

TOWN BOARD
JANUARY 11, 1995

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

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SUPERVISOR FULLER: Welcome to a meeting of the Bethlehem Town Board. Welcome students. This meeting begins with a public hearing tonight and then we will continue from there through our agenda. You will only be here until about 11 o'clock. I will 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 January 11, 1995 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 1 of 1995, concerning amendment of Local Law no. 5 of the year 1989 which establishes an Interim Development Density Act and Local Laws No. 7 of the year 1991, No. 2 of the year 1993 and No. 1 of the year 1994 which extended said act. All parties in interest and citizens will have an opportunity to be heard at the said hearing.

Local Law
No. 1, 1995
Extending
Interim Dev
Density Act

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

Dated: December 14, 1994

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State of New York)
County of Albany)

CAROL STUART of the Town of Bethlehem, being duly sworn, says that she is the Advertising Coordinator of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 28th day of Dec 1994.

/s/ Carol Stuart

Sworn to before me this 30
day of Dec. 1994.
/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 December 28, 1994, 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 January 1995.
/s/ Catherine T. Picarazzi
Notary Public

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The motion was made by Mr. Lenhardt 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. Webster, Mr. Lenhardt, Mr. Putney,
Mrs. Davis.
Noes: None.

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SUPERVISOR FULLER: This is an interim law that was initially adopted in December 1989 to increase the minimum lot size requirements for residential development during the period between the LUMAC start up and eventual zoning code revisions. The LUMAC is the land use management plan that the Town is in the process of considering. We would ask those who wish to speak in favor of extending this for one year to come forward.

There were none. Is there anyone in opposition? There were none.

May I have a motion to close the public hearing.

The motion was made by Mr. Webster and seconded by Mr. Putney to close the public hearing at 7:32. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

Supervisor Fuller convened the regular Town Board meeting following the public hearing and said it is necessary to make a decision on this this evening due to the expiration date of January 18th.

The following resolution was presented for adoption:

EXTENSION TO THE INTERIM DEVELOPMENT DENSITY ACT
SEQR RESOLUTION

WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of a Local Law, entitled "Interim Development Density Act Extension of 1995", 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, is to control the density of residential development while the Town's Land Use Management Advisory Committee prepares a Town Master Plan and revisions are drafted to the Zoning Code; 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 approval an action until it has complied with the requirements of SEQR; and,

WHEREAS, 6 NYCRR 617.5(a) requires that as soon as possible in an agency's formulation of an action it proposes to undertake it shall determine: (1) whether the action is subject to SEQR; (2) whether other agencies are involved; (3) the appropriate classification of the action; and, (4) whether a short or long environmental assessment form (EAF) is necessary; and,

WHEREAS, 6 NYCRR 617.6(a) 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 617.6(g)(1) requires that a lead agency must determine the significance of an unlisted action in writing and in accordance with 6 NYCRR 617.6 and Part 617.11; and,

WHEREAS, the Town Board has received an environmental assessment form prepared by the Town Planning Department which addresses the proposed action and said document indicates that: (1) the proposed action is unlisted and subject to SEQR; (2) there are no other involved agencies; and (3) the proposed action is unlikely to have a significant impact on the environment; and,

WHEREAS, the Town Board has considered the potential environmental impacts of the "Interim Development Density Act Extension of 1995" by applying the criteria of effect found at 6 NYCRR 617.11;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that the extension of the Interim Development Density Act is an unlisted action subject to SEQR and that there are no 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 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 hereto attached environmental assessment form which is hereby made part of this resolution, and comparison of the action with the Criteria for Determining Significance found at 6 NYCRR Part 617.11, 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.

SEQR
Resolution
Interim
Develop.
Density
Act

On a motion by Mr. Webster, seconded by Mr. Lenhardt,
and by a vote of 5 for and 0 against,
this RESOLUTION was adopted on January 11, 1995.

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Local Law
No. 1, 1995
Adopted

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to adopt Local Law No. 1 of 1995 amending Local Law No. 5 of the Year 1989 which establishes an Interim Development Density Act and Local Laws No. 7 of the Year 1991, No. 2 of the Year 1993 and No. 1 of the Year 1994 which extend said act. The motion was passed by the following vote:

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

Supervisor Fuller said on behalf of the Town Board and the community she wished to present Mr. Martin Barr with a resolution which reads as follows:

R E S O L U T I O N

Resolution
Martin Barr
Chairman,
Planning
Board

WHEREAS: From January, 1990 through December, 1994, Martin Barr of Elsmere served with distinction, dedication and steadfastness as Chairman of the Planning Board of the Town of Bethlehem and;
WHEREAS: During this period, Martin Barr provided steady guidance and direction to growth and development in the Town of Bethlehem in both the commercial and residential areas, and;
WHEREAS: Martin Barr met each and every new challenge with a commitment to, above all, assure reasonable and well-planned progress in the Town of Bethlehem, and;
WHEREAS: The Town of Bethlehem and its residents owe a sincere debt of gratitude and appreciation to Martin Barr for giving so freely of his time and experience during his stewardship of the Planning Board, and;
THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD AND ALL OF THE PEOPLE OF THE TOWN OF BETHLEHEM THANK MARTIN BARR FOR HIS FAITHFUL SERVICE AND WISH HIM GODSPEED.

/s/ Sheila Fuller
Sheila Fuller, Supervisor

/s/ Frederick Webster
FREDERICK WEBSTER
COUNCILMAN

/s/ Freeman T. Putney
FREEMAN T. PUTNEY
COUNCILMAN

/s/ Doris Davis
DORIS DAVIS
COUNCILWOMAN

/s/ George Lenhardt
GEORGE LENHARDT
COUNCILMAN

DATED: January 11, 1995

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Supervisor Fuller said there is also a resolution for a gentleman who served as the Planning Board Attorney and she would forward the resolution to him. She certainly wanted to thank Bob Alessi for his years of service to our Town. The resolution reads as follows:

R E S O L U T I O N

Resolution
Robert Alessi
Planning
Board Attorney

WHEREAS: For five years, Robert J. Alessi faithfully discharged his duties as attorney to the Town of Bethlehem Planning Board, and;
WHEREAS: Robert J. Alessi provided the Bethlehem Planning Board with excellent counsel and advice during an often tumultuous period, and;
WHEREAS: Robert J. Alessi's scholarly wisdom and expertise contributed significantly to the orderly planning process in the Town of Bethlehem and was greatly appreciated by his colleagues on the Bethlehem Planning Board, and;

WHEREAS: Robert J. Alessi gave generously of his time and talent to assure reasoned and well-planned growth in the Town of Bethlehem, and now;
THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD AND ALL THE RESIDENTS OF THE TOWN OF BETHLEHEM COME TOGETHER TO EXPRESS THEIR HEARTFELT GRATITUDE TO HIM FOR A JOB WELL DONE.

DATE: January 11, 1995

/s/ Sheila Fuller
Sheila Fuller, Supervisor

/s/ Frederick Webster
Frederick Webster
Councilman

/s/ George Lenhardt
George Lenhardt
Councilman

/s/ Doris Davis
Doris Davis
Councilwoman

/s/ Freeman T. Putney
Freeman T. Putney
Councilman

- - -

The motion was made by Mr. Putney and seconded by Mrs. Davis to adopt the foregoing resolutions. The motion was passed by the following vote:

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

Noes: None.

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Councilwoman Davis said just as a note she wanted to say publicly, Martin, having served on the Planning Board with you, -- I would like this on the record -- it was a great honor and a privilege and a great learning experience and not just as a Planning Board Member but also as a resident who dealt with you on issues. You were very, very fair, you couldn't have been fairer and I thank you for what you have done. Mr. Barr thanked Mrs. Davis, noting it was always a pleasure working with her on the Board. Mrs. Davis thanked Mr. Barr.

Mr. Barr said he just wanted to say that he has always felt that the term public servant was a term of honor and it was something that one had to perform in order to complete a life's work and he appreciated the Town Board being willing to give him that opportunity. He thanked everyone for that opportunity. Supervisor Fuller said thank you.

Supervisor Fuller said the next item was a recommendation from the Building Inspector to approve a dumping permit for Richard Mesick.

Dumping
Permit
Mesick

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the issuance of a dumping permit for Richard Mesick, Hannacroix, NY for premises located at the corner of Murray Avenue and Tierney Drive, Delmar with stipulations as noted in the Memorandum from the Engineering Division of the Department of Public Works.

Councilwoman Davis questioned if it is necessary to have a period of time of one year on this permit. Attorney Kaplowitz noted any reasonable time can be set. He said the Building Inspector purposely puts a time limit in so there is some limitation on the permit. Councilwoman Davis wondered if it could be less than one year. Attorney Kaplowitz said the Board has the authority to make it less than a year. Mrs. Davis said this is a very busy and residential area and she feels a year is a long time. She feels it is also advisable to require grading of the fill so it is consistent with the adjacent lots but to have it as a place where stuff is dumped for that period of time could look unsightly and is unfair to the adjacent neighbors. Attorney Kaplowitz noted the 5 conditions recommended by the Building Inspector. Councilman Webster said the construction season is probably needed to get the material. Councilwoman Davis said she spoke to the Building Inspector and he

had no problem with adding language of grading to this, that it be made so that it is not an eyesore, that it be consistent with the established neighborhood, the adjacent established neighborhood. She said he indicated this could be added in discussion tonight. Attorney Kaplowitz noted the 5 conditions do not address these issues. He recommended adding a 6th condition. Attorney Kaplowitz also noted that the Building Inspector continuously monitors these sites.

The dumping permit was approved with the addition of the following condition:

6. That it be harmonious with adjoining properties and adjacent area in general.

The motion was passed by the following vote:

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

Supervisor Fuller noted the next item was the acceptance of donations.

The motion was made by Mr. Lenhardt and seconded by Mr. Webster to accept the following donations for the D.A.R.E. Program with thanks:

Accept
Donations
DARE Program

1. \$50 from the Nathaniel Adams Blanchard American Legion Auxiliary;
2. \$150 from Barbara A. Cox and Bruce R. Stanley;
3. \$180 from the Slingerlands Fire Department;
4. \$10 from Florence K. Farr and Nancy M. Farr; and to accept the following donation:
5. Donation of a storage shed by Wickes Lumber valued at \$536.76 to the K-9 Program.

The motion was passed by the following vote:

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

Go To Bid
Washed
Crushed Stone
Gravel,
Topsoil,
Rental of
Construct.
Equipment,
Motor Oil,
Guide Rails,
Rental of
Track
Excavator

The next item was a request from the Highway Superintendent to go to bid for washed crushed stone, gravel, topsoil, rental of construction equipment, motor oil, guide rails and rental of track excavator.

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

WHEREAS, the Town desires to advertise for bids for Washed Crushed Stone, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of January, 1995 and that bids be received up to 2:00 p.m. on the 31st day of January, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for Gravel, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of January, 1995 and that bids be received up to 2:15 p.m. on the 31st day of January, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for Topsoil, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of January, 1995 and that bids be received up to 2:30 p.m. on the 31st day of January, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for Rental of Construction Equipment, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of January, 1995 and that bids be received up to 2:45 p.m. on the 31st day of January, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for Motor Oil, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of January, 1995 and that bids be received up to 2:00 p.m. on the 1st day of February, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for Guide Rail, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of January, 1995 and that bids be received up to 2:15 p.m. on the 1st day of February, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for Rental of Track Excavator, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of January, 1995 and that bids be received up to 2:30 p.m. on the 1st day of February, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Budget
Transfers
Comptroller

The next item was a request from the Comptroller for final year end budget transfers for the year 1994.

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the year end transfers as listed on the Memorandum from the Comptroller dated January 6, 1995. The motion was passed by the following vote:

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

Annual Report
Building
Dept.

Supervisor Fuller acknowledged receipt of the 1994 Annual Report from the Building Department, Building Inspector John Flanigan.

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

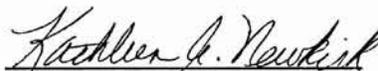
The Supervisor asked for a motion to meet in executive session to discuss personnel matters.

The motion was made by Mr. Putney and seconded by Mrs. Davis to meet in Executive Session following the regular Town Board meeting to discuss personnel matters. The motion was adopted by the following vote:

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

The motion was made by Mr. Webster and seconded by Mr. Putney to adjourn the regular Town Board meeting at 7:45 p.m. The motion was passed by the following vote:

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


Town Clerk

EXECUTIVE SESSION

There was no formal action at the Executive Session.

Executive
Session