

TOWN BOARD  
JANUARY 12, 2000

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

PRESENT: Sheila Fuller, Supervisor  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Daniel G. Plummer, Councilman  
Susan Burns, Councilman  
Kathleen A. Newkirk, Town Clerk  
Bernard Kaplowitz, Esq., Town Attorney

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Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board and invited them to join in the pledge of allegiance. The Supervisor again welcomed Councilman Dan Plummer indicating he was sworn in at the Organizational Meeting held January 3, 2000. She said he is here for the first real meeting of the Board. Councilman Davis welcomed Councilman Plummer.

The first item on the agenda was to consider a Building Project application for Planned Commercial District No. 2, Route 9W, Glenmont and the SEQR lead agency coordination resolution. She said this was formerly known as the Southgate site. Mr. John Nigro was in attendance to do a presentation.

Mr. Nigro thanked the Supervisor and said he is President of Nigro Companies, a real estate development and management company based in Albany for over 25 years. He said they are proposing the development of an approximately 350,000 square foot community shopping plaza to be located on a 75 acre tract on Route 9W, bounded generally by Route 32 and Bender Lane. Mr. Stephen Powers, Lisa Nigro, and Spencer Jones were in attendance, as well as, their attorney, Bob Sweeney from the firm of Shanley, Sweeney, Reilly and Allen, Esqs. and Frank Palumbo the engineer.

Mr. Nigro said on the site plan this plaza will be anchored primarily with 2 buildings. He said one will be a general merchandise company, retailer, with an in-store grocery facility. The other building will be a home improvement company. He said there will be 3 small buildings along the Route 9W frontage that will house 2 restaurants and a bank.

Mr. Nigro introduced Mr. Frank Palumbo, engineer, who gave a complete run down on the specific site development. He said if there are any questions, they would be happy to answer them. Supervisor Fuller thanked Mr. Nigro.

Mr. Palumbo also gave information regarding the surrounding properties. He said the site has a primary tributary to the Normanskill and is on the low area of the site, noting there are some slopes up to the flatter lands off of Route 9W. He said they have tried to leave many of the environmental features by working with them. He said they have 7 acres of wetlands that impact the site. He noted there will be just shy of 1.8 or 2 acres of wetland impact. He said they found that some of it would be impacted because of the way it fingers through the site. He said there is a process they will have to go through with the Army Corps of Engineers for permitting. He said they have proposed areas of mitigation in this plan.

Mr. Palumbo mentioned that the site is zoned Planned Commercial District and, therefore, they had to come to the Town Board. He said they will be seeking Building Project Approval under this zone, indicating this use is allowed in the zone.

Mr. Palumbo said the project will have about 1851 parking spaces which works out to about a 5.29 spaces per 1,000 square feet of building area. He said it is slightly over the 5 per 1,000 mandatory criteria and it is done because of the restaurant asking for a little more per square foot.

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Mr. Palumbo said the green area of the site makes up 57 or almost 58 percent of the site. He said there is 43.7 acres of the 76 acre site as green area and noted most of it is in the rear area but a lot of it is incorporated into the front and used as some of the design parameters set forth in the Route 9W Corridor Study. The buildings make up about 10.6 percent of the site and the paved areas make up about 31.7 percent.

Mr. Palumbo next addressed the setbacks for the buildings and the regulations. He said the setbacks as recommended in the Route 9W Corridor Study suggested 50 feet from a secondary street and 80 feet from an arterial which would be Route 9W and 50 feet from Bender Lane. He said there will be no paved areas within these areas. He said they will use the landscaping criteria set forth in that study developing berms along the sides where there are a few residences across Bender Lane. He said there is very specific criteria set forth in the core analysis, noting they will match all of them.

Mr. Palumbo said they will address the storm water management with basins. He said they found this site would be most appropriate to have smaller collection areas rather than one large one. He said one large one would have too much of a detriment to specific features of the site. The storm water management will be coordinated with the functioning of the current draining and work with how the site functions into the separate tributaries and plan the storm water management accordingly.

Mr. Palumbo said they are in the very early stages of the traffic analysis. He said what is shown is a widening of Route 9W and all of it will be done on the west side of the roadway. He said it will widen to a 3 lane section. The entrance was located just south of the Petrol Gas Station site, according to Mr. Palumbo. He said there are vacant lands across Route 9W and said some of that has influenced the planning of a secondary access point at the southern end of the property. He said the goal is to have a centralized access point and work to distribute the traffic between the 2 halves of the site. Access to the vacant lands was looked at in this preliminary planning, Mr. Palumbo noted, to try and coordinate with the various studies done in the area.

Mr. Palumbo said they realize there is a lot of work to be done on the traffic analysis. He noted they have met the Department of Transportation and the Capital District Transportation Committee, along with Mr. Lipnicky, the Town Planner. He said they had a kick off meeting in terms of how to look at the traffic analysis. He said they have presented their distribution of the traffic to DOT and it will also go to CDTC so they can give feedback on the proposal.

Mr. Palumbo said this is the general information and they know they will be working with the Planning Board and others. He said they are proceeding under the existing zoning as a Planned Commercial District.

Mr. Palumbo offered to take any questions anyone might have and thank the Board.

Supervisor Fuller said she would like to start with questions or comments from the Town Board. Councilman Davis began with questions about the employment projections. Mr. Palumbo said it was derived from a planning module. He said the tenants are not planned out and there is no way to know exact numbers. He said they took a very generic approach to that number.

Councilman Davis noted the LUMAC reference resource recommends 250,000 square feet for a community based center rather than a regional. She asked how they would define this proposal. Mr. Palumbo said as he read the study, some of the uses listed were home improvement store, supermarket, department store, indicating the super center is that department store/supermarket in one concept and noted it listed a family style restaurant, banks. He said all of those things were listed right in the description of the type of uses that would be considered under a community center. He said looking at the distribution of the traffic and seeing that approximately 80 percent of it were seen as coming from the immediate Town area. He

said he would classify that as community based as compared to regional based. He said regional based to him would be something like Crossgates Mall. He said he does not think this is a generator of traffic outside the area.

Councilman Davis next asked about the percentage of traffic, indicated coming from the north would not be coming from the community. Mr. Palumbo said what he was trying to point out there is that people heading eastbound on Route 32 and turning southbound on 9W, those are people coming from the community. He said a large percentage of that 70 percent is coming from that direction. He said there is a section of traffic coming from the lower portions of Albany but it is not 70 percent coming from the north. He said that 70 percent is divided among the traffic coming from the west on Route 32 and then turning south and some from places further north on Route 9W and the lower portions of Albany. Councilman Davis commented the traffic study has not been completed and asked if that was correct. Mr. Palumbo said this was true and he would not want to make any definitive statements saying that this is an absolute because they know they have to do more work on that.

Discussion ensued regarding other commercial uses in the area and how this proposal would impact them.

Councilman Davis asked if any discussion has been held with the Town Assessor, Dave Leafer, regarding the figure for the tax base. Mr. Palumbo said they have not done that at this point. Mrs. Davis said that is something everyone is concerned about. Mr. Palumbo agreed and noted it is usually a very simple process to simply meet with the Assessor.

Councilman Davis thanked Mr. Palumbo for answering her questions.

Councilman Burns thanked Mr. Palumbo for the presentation and said she was curious if there was a marketing study done. Mr. Nigro said the marketing study has been done by the potential tenants. He indicated they do their own marketing study.

Councilman Burns indicated the Route 9W Corridor Study is over 10 years old and there has been growth in this area, asking if the criteria is still up-to-date. Mr. Palumbo said he needed to correct the way he stated that. He said out of the Corridor Study which provided information, it did not give the basis on how to do an analysis or the background growth. He said they have to actually go out to collect that information. He said they will be doing counts that will give the current information about the traffic generation. He said what they used out of the study was the backbone information and the criteria that they set forth -- i.e. setbacks so that a certain character of a neighborhood and area would be preserved, and location of parking.

Councilman Burns next addressed the statement in the assessment form regarding a demand for community provided services and noted it was checked yes. Mr. Palumbo said he believes it is checked yes because they will be utilizing public water and public sewer. He said they will have the Police Department service this center and ambulance services when needed. He said these services are provided by the community that they will have to use. He said likewise they will have to show that they are not having a negative impact. Councilman Burns said there was a question, will the proposed action result in the generation of traffic significantly above present levels and it was marked no. Mr. Palumbo said the environmental assessment form has to be done at the earliest stage of a project. He said their anticipation because 9W carries a lot of traffic, the percentage of what is being added to it plus the mitigation -- noting if it couldn't be mitigated and it was such a high percentage, if it was a very low volume road and all of a sudden there was a large generator brought in -- they would have had to check the question yes. He said their belief at this time is that they will be able to show that the percentage base of this volume, spread over its peak hour and throughout the day, that it will function with the mitigation measures. He said that answer will be superseded by the full traffic analysis that will be done. He also noted that if all the traffic was going out on Bender Lane, they would have had to

check that question yes.

Councilman Burns thanked Mr. Palumbo.

Councilman Lenhardt said a concern and comment he has is that the traffic coming on Route 32 and the way it is designed, it accommodates that well, however, he said the same customers returning to Route 32 have to go through a cumbersome approach to Route 32. He said he does not believe the State is prepared to change that intersection and indicated the previous developer had addressed a possible access back to Route 32 off the north west corner of the site and asked that they consider that during the process of review with the Planning Board. He said he is afraid the way the intersection is now, those same customers will return by Bender Lane and Feura Bush Road adding more cars unnecessarily to these 2 thoroughfares. Mr. Palumbo said that factor can be incorporated into the traffic study. He said he does not have the data to discuss this but having reviewed the previous plans, the proposal was of much greater magnitude and he believes in that case the economic justification of the cost of that roadway was tied with a project that was almost twice the size of this proposal, noting it was 650,000 square feet. He said there is an economic consideration with regard to the improvements along Route 9W and how far that may have to go down. He said that will have to be supported by this level of a project. He said they will have to show that the cumbersome maneuvers that are mentioned, will not dramatically impact Bender Lane or there will be a dilemma.

Councilman Plummer asked when the tenants can be revealed. Mr. Nigro said perhaps some 30 to 60 days more into the process. He said he think he feels comfortable saying that. He said it is a matter of a confidentiality agreement where documents are not finalized but somewhere between that time frame should be right. Councilman Plummer asked, due to the considerable amount of land, if they have looked at the surrounding land and if it was used for other uses the compatibility of this use. Mr. Nigro said there are 2 ways to answer this. He said they are primarily retail developers and do other developing but they are driven by where the companies they work with want to be. He said these companies have looked at this area and this property as being one they do not serve in a major way and people are leaving this community and going to other stores.

Supervisor Fuller thanked Mr. Nigro. She asked that Mr. Nigro to refer to the shops at Greenbush Commons, located on Route 9 and 20. The Supervisor asked if this project was similar to the Town of Bethlehem project. Mr. Nigro said that center is about 220,000 or 230,000 square feet depending upon how you calculate the garden center. Mr. Palumbo said that was on half the acreage, 37 acres.

Supervisor Fuller said they probably looked through the Southgate material and noted the concerns of the residents are contained in that information. She said obviously traffic was going to be a big hurdle as they are aware, asking what their scheduled timing is as far as DOT and if it is an ongoing project. Mr. Nigro said they have met with DOT on several occasions and what is here now is a study done on the preliminary requirements, suggestions, recommendations. He said that is an ongoing process and they will be back to them on paper with what they have given them initially. He said they will add to it and take away from it. He said in terms of timing, DOT is usually the last agency that you get final approval from. He said he is not criticizing them, but that is just the way it is.

Mention was made of including the possibility of repaving Route 9W, especially where the potholes are just north of this site.

Supervisor Fuller said she hoped they did not mind but she wanted to give the residents in the audience an opportunity to ask questions. One student questioned another aspect of the traffic flow and if in the planning consideration is anything being done about pedestrian traffic. Mr. Palumbo said they have been working with the DOT and the CDTC and they get deeply involved in sidewalks and bicycle paths and preliminary discussions with them have been such that they believe sidewalks will be installed and perhaps if there is room, bicycle paths also.

Mr. Palumbo said along the entire stretch, due to the lane widening, they will be doing work right on Route 9W. As they do that, they will have along the frontage a 5 foot wide sidewalk. He said he does not know how far the roadwork will have to be done, however, a sidewalk will go with that work. He addressed the issue of sidewalks and bicycle path and the fact that they can only work with their property. Mr. Nigro said he is a bike rider and he is very sensitive to this issue.

Mr. Robert Samsel of Selkirk said he is highly in favor of this but he disagrees with the traffic coming off Route 32 being 70 percent. He said from the Coeymans town line on Route 9W to the Grand Union complex, roughly 9 miles, there are 3 convenient stores. He said they are dying for something where they want to put it. Right now, Mr. Samsel stated, his wife drives over to the Price Chopper in Slingerlands, a round trip of 24 miles. This would be half the distance. Mr. Samsel wished them good luck.

Mr. Dennis O'Shaugnessy inquired about their occupancy rate in their other facilities, noting the vacancies existing in Glenmont. Mr. Nigro said the best way to answer that is that they have been in this business and based in Albany for over 25 years. He said they build, own and manage all of the properties. He said they operate within a 50 mile radius of this area. He said they do not intend to go beyond that area much because the management standards are very high and they feel if you go much farther away, you are not going to be able to be watching the store, as the saying goes. Secondly, he said he believes that their occupancy is very good in their properties. They have the new center, Mr. Nigro said, but other than that they do not have many vacancies at all.

Discussion ensued about the entrances to the plaza and the truck traffic involved, including widening of Bender Lane. There is a plan to widen Bender Lane down to the entrance, however, mention was made that the residents are not in favor of encouraging the traffic.

Resident, Mr. Shafer, asked if there is any mass transit plans for the center. Mr. Palumbo said they have had very general discussions with CDTA regarding things they have done in other plazas to see how this location would fit into their plan. He said they usually give some guidance with regard to where the bus pick-up and drop-off would be. He said Nigro Companies finds it to work for their advantage to work with the bus groups and CDTA. He said he would see this as a continuing process and find out how adaptable this site is for that.

Supervisor Fuller said when Price Chopper went in in Slingerlands, many residents were calling requesting a bus to get to the center. She said CDTA was very agreeable to run the bus for a period of time to see how it worked out. She said in the beginning it was slow, and after that it became a real positive. She said many older residents like to board the bus and go shopping.

The Supervisor asked if there were any other questions. There were none and she thanked Mr. Nigro and Mr. Palumbo. Mr. Nigro thanked everyone for their time and hoped to see everyone soon.

Supervisor Fuller said the resolution to forward this application to the Planning Board for a recommendation on SEQR and to notify the other agencies was before the Board. She asked for a motion to approve the resolution. The following resolution was presented:

TOWN BOARD  
TOWN OF BETHLEHEM  
SEQR RESOLUTION  
PRELIMINARY CLASSIFICATION OF ACTION AND LEAD AGENCY COORDINATION  
NIGRO COMMERCIAL DEVELOPMENT RT. 9W  
APPLICATION FOR BUILDING PROJECT APPROVAL  
PCD NO. 2

WHEREAS, the Town Board of the Town of Bethlehem has received an application from the Nigro Companies for Building Project Approval to develop Planned Commercial District (PCD) No. 2 for use as a 349,630 square foot shopping center with parking for 1,734+/- vehicles; and,

WHEREAS, the overall development parcel is currently zoned PCD and consists of 75.78+/- acres of land located on the west side of U.S. Route 9W between Bender Lane and NYS Route 32; and,

WHEREAS, Chapter 128, Article V of the Code of the Town of Bethlehem provides the Town Board with the authority to approve Building Projects within Planned Commercial Districts (PCD's), and further provides that the Town Board shall refer all applications for establishment of a Building Project to the Town Planning Board; and,

WHEREAS, the State Environmental Quality Review Act (SEQR) 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, the "Memorandum of Understanding between the Town of Bethlehem Town Board and Planning Board for Planned Development Districts" (MOU), adopted by the Town Board on February 27, 1991, sets forth procedures for incorporating the requirements of SEQR with the requirements of Chapter 128, Article 5 of the Code of the Town of Bethlehem for the review of Building Projects in PCD's; and,

WHEREAS, the SEQR regulations found at 6 NYCRR 617.6(a) require that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether the action involves a federal agency; (3) whether other agencies are involved; (4) the appropriate preliminary classification of the action; (5) whether a full or short Environmental Assessment Form is necessary; and (6) whether the action is located in an agricultural district and subject to applicable provisions of the Agriculture and Markets Law; and,

WHEREAS, 6 NYCRR 617.4 establishes thresholds for the classification of Type I actions and the proposed project exceeds a number of these thresholds in that it would result in: (a) the physical alteration of more than 10 acres of land, (b) construction of parking facilities for more than 1,000 vehicles and (c) construction of more than 100,000 square feet of non-residential gross floor area; and,

WHEREAS, 6 NYCRR 617.6 establishes procedures for coordinated review of Type I actions,

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that the application by the Nigro Companies to establish a Building Project within PCD No. 2 constitutes an action that is subject to SEQR; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the preliminary SEQR classification of the action shall be designated as "Type 1"; and

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that at minimum, a full EAF is necessary to determine the significance of the action; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the proposed action is not located in an agricultural district and therefore is not subject to the provisions of the Agriculture and Markets Law; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that a federal agency, specifically the U.S. Army Corps of Engineers, may have jurisdiction in this matter in as much as federal regulatory wetland may be located on the site and impacted by development;

and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the other involved agencies with respect to this action may include: (1) the Albany County Health Department; (2) the New York State Department of Environmental Conservation; (3) the Planning Board of the Town of Bethlehem; (4) the Town of Bethlehem Highway Department; (5) the Town of Bethlehem Department of Public Works; and (6) New York State Department of Transportation; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that interested agencies with respect to this action may include: (1) the Albany County Planning Board (General Municipal Law Section 239 Review), (2) the New York State Office of Parks, Recreation and Historic Preservation, (3) Capital District Transportation Committee, and (4) the Town Building Department; and,

BE IT FURTHER RESOLVED,

that coordinated SEQR review of this action will be undertaken in accordance with 6 NYCRR Part 617.6 and the Memorandum of Understanding for Planned Development Districts approved by the Town Board on February 27, 1991; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby authorizes and directs the Town Planning Department to initiate coordinated review by filing a copy of the Building Project application, full EAF - Part 1 and appropriate notice with involved agencies, and notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby authorizes and directs the Town Planning Department to notify other involved and interested agencies of the proposed action and to make referral of the application to the Albany County Planning Board pursuant to the General Municipal Law; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby refers the application for Building Project Approval to the Town Planning Board for a recommendation on both a SEQR Determination of Significance and the proposed Building Project itself, said recommendations to be provided consistent with the procedures outlined in the Memorandum of Understanding for Planned Development Districts; and,

BE IT FURTHER RESOLVED,

that the Town Board as an involved agency with the broadest governmental powers for investigation of the environmental impacts of the proposed action, hereby declares its desire to assume Lead Agency status for the purpose of SEQR review; and,

BE IT FURTHER RESOLVED,

that having notified the involved agencies of the Town Board's desire to be Lead Agency, the Town Board hereby declares it shall be Lead Agency for SEQR review of the proposed action unless objection to such designation is received from any involved agency within the above specified thirty day (30) time period.

On a motion by Ms. Davis, seconded by Ms. Burns and a vote of 5 for, 0 against, 0 abstention, and 0 absent, this RESOLUTION was adopted on January 12, 2000.

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Supervisor Fuller noted this will proceed to the Planning Board. Mr. Nigro and Mr. Palumbo thanked the Board.

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The next item was to reschedule public hearings originally scheduled for January 12, 2000 for a stop sign on East Poplar Drive at intersection of Greenleaf Drive and a stop sign on Laurel Drive at intersection of Groesbeck Place. Could advertise January 26, 2000 and hold public hearings at 7:30 and 7:45 p.m. on February 9, 2000.

The motion was made by Ms. Burns and seconded by Mrs. Davis to approve the scheduling of public hearings as follows:

7:30 p.m., February 9 - Stop Sign on East Poplar Drive at

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intersection of Greenleaf Drive  
and

7:45 p.m., February 9 - Stop Sign on Laurel Drive at intersection of  
Groesbeck Place with advertisement in the Spotlight on January 26,  
2000.

The motion was passed by the following vote:

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

Noes: None.

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The next item was to accept the renewal of Trailer Camp Permits  
for Garden Homes Management Corp. for Breckenridge Village and Shady  
Grove West Trailer Parks and C.D. Wang Enterprises, Inc. for Shady  
Grove East Trailer Parks, Selkirk as recommended by Building  
Inspector, John Flanigan. Supervisor Fuller explained under the  
Trailer Ordinance for the Town of Bethlehem it is required that the  
park permits be renewed annually. There is a check for \$600 for  
Breckenridge Village and Shady Grove West and for the Shady Grove  
East, a check for \$140, according to the Supervisor.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt  
to approve the renewal of Trailer Camp Permits for Garden Homes  
Management Corp. for Breckenridge Village and Shady Grove West  
Trailer Parks and C.D. Wang Enterprises, Inc. for Shady Grove East  
Trailer Park, Selkirk as recommended by Building Inspector, John  
Flanigan. The motion was passed by the following vote:

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

Noes: None.

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The next item was to acknowledge receipt of the 1999 Annual  
Report from the Town of Bethlehem, Building Department from Building  
Inspector, John Flanigan. The Supervisor said the report is very  
well done and noted it has been a busy operation.

Supervisor Fuller noted one family development is up 22 homes  
from the previous year. Councilman Burns asked about the  
miscellaneous item under fees received. Mr. Flanigan said it is  
pools, sheds, signs which require a permit.

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The next item was a recommendation from Engineering Division,  
Terrence W. Ritz, Department of Public Works, for approval of house  
number changes. Supervisor Fuller said these are address changes.  
The first is from The Swift Group, owners of the Meadows Subdivision,  
regarding a request from a resident asking to have the address known  
as 59 Columbine Drive. The other change is for a house number change  
on Halter Road with the owner asking to have the number changed to 28  
from 26. The Supervisor noted these numbers are consistent with the  
911 program.

The motion was made by Ms. Burns and seconded by Mr. Plummer to  
approve the change of house numbers as requested by the Developers  
and homeowner as follows:

47 Columbine Drive to be renumbered to 59 Columbine Drive  
and  
26 Halter Road to be renumbered to 28 Halter Road.

The motion was passed by the following vote:

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

Noes: None.

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The following item was a request from Engineering Services Administrator, Michael Cirillo, for approval of acceptance of deeds for easement purposes in the vicinity of Asprion Road, Glenmont.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the acceptance of deeds from Patricia A. Mackey, 16 Asprion Road, Glenmont and Chester S. Boice, Jr., 508 Route 9W, Glenmont for easement purposes in the vicinity of Asprion Road, Glenmont, as recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

Noes: None.

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The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval of acceptance of deeds for easement purposes on New Scotland Road, Slingerlands from First Columbia Slingerlands, L.L.C.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the acceptance of deeds for sanitary sewer easements from First Columbia Slingerlands, L.L.C., Albany, New York for property located on New Scotland Road, Slingerlands. The motion was passed by the following vote:

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

Noes: None.

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The following item was a request from Michael Cirillo, Engineering Services Administrator, for approval of acceptance of deeds for highway and easement purposes for Haswell Farms - Phase 4.

The motion was made by Ms. Burns and seconded by Mrs. Davis to approve the acceptance of deeds for highway and easement purposes for the Haswell Farms - Phase 4 Subdivision from RSR Associates, Delmar, New York as recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

Noes: None.

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The next item was a request from Bruce Secor, Commissioner of Public Works, for approval to go to bid for Materials for the Water and Sewer Departments.

Councilman Plummer asked what kind of materials these are and if they were general operating materials. Mr. Secor said they go to bid for materials such as pipe, manhole blocks, manhole frames and covers and a whole list of items on the annual bid list. He also said there is a list of chemical needs that are bid each year. These are items that are bought in bulk, according to Mr. Secor, and the contracts are used for the entire year. Mr. Plummer asked if this is a common practice that is done each year. Mr. Secor indicated it was and that it is required by the Comptroller's office when the amount is over a certain amount.

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

WHEREAS, the Town desires to advertise for bids for the furnishing of Materials, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 19th day of January, 2000 and that bids be received up to 2:00 p.m. on the 8th day of February, 2000 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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The next item was a request from David Austin, Administrator, Parks & Recreation Department for approval of appointment of seasonal personnel. Councilman Burns indicated she would be abstaining due to her daughter being on the list and it being a potential conflict. She did say she feels she is a very good candidate for the program.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as requested by David Austin, Administrator, Parks and Recreation Department, at the titles and salary indicated in his Memorandum dated January 12, 2000 and on file with the Town Clerk.

The motion was passed by the following vote:

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

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The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval to go to bid to perform a Household Hazardous Waste Collection Day in conjunction with other local communities on May 6, 2000. Supervisor Fuller said the hazardous waste day is the day when the Town Board volunteers for the day.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve going to bid to perform a Household Hazardous Waste Collection Day in conjunction with other local communities on May 6, 2000. The motion was passed by the following vote:

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

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The next item was a request from the Assessor, M. David Leafer, to consider a proposed local law amending the Code of the Town of Bethlehem, Chapter 111, Article V, Exemption for Persons with Disabilities and Limited Incomes increasing the maximum income ceiling. Could advertise January 26, 2000 and hold public hearing 8:00 p.m., February 9, 2000. Supervisor Fuller said this was passed into law July 13, 1999, similar to the reduction given to the senior citizens. She said for the total number impacted, the amount is really minuscule for the Town itself.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to set a public hearing for February 9, 2000 at 8:00 p.m. to consider a proposed local law amending the Code of the Town of Bethlehem, Chapter 111, Article V, Exemption for Persons with Disabilities and Limited Incomes. The motion was passed by the following vote:

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

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The following item was a recommendation from Chief of Police, Richard LaChappelle, for the acceptance of resignation of per-diem Telecommunicator, Kevin Demarest, effective January 15, 1999. Supervisor Fuller said he is leaving the Town of Bethlehem for a full time position with the Albany County Sheriff's Department.

The motion was made by Ms. Burns and seconded by Mr. Plummer to accept the resignation with regret of Kevin Demarest as per-diem

Telecommunicator, effective January 15, 2000. The motion was passed by the following vote:

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

Noes: None.

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The next item was a request from Comptroller, Judith Kehoe, for approval of Final 1999 Budget Transfers. Supervisor Fuller noted there was a meeting held January 29, 1999 where quite a few budget transfers for the end of the year were done. She said this is the final list.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the Final 1999 Budget Transfers as requested by Comptroller, Judith Kehoe, and listed in her Memorandum dated January 7, 2000 and on file with the Town Clerk. The motion was passed by the following vote:

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

Noes: None.

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The next item was to acknowledge receipt of the 1999 Annual Report from Town Historian, Joseph Allgaier. Supervisor Fuller said he has done a superb job. She said he has spent many hours in the Town Hall, noting his mission was the inventory and establishment of a computer data base of artifacts housed in the Town of Bethlehem Historical Association Museum. She said he has served the Town of Bethlehem as Town Historian for the last 10 years. She noted his present salary is \$2,600.

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The following item was to approve the Town Board minutes of November 23 and December 8, 1999.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the Town Board minutes of November 23, 1999 and December 8, 1999. The motion was passed by the following vote:

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

Noes: None.

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Supervisor Fuller asked if anyone wished to address the Board. Mrs. Capone, resident, read a statement regarding the BigArena being constructed and running and everyone loves it. She said it did not cost the Town any money. She thanked the Board for giving an activity center to the community with a group like Mike Mullen. Supervisor Fuller said she has noticed that some of the Town Hall employees are taking lunch hours to go out and skate.

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The Supervisor asked if anyone else wished to address the Board. No one spoke. She thanked everyone for attending.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to meet in Executive Session following the close of the regular Town Board meeting to discuss a personnel matter. The motion was passed by the following vote:

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

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The motion was made by Ms. Burns and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 8:40 p.m. The motion was passed by the following vote:

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

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Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.