, will expire at the end of 25 years. He said there will be no conditions 25 years from now.

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The next item was to consider a proposed Local Law regarding amendment of Chapter 86, Peddling and Soliciting, of the Bethlehem Town Code. Supervisor Fuller noted a public hearing will have to be set for this item for public discussion of the changes in the law.

Public  
Hearing  
amendment  
Peddling and  
soliciting  
code

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to set a public hearing for March 13, 1996 at 7:30 p.m. to consider a local law regarding amendment of Chapter 86, Peddling and Soliciting, of the Town Code of the Town of Bethlehem. The motion was passed by the following vote:

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

Noes: None.

- - -

Attorney Kaplowitz noted the last copy the Board received has a couple changes that were suggested by the Building Inspector, for everyone's information. He said he got into controlling sales on street corners and that is not a good idea. He said we have not allowed that in the past. He also noted the hours of operation were changed somewhat. Mr. Flanigan noted there was also a restriction regarding push carts or station wagons around the schools during school hours. Attorney Kaplowitz said nothing near a school and the penalties were increased from \$100 and \$200 to \$250 and \$500. He said the changes are all things that should not be shocking to anyone.

Supervisor Fuller noted there is also a request to have included for the senior citizens, the buying and selling in the town where people go to homes and ask to buy antiques in the homes. She noted this protects them as well. Attorney Kaplowitz said the police have indicated a concern that there has been a certain amount of door-to-door solicitations, people buying from senior citizens -- perhaps, things that were antiques and of considerably more value than the owner realized. He said he does not know how good this is, but there is a requirement to regulate anyone going door-to-door doing this sort of thing also. Mr. Flanigan noted the permit fees were upped also. Supervisor Fuller noted from \$50 to \$75. Mr. Flanigan said it indicates per person and if a vehicle is used, \$100 per vehicle and it has to be registered.

Councilwoman Davis asked how many permits are issued a year. Mr. Flanigan said Town Clerk Newkirk could answer as to the number. Mr. Flanigan said the problem is the ones that go out and do it. He said this is the big problem. He further noted the people who come in are usually pretty good. They know the rules and regulations and come in. Mr. Flanigan said he mentioned the ice cream vendors who come in in the spring and get their permit and they are out there. It is the out-of-town people who come in and put 10 or 12 people in a motel downtown and come out in the day time and try to solicit.

Councilman Johnson noted a little bit of the publicity that he has heard with the winter being what it was, some of the vendors coming in offering to take snow off the roof and those kinds of things. Mr. Flanigan indicated it could but it is hard to catch. He said we were fortunate that a lot of the local contractors did this work. Attorney Kaplowitz said this is a very difficult problem because it goes back to let the buyer beware. He said this is controlled in the criminal law and it should be rather than in the Town Code.

Supervisor Fuller noted the entire amendment will be gone over at the public hearing. She asked for publicity on this item by any news media in attendance.

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Recommendation  
from Traffic  
Safety stop  
intersections  
and through  
street for  
Manor Drive

The following item was a recommendation from Traffic Safety Committee Chairman, Richard Vanderbilt, regarding stop intersections and through street for Manor Drive and Jefferson Road, Glenmont.

The motion was made by Mr. Putney and seconded by Mr. Johnson to hold a public hearing to consider a local law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Stop Intersections and Through Streets, regarding Manor Drive and Jefferson Road, Glenmont on March 13, 1996 at 7:45 p.m. 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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The next item was a recommendation from Traffic Safety Committee Chairman, Richard Vanderbilt, regarding Yield Intersections on Kenwood Avenue at Route 32, Glenmont.

Traffic Safety  
Committee Chair-  
man regarding  
Yield intersect-  
ions Kenwood  
and 32 set  
Public Hearing

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to set a public hearing to consider a local law amending the Town Code of the Town of Bethlehem, Vehicle and Traffic, Yield Intersections for March 13, 1996 at 8:00 p.m. 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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The following item was a request for adoption of resolution pertaining to a Permissive Referendum for expenditure from the Capital Reserve Funds for Recreation. Supervisor Fuller noted this is for the resurfacing of the 3 pools at the Elm Avenue Park, Elm Avenue, Delmar, NY in the amount of \$175.

Resolution to  
Permissive  
Referendum for  
expenditure  
from Capital  
Reserve Funds  
for resurfacing  
3 pools

The motion was made by Mr. Putney and seconded by Mr. Johnson for approval of expenditure of Capital Reserve Funds for Recreation for the resurfacing of the 3 pools at the Elm Avenue Park, Elm Avenue, Delmar, NY subject to permissive referendum. 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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The next item was a recommendation from Engineering Division, Department of Public Works, Terrence Ritz, regarding street name change for Vadney Lane, Glenmont to Valentino Lane. Vadney Road in Delmar is located off Van Dyke Road and has existing houses on it, using Vadney as an address. Vadney Lane in Glenmont is located off of Chapel Lane but has no houses located on it. Two residents along Vadney Lane in Glenmont have been contacted and have recommended it be named Valentino Lane in memory of the late Joseph Valentino who was a long time resident of Chapel Lane. Supervisor Fuller noted this does not require a public hearing, it is a decision of the Board.

Department  
of Public Works  
regarding street  
names

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the change in name from Vadney Lane, Glenmont to Valentino Lane, Glenmont.

Supervisor Fuller asked if there was any discussion. Councilwoman Davis said she had a question, asking if it was possible not to use the name Vadney Lane and use possibly, a recommendation that the developer of that particular subdivision, who paid for those streets initially -- would it be possible to substitute a name for Valentino, the name there would be another family name Casey. Supervisor Fuller asked if Mrs. Davis meant substitute Casey for Valentino. Mrs. Davis said yes. Mrs. Davis said apparently the people who built the subdivision initially and several others in the Glenmont area have traditionally used family names in developing their streets. Mrs. Davis said they felt that it would be appropriate for them to use a family name there, as well, to be consistent with some of the other things. The only reason that it was ever named Vadney apparently was because the person who donated land for the church on Chapel Lane and another parcel of land have no problem with it not being called Vadney Lane any more. But, they were hopeful that it might be called Casey Lane which is consistent

to what they would do in another subdivision, according to Mrs. Davis.

Attorney Kaplowitz asked where the name Valentino came from. Supervisor Fuller said it came from 2 residents. Mr. Ritz is not in attendance, however, Supervisor Fuller noted she has asked him to contact residents when things are being changed so the residents are aware of it. She said it appears he contacted 2 residents. Attorney Kaplowitz said it is difficult because the residents have been asked what they prefer. Supervisor Fuller suggested the motion be withdrawn and further contact be done.

The motion was made by Mr. Putney and seconded by Mr. Johnson to withdraw the first motion for approval. 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. Putney and seconded by Mr. Johnson to table the recommendation regarding street name change for Vadney Lane, Glenmont, to allow Mr. Ritz to further contact the residents. The motion was passed by the following vote:

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

Town Clerk  
regarding  
appointment  
and setting  
compensation  
regarding  
party represen-  
tatives

The next item was a recommendation from the Town Clerk, Kathleen A. Newkirk, regarding appointment and setting of compensation regarding Party Representatives for all Elections held in the Town of Bethlehem. Supervisor Fuller asked Town Clerk Newkirk to elaborate on this request. Town Clerk Newkirk explained the Albany County Board of Elections has requested names be provided for the Voting Machine Custodians, as well as, the Party Representatives. She further noted we have not appointed to these positions previously because the Voting Machine custodians certified to the machines being accurately set up. Under the Election Law, Town Clerk Newkirk noted, it does require and request that Party Representatives inspect the machines for proper set up. The Party Representatives are to be one from each major political party and they would inspect the machines following set up by the Voting Machine Custodians before the elections are held.

Town Clerk Newkirk asked if there were any questions. Supervisor Fuller asked what the cost will be for this. Town Clerk Newkirk noted she suggests \$10 per hour and an attempt be made to have the machines inspected at the Adams Street garage so all machines will be in one location. Supervisor Fuller noted this will cut down on the hours needed. Town Clerk Newkirk said this is correct, they will not have to go to all 30 election district locations.

The following resolution was offered by Mr. Putney and seconded by Mrs. Davis:

WHEREAS, the the Town Board of the Town of Bethlehem, hereby authorizes the appointment, as per direction of the Election Law, of two (2) Party Representatives (one from each major political party) to review all voting machines to be used in any election of the Town of Bethlehem and certify thereto; and

WHEREAS, the Town Board of the Town of Bethlehem hereby authorizes compensation at \$10.00 per hour for said review and certification.

The resolution was adopted by the following vote:

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

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The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of deeds for Wemple Road, Glenmont.

Engineering  
Services  
acceptance  
of deeds  
Wemple Road

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the acceptance of deeds for Wemple Road, Glenmont, NY from Robyn A. and Joseph A. Nunziato, 31 Elm Avenue, Delmar, NY 12054, as recommended by Engineering Services Administrator, Michael Cirillo. 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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The next item was a request from Chief of Police, Richard LaChappelle, for approval of transfer of \$3,654.20 from the Insurance recovery account to the Police Department Budget Account No. A3120-464 for payment of non-budgeted collision damage to police vehicle exceeding the deductible.

Chief of  
Police  
transfer  
Insurance  
Recovery Acct

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the transfer of \$3,654.20 from the Insurance recovery account to the Police Department Budget Account No. A3120-464 for payment of non-budgeted collision damage to police vehicle exceeding the deductible. 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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The next item was to approve the Town Board minutes of January 24, 1996 and January 31, 1996.

Approval of  
minutes for  
January 24 and  
31, 1996

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the minutes of the meeting of January 24, 1996. 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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The minutes of the meeting of January 31, 1996 were approved on a motion made by Mr. Putney and seconded by Mr. Johnson, with correction of Councilwoman Davis being noted as absent at this special 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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The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for approval of the Supervisor to sign an agreement regarding Krumkill Manor Extension 1 Subdivision. Supervisor Fuller noted this basically is regarding a temporary roadway connection of Mosall Drive to Blessing Road.

Engineering  
Services for  
Approval  
regarding  
Krumkill Manor  
extension

Councilman Johnson asked a question regarding what a crusher run was. Highway Superintendent Sagendorph noted it was stone.

The motion was made by Mr. Putney and seconded by Mr. Johnson to authorize the Supervisor to sign an agreement regarding Krumkill Manor, Extension 1 Subdivision. The motion was passed by the following vote:

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

Attorney  
Kaplowitz  
advised  
minutes of  
January 24  
are complete

Supervisor Fuller noted to return to the item of the Town Board minutes of January 24, 1996, the minutes are viewed as complete. Attorney Kaplowitz noted he asked to go back because the Town Code provides that the 30 days in which to make a determination starts at the time the application is deemed to be complete and you have the transcript of the hearing. He said he understands the Town Board now has this and he suggests a conscious decision be made that we are now declaring them complete and there is 30 days to make a decision. Attorney Kaplowitz said a motion is not necessary, however, everyone must be advised of this information.

Mr. Kemp  
representing  
New Options  
on Waste  
wanted to  
speak but  
was denied

Supervisor Fuller asked if anyone wished to address the Board this evening. Mr. Kemp, representing New Options on Waste came forward to speak. Attorney Kaplowitz made a suggestion that the public hearing was held and it would be improper to speak before the Board. He said he told some other persons this evening, asking that he not misunderstand. He said the problem is the public hearing was held, there are other people who might want to hear what is being said in response and are not in attendance, and did not know he was going to be here. The law, according to Attorney Kaplowitz, generally says the public hearing was held and the matter is closed. Mr. Kemp said he was going to give a petition. Supervisor Fuller noted that is new information at this point. Attorney Kaplowitz noted it is probably inappropriate. Mr. Kemp said he apologized. Attorney Kaplowitz noted it would be really improper to open it up again.

Supervisor Fuller asked if anyone else wished to address the Board. There were none.

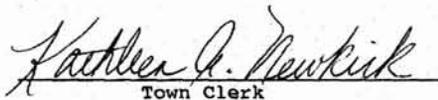
Executive  
session to  
discuss  
negotiations/  
No action  
taken

Supervisor Fuller wished everyone a Happy Valentine's Day. She asked for a motion to go to Executive Session to discuss negotiations. The motion was made by Mr. Lenhardt and seconded by Mr. Putney to meet in Executive Session following the regular Town Board meeting to discuss negotiations. 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 Mrs. Davis to adjourn the regular Town Board meeting at 8:37 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

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.