

TOWN BOARD
JANUARY 14, 1998

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

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

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Tonight we begin with a public hearing. I will ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

Public
Hearing
amending
vehicle and
traffic
through
streets
Fisher
Boulevard

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 14th day of January, 1998 at 7:30 p.m. to consider Local Law No. 1 of 1998, Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-32, Through Streets as follows:

Fisher Boulevard, is designated through street, add stop sign at Trumpeter Place, east; Swan Place, east; Gullane Drive, east; Fife Drive, east; and Mutterfield Court, west.

Blessing Road, is designated through street, add stop sign at Mosall Drive, west.

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

Add a stop sign at:

Daniel Street, westbound at Caldwell Boulevard;
Caldwell Boulevard, southbound at Trumpeter Place;
Swan Place, northbound at Trumpeter Place; and
Trinity Place, southbound at Beaver Dam Road.

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-36, Parking Prohibited at All Times as follows:

Evelyn Drive, west side from its intersection of Delaware Avenue to the Dead End.

All interested persons and citizens will have an opportunity to be heard at the said hearing.

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

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM

KATHLEEN A. NEWKIRK, CMC
TOWN CLERK

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State of New York)
County of Albany)

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of THE SPOTLIGHT, a weekly

newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 31 day of Dec 1997.

/s/ Mary A. Ahlstrom

Sworn to before me this 6th day of January 1998.

/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 31, 1997, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
6th day of January 1998.
/s/ Catherine T. Picarazzi
Notary Public

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

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SUPERVISOR FULLER: Lieutenant Vanderbilt who has brought these recommendations from the Traffic Safety Committee if you would.

LT. VANDERBILT: There are 3 different locations that we have addressed here tonight in this recommendation to the Town Board. The first relates mostly to the subdivision Fisher Hollow off of Fisher Boulevard in Slingerlands. The map I handed to the Members of the Board just before the meeting started, shows the layout of the streets in Fisher Hollow. There are several intersections that we didn't recommend any control for because they are not as traveled or they don't have the characteristics that the ones that we did recommend have. Basically, Fisher Boulevard, as I stated in my memorandum, was previously declared a through street by the Board and thus, all intersections that intersect with Fisher Boulevard should have stop signs. So, we just need to add to the schedule the new streets that intersect with Fisher Boulevard.

The addition of stop intersections other than those intersecting Fisher Boulevard are those that we deem to be more hazardous intersections where there should be some kind of traffic control placed. We look at all of the intersections in the subdivision and the ones recommended were Daniel Street westbound at Caldwell; Caldwell southbound at Trumpeter; and Swan northbound at Trumpeter. The one in that area that doesn't relate to Fisher Boulevard is Mutterfield Court which is on the opposite side of Fisher Boulevard so you will see it on the lower part of your maps. The lowest highlighted intersection from Cedar Ridge and that had never been adopted by the Board previously whereas the ones in the lower part, Birkdale Court, Hedgerose and the ones in the lower end of Fisher Boulevard had previously been adopted when the original classification of through street was adopted.

So, that are the recommendations relating to Cedar Ridge and Fisher Hollow.

Blessing Road having previously been declared a through street by the Town Board we needed to update the addition of a new street, Mosall Drive which intersects now with Blessing Road and that is presented for your consideration tonight.

Trinity Place is a new road intersecting with Beaver Dam Road in Selkirk. And, Beaver Dam already having been declared a through street, we needed to update the list of intersecting streets to that road.

The last item on my memorandum is Parking Prohibited at All Times on the west side of Evelyn Drive. Evelyn Drive, if you are not familiar with its location, is the first right hand road west of Cherry off of Delaware Avenue right across from the athletic fields at the high school. Consequently, any time there is any large athletic event at the high school fields or some time when there are actually large events indoors at the high school and there is an overflow of cars, that road gets really plugged with vehicular traffic parking. They park on people's lawns, they park next to the fire hydrants, they park on both sides of the roadway. The last time that this occurred I had one of my sergeants actually brought me photographs where the roadway was narrowed to such an extent that you couldn't hardly drive a car down it no less an ambulance or a fire truck. So, the concern we have with Evelyn Drive is emergency services being able to access at any time that roadway. We considered that this might be an inconvenience somewhat to the residents, that is why we only recommended one side of the road for prohibition of parking, that being the side where the fire hydrants are located. The west side is where the fire hydrants are on that particular street.

Any questions from the members of the Board I might answer?

COUNCILMAN DAVIS: Just one question, Dick, because I didn't think about this until now. I know on Brockley, you had signs but parking is not prohibited at all times.

LT. VANDERBILT: Just during school hours.

COUNCILMAN DAVIS: It is just school hours. Is there a reason why you are not being consistent on those 2 parallel streets?

LT. VANDERBILT: Probably because of the distance from the athletic field.

COUNCILMAN DAVIS: I know Brockley is a through street.

LT. VANDERBILT: Most of the problems with Evelyn stem from athletic events and Brockley Drive being farther away from the athletic fields, we haven't seen that problem there.

COUNCILMAN DAVIS: Okay, thank you.

SUPERVISOR FULLER: Are there any questions from the audience?

MR. BURKE: Is there an opportunity to make comments?

SUPERVISOR FULLER: Yes. Well, there is going to be an opportunity to speak in favor or in opposition but if you needed any clarification before hand. Okay.

MR. BERKE: I do have a question. I would like to ask the Lt. Vanderbilt, what is the rationale for not recommending additional traffic control devices at the intersection of Trumpeter and Daniel Street. Daniel Street, east bound and west bound. Do you have a rationale for not recommending that?

LT. VANDERBILT: At Trumpeter and Daniel?

MR. BERKE: Yes. In other words, make that a 3 way stop.

COUNCILMAN DAVIS: There is one now.

LT. VANDERBILT: No, there isn't. There is no intersectional control at that intersection. We looked at the traffic flow patterns that were logical in the area. The traffic flow patterns that we thought would be logical would be for people on the one side of Daniel Street and Trumpeter to be exiting onto New Scotland via either Trumpeter and Fisher or Caldwell Boulevard. We looked at the people on the cul-de-sac of Daniel Street and felt that they would probably access Fisher Boulevard through Gailles Drive and Gullane Drive onto Fisher going either way on Fisher Boulevard. What we try to do is, we try to determine where the logical flow is and we try to determine where the best effects would be gained by putting up traffic control. It is not necessary to have traffic control at every intersection or we would be stopping all the time and we would be hindering the flow of traffic. We have to measure keeping the flow going and we have to measure safety.

MR. BERKE: So, if I am to understand you, you made some assumptions... logical assumptions and you based your recommendations on these logical assumptions.

LT. VANDERBILT: That is true.

MR. BERKE: Thank you.

COUNCILMAN LENHARDT: As a follow-up to that question, there is a dot shown on this map you handed us, that is incorrect, there is no sign there.

LT. VANDERBILT: The map that I gave you, the highlighted ones are the ones we recommended.

COUNCILMAN LENHARDT: Oh, okay.

LT. VANDERBILT: Initially, one of our members drew this map and put dots at other intersections. After discussion with the full committee, the ones that are highlighted are the ones that were on the memorandum are the ones we are recommending for enactment.

COUNCILMAN DAVIS: So, the one at Daniel Street and Trumpeter right at the "t" of the street, there is currently none there and you are not recommending any.

LT. VANDERBILT: There are no stop signs at all in place for this whole development at the present time.

COUNCILMAN DAVIS: Right.

LT. VANDERBILT: We are recommending only the ones that I have highlighted on your maps. The situation, because this is such a new development, is that we have no accident data to base our conclusions on. Thus, we are going with what would appear to be logical traffic flow patterns.

SUPERVISOR FULLER: I assume that you will revisit it if the need shows once you have traffic patterns established out there.

LT. VANDERBILT: Exactly, if we have any indication that there is a problem such as accidents occurring, we will definitely revisit this whole situation.

COUNCILMAN DAVIS: Dick, generally the Traffic Safety Committee acts also when they get recommendations or when they get requests from residents of an area.

LT. VANDERBILT: Yes.

COUNCILMAN DAVIS: How many recommendations or requests did you have from residents in this particular area?

LT. VANDERBILT: I believe we were contacted by 2 people who live in this development regarding traffic control.

SUPERVISOR FULLER: Any other questions? Okay. Anyone wishing to speak in favor? And, you can speak on any of these traffic schedules you have before you. Speaking in favor, only, right now.

ATTORNEY KAPLOWITZ: There is a gentleman in the back.

SUPERVISOR FULLER: Yes.

MR. POWERS: My name is Jack Powers.

COUNCILMAN LENHARDT: Come up to the mike.

SUPERVISOR FULLER: Mr. Powers, can you come up to the mike.

MR. POWERS: My name is Jack Powers and I am a resident of Evelyn Drive and I am highly in favor of the proposal to have some type of parking restriction on that street having been a victim of all the circumstances that the officer presented.

SUPERVISOR FULLER: Okay, thank you.

COUNCILMAN DAVIS: Good to see you, Mr. Powers.

SUPERVISOR FULLER: Anyone else wishing to speak in favor? Okay. Anyone wishing to speak in opposition? If you will come up and give us your name, please.

MRS. BERKE: My name is Sandy Berke. I am a resident of Daniel Street and have lived there for 13 plus years. I called a number of times and spoken at length with Terri Picarazzi and Lt. Vanderbilt and just about everybody that I can voicing concern about a lack of any kind of traffic control at Daniel and the continuation of Daniel or Daniel and Trumpeter. There is a curve on Daniel Street leading to the new development that in my estimation really lack... really causes some problems with visibility. There is excessive speed. My 14 plus years of teaching people that are visually impaired independent travel skills which require assessing safe travel and travel areas to make determinations as to whether these individuals were safe. I don't want to wait until something happens. I am really concerned that there are cars that are coming through the subdivision into the old portion of Daniel Street and they are really moving quickly. You know... people are startled when they come around the curve because they don't expect to see somebody on the street and even though people aren't supposed to be walking on the street. And, we all know that in reality we all walk on the street. We have children that ride their bikes on the street. We walk our pets on the street. I think that this is really potentially hazardous situation and I guess I really plead with you to take that seriously and to look at it. You know, we are there every day. We are out on the street all the time. We see the traffic morning, afternoon and night time and I think we have a really good sense of what's happening and I think it is potentially really hazardous situation. That's....

SUPERVISOR FULLER: Thank you. For clarification, I guess this would be, you are in opposition to Daniel Street westbound at Caldwell and Trumpeter Place from the east, is that...?

MR. BERKE: Well, I think what she... let me clarify it. We are in favor of all of the traffic control devices that the Traffic Safety Committee has recommended.

SUPERVISOR FULLER: And, you would like an additional one.

MR. BERKE: But, in addition, we would like some traffic control... some additional traffic control at the intersection of Trumpeter and Daniel Street.

SUPERVISOR FULLER: Okay.

LT. VANDERBILT: I can clarify for the Board too. I drew this little rough map of the intersection for the Board members. This thing that I drew for you, indicates Daniel Street used to be a cul-de-sac before the new development. As coming from the left, that is why

there is a piece of the road that goes further than the rest and then loops around. That's a part of the old cul-de-sac. The new road turns sharper to the right and continues on around. It is in this area that the Berkes are speaking of, I believe. And, it is actually not an intersection, it is in the middle of one road but it is at a sharp turn there. Mr. Cirillo from the Engineering Department and Mr. Ritz have been over there recently and feel that there may be... they have taken some measurements, I don't know if you saw them over there... they feel that there may be a sight distance problem where they actually have to lower the bank somewhat in one area... in a little small area to provide a better sight distance. But, the traffic control manual for New York State says that you can't place a stop sign in the middle of a street where there is no intersection. And, at this location, there is no intersection. So, the only thing that we can do is enforce speed, if in fact there is a speeding problem there. And, from my officers that I have sent over there, they have failed to come up with anybody that has been speeding more than 3 or 4 miles over the speed limit. I think Mr. Ritz commented to me that the hour he spent over there taking measurements, there was only 1 car passed him in the whole hour they were there in the street taking sightings. So that, I would assume that probably we have a bigger volume in rush hour, evening and morning but during that particular time in the last week or 2, he did not detect any significant volume.

COUNCILMAN LENHARDT: That situation could possibly change as that development builds out.

LT. VANDERBILT: There are more houses to build out, right, however, as I said, the traffic control manual does not allow us to put a stop sign in the middle of a street where there is no intersection.

ATTORNEY KAPLOWITZ: From Daniel into Trumpeter is not an intersection?

LT. VANDERBILT: Daniel at Trumpeter it is but I don't even depict it on my hand drawing.

COUNCILMAN DAVIS: That is the opposite side.

MR. BERKE: When I have an opportunity to speak officially on the record, that's where we are suggesting that traffic control... additional traffic control devices be added. I know, Mr. Kaplowitz is very familiar with that area, his son and daughter-in-law...

ATTORNEY KAPLOWITZ: I have 2 granddaughters on the street.

MR. BERKE: ...live across the street from us.

ATTORNEY KAPLOWITZ: I have 2 granddaughters on the street and that is the reason...

LT. VANDERBILT: Are you suggesting, Mr. Berke, that we place a stop sign on Daniel at Trumpeter.

MR. BERKE: That is correct, in both directions.

LT. VANDERBILT: The problem with that is that there you would be using, in fact the stop sign to control speed which again is against the recommendation of the New York State manual of traffic control devices. It is meant for intersectional control and not for speed control.

MR. BERKE: But, it is a combination of speed plus visibility that causes the problem around the curve in the extension of Daniel Street. And, whether that is contradiction to, you know, what professional traffic engineer would recommend, I think someone who spends any amount of time on the street -- and, I have lived there as long as my wife has -- we, you know, common sense leads one to conclude that by stopping the traffic at the intersection... the traffic on Daniel Street at the intersection of Trumpeter in both directions, would slow the traffic down coming onto old Daniel Street so as to increase the visibility of the driver coming around that curve. That is what I am suggesting. It's... I know that that's not

what the standards would recommend but sometimes common sense has to prevail over what, you know, a traffic standard is and I think my sense for living on the street and observing the traffic coming through the extension of Daniel Street now for well over a year -- the street was broken through last fall -- there are cars that come through that particularly going what would be considered westbound on Daniel Street coming from the new subdivision... the Fisher Hollow subdivision, cars coming in that direction come through that curve at a high rate of speed -- even if it is only 5 miles over the posted speed limit -- if it's 35 miles per hour, the bend in the road is very, very poor... causes very poor visibility and if you are in the street, even for legitimate purposes -- and I am not talking about kids playing in the street -- we have a small pet, I walk that pet at night and when cars come around that curve they are surprised to see me on the edge of the street as I am walking our pet. And, they slow down very quickly. I mean there is just nothing to slow those cars down coming around that bend. I... if you give me a chance, I also have some pictures -- and, a picture is worth a thousand words. I hate to use cliques but...

LT. VANDERBILT: While you are handing out the pictures, if I can mention a couple of things. One, the Board cannot consider that intersection tonight since it wasn't published as part of the public hearing. The second item is I will bring back to our committee your comments and ask them to revisit that intersection in their consideration. And, thirdly, one thing that we did discuss in the Traffic Safety Committee was the possibility of making that corner one way on this leg and one way on this leg. We did not recommend to do that. But, what would your feelings be?

MR. BERKE: I am not sure, I guess I would like to see you walk through that.

LT. VANDERBILT: Make those people that are coming from the new development go to the cul-de-sac side which has a sharper bend so they would have to slow down there and then traffic coming in from Caldwell go on the right hand side.

MR. BERKE: In effect, making the street almost like a divided street around the island.

COUNCILMAN LENHARDT: Like a boulevard.

LT. VANDERBILT: Make it divided around the island.

COUNCILMAN DAVIS: That's interesting.

MR. BERKE: That is a thought. I would like to think about that.

LT. VANDERBILT: Because the new traffic going back out, would have to go slower around that sharper bend in the cul-de-sac.

MRS. BERKE: You know it's nice to have a curve sign. I guess that's not considered a legitimate use of curve sign, as well.

LT. VANDERBILT: Well, see that is not a regulatory type thing. Our people from the Highway Department looked at that and I don't recall what their comment was on that but that wasn't something that we had to consider in a recommendation thing because it wouldn't be placed by Town Board action.

MRS. BERKE: By DOT?

LT. VANDERBILT: It would be through the Town Highway Department, Mr. Sagendorph's office.

SUPERVISOR FULLER: Okay, Mr. Berke.

MR. BERKE: My name is Stuart Berke. I live at 48 Daniel Street and I have lived there for about 13 years. And, I won't go over what we have already discussed because that is redundant but there are 2 issues that I would like to address and perhaps one is not appropriate but I would like to just bring it up for the record. The first one is, my understanding of the plat approval for the Fisher

Hollow subdivision was that that portion which fronted on Fisher Boulevard, the developer was to improve Fisher Boulevard and those infrastructure improvements to Fisher Boulevard was to have included a sidewalk. The Fisher Boulevard has been improved, in fact, it has been landscaped, there have been plantings put in, but to date, I have seen no sidewalk added to the frontage of Fisher Hollow on Fisher Boulevard.

LT. VANDERBILT: That's Gregg Sagendorph.

SUPERVISOR FULLER: Yes, Gregg is here. Do you want to respond to that question.

MR. SAGENDORPH: We plan on building the sidewalk or bike path on the Fisher Hollow side this year.

MR. BERKE: Okay, so that will be done some time in the spring or summer.

MR. SAGENDORPH: It would be during the summer up to about 700 feet from New Scotland Road because we have some right away acquisition to develop. From 700 in from New Scotland to New Scotland Road. We also have some right-of-way acquisition on the Cade property opposite Fisher Hollow that hasn't been completed yet.

MR. BERKE: Okay.

MR. SAGENDORPH: So, I can guarantee you the sidewalk on Fisher Hollow side will go up almost to the property, Liebic property, that is that one house that sits in the back on the Fisher Hollow side.

MR. BERKE: Because I do have documents that indicated that when the Planning Board turned in their negative SEQR declaration part of the understanding was is that Charlew was going to provide additional right-of-way to the Town to put in those sidewalks and I thought it was developer's responsibility to do that. I am now understanding that it is actually the Town that is going to be putting in those sidewalks. Is that not correct?

MR. SAGENDORPH: Yes, that is correct. The developer...

MR. BERKE: That's fine.

MR. SAGENDORPH: ...did give us the right-of-way. We have a 35 foot right-of-way center of road on the Fisher Hollow side, so there is room to put that in.

MR. BERKE: That's great.

MR. SAGENDORPH: They built 800 feet of Fisher Boulevard. We built the rest last year. The sidewalk will be this year.

MR. BERKE: Okay, great. Thank you. Now that that is addressed, let me just go to my visual aids and as I said, a picture is worth a lot of words. Here is my map, and pretty much the same map that you had. The first picture is old Daniel Street, the original part of Daniel Street in Woodside South looking east bound and as you can see from the picture and I will leave that with the Board, I will let you keep that. There is very good visibility looking east bound on what was... what is old Daniel Street.

The second picture is again looking east bound toward the curve that now goes into the Fisher Hollow subdivision. And, you can see that almost at the curve -- and there is no visibility around that curve -- that curve is literally a right hand turn. It is a 90 degree turn and it's a very severe turn. It is not a gradual 90 degree turn, it's an immediate 90 degree turn. It is almost like a right hand turn. That is exhibit 2 and exhibit 3 just to give you a little bit... and as you can see, on the right hand side going down Daniel Street there is a bank. There is a slope so that you can't see around the curve.

Now, we are going to look in the other direction. This is the intersection -- exhibit 4 -- is the intersection of new Daniel Street

and Trumpeter Place. And, that is on Daniel Street looking north bound or what would be considered west bound once you make the curve onto Daniel Street. As you can see, there is no visibility around that curve. So, that is at the intersection of Trumpeter and Daniel Street. There is no visibility around that curve looking north bound. And, that is one of the locations that we are recommending... my wife and I are recommending that the Traffic Safety Committee go back and revisit this issue and consider putting in a traffic control device.

And, then what we have done is moved up in a series of additional pictures in about 50 yards or 25 yard increments so that you can see around the curve. As you go past the intersection and as a car would speed up, you can see that visibility does not demonstrably improve until you get to the... almost to the point where old Daniel Street and new Daniel Street are connected to each other. That is exactly where the original Daniel Street stub ended and now is connected to the extension of new Daniel Street. And, at that point, there you have visibility around the curve and you can... and it's okay to proceed. And, those are the rest of my pictures.

So, with this evidence that I've provided to the Board, I ask that as part of this public hearing that you go back and you ask the Lt. and the Traffic Safety Committee to please revisit this issue. My wife and I and other... we are also representing the opinion of other residents on Daniel Street, perhaps Mr. Kaplowitz can talk to his son and daughter-in-law, our son...

ATTORNEY KAPLOWITZ: They're talking to me right now.

MR. BERKE: Our son plays with his oldest granddaughter and we would ask that... these 2 additional traffic control devices be installed at the intersection of Daniel Street and Trumpeter Place. Thank you.

SUPERVISOR FULLER: Thank you. Is there anyone else wishing to speak in favor?

MRS. CAPONE: How good is the stop sign if you don't have enough police officer to enforce it.

SUPERVISOR FULLER: Thank you, Marie.

COUNCILMAN LENHARDT: Was that a rhetorical question?

ATTORNEY KAPLOWITZ: I am sure it was. Does she get paid as a lobbyist.

SUPERVISOR FULLER: I think she does.

ATTORNEY KAPLOWITZ: Marie, do you get paid as a lobbyist?

SUPERVISOR FULLER: She is comes with the Traffic Safety Committee.

ATTORNEY KAPLOWITZ: You should be getting a lobbyist's salary or something.

SUPERVISOR FULLER: Mr. Berke, I am assuming we can keep these pictures for the Traffic Safety Committee.

MR. BERKE: Sure, they're yours to keep.

SUPERVISOR FULLER: Okay, thank you. On a side note, I have to tell you we have a new reporter with the Spotlight covering the Town and last week I took her out for a quick tour of the Town but pointed out to her some of the areas that she may be hearing about tonight. And, exactly what you are talking about is, as I turned, I thought oh, I had the same feeling that you do that the visibility is not good. So, Lt. Vanderbilt...

LT. VANDERBILT: Appreciate that.

SUPERVISOR FULLER: It's funny, as you're... I don't know if the reporter is here.

TOWN CLERK NEWKIRK: Yes, she is in the back of the room.

SUPERVISOR FULLER: She is my witness. She can say that we have been all through there.

LT. VANDERBILT: As I said, our engineering people are looking into it.

SUPERVISOR FULLER: Okay. Well, it will be back before the Traffic Safety Committee.

LT. VANDERBILT: Yes, ma'am.

SUPERVISOR FULLER: May I have a motion to close the public hearing?

The motion was made by Mr. Johnson and seconded by Mrs. Davis to close the public hearing at 7:58 p.m. The motion was passed by the following date:

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

Noes: None.


Town Clerk

Supervisor Fuller convened the regular meeting following the close of the public hearing.

Supervisor Fuller asked if the Town Board wished to take action on proposed Local Law No. 1 regarding amending the Code of the Town of Bethlehem.

Motion
was passed
Local Law
No. 1 Through
streets
Fisher
Boulevard

The motion was made by Mrs. Davis and seconded by Mrs. Burns to adopt Local Law No. 1 of 1998 Amending the Code of the Town of Bethlehem Chapter 119, Vehicle and Traffic, Section 119-32, Through Streets for Fisher Boulevard, and Blessing Road, Slingerlands; Article 119-33, Stop Intersections for Daniel Street at Caldwell Boulevard, Caldwell Boulevard at Trumpeter Place, Swan Place at Trumpeter Place, Slingerlands and Trinity Place at Beaver Dam Road, Selkirk; Article 119-36, Parking Prohibited at All Times on Evelyn Drive, west side from intersection of Delaware Avenue to Dead End, Delmar. The motion was passed by the following vote:

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

Supervisor Fuller noted the request from Mr. and Mrs. S. Berke be sent back to the Traffic Safety Committee for further review and consideration. Councilman Burns noted she was in agreement to refer this matter back to the Committee. Supervisor Fuller thanked Lt. Vanderbilt and Mrs. and Mrs. Berke.

Appointments
of Bruce
Secor
Commissioner
of Public
Works and
Town
Attorney
Bernard
Kaplowitz

The next two items were the appointments of Town Attorney, Bernard Kaplowitz and Commissioner of Public Works, Bruce Secor. Supervisor Fuller explained these were inadvertently left off of the organizational agenda, however, they were listed by name and their salary was listed. The Town Attorney's term is January 1, 1998 through December 31, 1999 at a salary of \$37,397 as approved at the Organizational Meeting, January 2, 1998. The Commissioner of Public Works term is January 1, 1998 through December 31, 1999 at a salary of \$76,263 as approved at the Organizational Meeting, January 2, 1998.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the appointment of Town Attorney, Bernard Kaplowitz for the term January 1, 1998 through December 31, 1999. The motion was passed by the following vote:

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

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the appointment of Commissioner of Public Works, Bruce Secor for the term January 1, 1998 through December 31, 1999. The motion was passed by the following vote:

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

Supervisor Fuller congratulated Town Attorney, Bernard Kaplowitz and Commissioner of Public Works, Bruce Secor.

Public
Hearing
2/11/98
regarding
Interim
Development
Density
requirements

The next item was a recommendation from Chairman John Flanigan, LUMAC Task Force, for a proposed Local Law amending the Code of the Town of Bethlehem, regarding the Interim Development Density requirements -- Housing Density and Width of Lots. Could advertise January 28, 1998 and hold public hearing 7:30 p.m. on February 11, 1998.

Supervisor Fuller said Mr. Lipnicky, Town Planner and John Flanigan were both in attendance and explained this has been a law on the books since 1989. She said tonight is basically setting a public hearing for February 11, 1998 at 7:30 p.m.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to set a public hearing for February 11, 1998 at 7:30 p.m. to consider a proposed Local Law amending the Code of the Town of Bethlehem regarding the Interim Development Density requirements, Housing Density and Width of Lots. The motion was passed by the following vote:

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

Noes: None.

The next item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of a deed for water easement purposes for premises New Scotland Road, Route 85, Slingerlands, Price Chopper.

Engineering Services request acceptance of deed for water easement for premises Price Chopper

The motion was made by Mrs. Davis and seconded by Mr. Johnson to accept a deed for water easement purposes located at Price Chopper Plaza, New Scotland Road, Route 85, Slingerlands. The motion was passed by the following vote:

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

Noes: None.

The following item was a recommendation from Michael Cirillo, Engineering Services Administrator, for approval of reduction of bonding for Cedar Ridge Subdivision, Sections 2 and 3.

Approval of reduction of bonding for Cedar Ridge Subdivision

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the reduction in bonding for Cedar Ridge Subdivision -- Section 2 reduced from \$27,000 to a new amount of \$18,000 and Section 3 reduced by \$12,000 to a new amount of \$32,000 as recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

Noes: None.

The next item was to acknowledge receipt of recommendation from the Planning Board regarding a mini-warehouse facility at the Vanderpoel property, Glenmont. Supervisor Fuller said the Planning Board has sent a letter to the Town Board regarding its meeting of January 6, 1998. She said the Planning Board discussed the proposal regarding its concept of location in a Planned Commercial District. The Planning Board unanimously recommended to the Town Board that such use is suitable and permissible in the district. She said she was acknowledging receipt of the recommendation and suggested Mr. and Mrs. Vanderpoel speak with Mr. Lipnicky, Town Planner, and proceed with the planning for the facility. She thanked Mr. and Mrs. Vanderpoel for attending the meeting.

Recommendation from Planning Board regarding a mini-warehouse

Supervisor Fuller said information will be provided to Councilman Burns to bring her up-to-date on this item. She said she thinks it was back in December that it was on the Board's agenda and Mrs. and Mrs. Vanderpoel wanted to know if this would be allowed, noting this is zoned appropriately for it. She said the Vanderpoels did not want to get into a lot of the expenses and find out the Town was not interested in allowing this mini-warehouse facility.

Approval
to go to
bid for
Crushed
Stone; Gravel;
Topsoil; Milling
Rental of
Track Excavator;
Rental of
Construction
Equipment;
Guide Rails
and Resolutions

The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval to go to bid for Crushed Stone; Gravel; Topsoil; Milling; Rental of Track Excavator; Rental of Construction Equipment; and Guide Rails. Could advertise January 21, 1998 and open bids February 3 and 4, 1998.

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

WHEREAS, the Town desires to advertise for bids for the purchase of Crushed Stone, pursuant to law,
NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 21st day of January, 1998 and that bids be received up to 3:00 p.m. on the 3rd day of February, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for the purchase of Gravel, pursuant to law,
NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 21st day of January, 1998 and that bids be received up to 3:10 p.m. on the 3rd day of February, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for the purchase of Topsoil, pursuant to law,
NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 21st day of January, 1998 and that bids be received up to 3:20 p.m. on the 3rd day of February, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for the purchase of Milling, pursuant to law,
NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 21st day of January, 1998 and that bids be received up to 3:30 p.m. on the 3rd day of February, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for the purchase of 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 21st day of January, 1998 and that bids be received up to 3:00 p.m. on the 4th day of February, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for the purchase of 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 21st day of January, 1998 and that bids be received up to 3:10 p.m. on the 4th day of February, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for the purchase of Guide Rails, pursuant to law,
NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 21st day of January, 1998 and that bids be received up to 3:30 p.m. on the 4th day of February, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The following item was a request from 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 2, 1998. Supervisor Fuller noted this is a very big day in the community and certainly everyone takes full advantage of it. She said this is to go to bid with other communities.

Highway
Superintendent
to go to bid
Household
Hazardous
Waste Collectio
Day

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve going to bid to perform a Household Hazardous Waste Collection Day on May 2, 1998 in conjunction with the City of Albany, Eastern Rensselaer Solid Waste Management Authority, Montgomery-Otsego-Schoharie Solid Waste Management Authority, Schenectady County, Delaware County and the Town of Colonie. The motion was passed by the following vote:

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

Highway
Superintendent
award bid for
Uniform
Rental

The next item was a request from Gregg Sagendorph, Highway Superintendent, for award of bid for Uniform Rental to the low bidder, Quail Uniform Service of Albany, New York.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the award of bid for Uniforms to Quail Uniform Service, Albany, New York at a cost of Item #1, \$3.22 per employee per week, 61 employees equals \$196.42 per week and Item #2, \$4.90 per employee, 24 employees equals \$117.60. The motion was passed by the following vote:

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

Noes: None.

Highway
Superintendent
award bid of
unleaded
Gasoline and
Diesel Fuel

The following item was a request from Highway Superintendent, Gregg Sagendorph, for award of bid for Unleaded Gasoline and Diesel Fuel to the low bidder, Main Brothers Oil Company, Albany, New York.

The motion was made by Mr. Lenhardt and seconded by Mrs. Burns to approve the award of bid for Unleaded Gasoline and Diesel Fuel to the low bidder, Main Brothers Oil Co., Inc., Albany, New York at grand total price of \$124,762.50. The motion was passed by the following vote:

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

Noes: None.

Highway
Superintendent
award of bid
for fuel oil

The following item was a request from Gregg Sagendorph, Highway Superintendent, for award of bid for Fuel Oil (Heating Oil) to the low bidder, Main Brothers Oil Company, Albany, New York.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the award of bid for Fuel Oil to the low bidder, Main Brothers Oil Company, Albany, New York at a price of \$.5660 per gallon, service at \$48.00 per hour plus 10 percent for parts. The motion was passed by the following vote:

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

Noes: None.

Highway
Superintendent
sign fouryear
contract
extension
between Albany
and Bethlehem
disposal of
solid waste
at Answers
facility

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of the Supervisor to sign a four year contract extension between the City of Albany and the Town of Bethlehem for the disposal of solid waste at the ANSWERS facility and setting of tipping fees. Supervisor Fuller said she received a letter from the City of Albany. Highway Superintendent, Gregg Sagendorph, said the contract with ANSWERS has been in effect since the early 1980s. Supervisor Fuller read the following:

Dear Supervisor Fuller:

The City of Albany recently secured a landfill operation permit from the Department of Environmental Conservation for the wedge which exists between the original Rapp Road facility and the interim landfill which we have been operating since 1991. What this means for all of us in the ANSWERS community is that we will not have to ship trash for the foreseeable future, 4 years at the very least. The stability means that we can be more accurately project our tipping expenses over that period which reflect a reduced cost for all of us.

We therefore propose that our current agreement be amended to provide that the tipping rate for your municipality be reduced as follows:

1998 - \$50 per ton of solid waste
 1999 - \$55 per ton of solid waste
 2000 - \$60 per ton of solid waste
 2001 - \$60 per ton of solid waste

If this proposal is acceptable, please sign your assent below and return it to us. We will then prepare formal amendments to the contract.

Working together we can solve our disposal problems well into the next century.

Sincerely,
 /s/ Vincent J. McArdle, Jr.

- - -

Supervisor Fuller said the last tipping fee for the last year of the contract with Albany had been \$61.52 per ton so this is a reduction in cost. She said basically this is a wash item for the Town of Bethlehem. Mr. Sagendorph said with the exception of what is collected at the transfer station on Rupert Road in South Bethlehem.

Councilman Burns asked Supervisor Fuller if there was a requirement for minimum tonage. Supervisor Fuller said presently there is in the contract and she has already mentioned this to the City of Albany and the fact that we would like to have that eliminated and they said that is not a problem. She further noted, basically, they have not been enforcing the minimum in recent years. She said that would have to be part of the signature going along with this. Supervisor Fuller asked if there were any other questions. There were none.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the Supervisor signing the four year contract extension with the City of Albany for the disposal of solid waste at the ANSWERS facility and setting the tipping fees as follows:

1998 - \$50 per ton of solid waste
 1999 - \$55 per ton of solid waste
 2000 - \$60 per ton of solid waste
 2001 - \$60 per ton of solid waste

The motion was passed by the following vote:

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

The next item was a request from Bruce Secor, Commissioner of Public Works, for award of bid for one (1) Stationary Emergency Power Generator to Southworth-Milton Power Systems, Albany, New York.

Request from
 Public Works
 award bid
 for stationary
 emergency power
 generator

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the award of bid for one (1) Stationary Emergency Power Generator to Southworth-Milton Power Systems, Albany, New York at a price of \$16,950. The motion was passed by the following vote:

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

The next item was a request from Karen Pellettier, Director of Senior Citizens Services, for re-approval of a part time appointment, Bella McCarroll, effective January 1, 1998. Supervisor Fuller noted this appointment was inadvertently left off of the Organizational Agenda on January 2, 1998.

Senior Citizens
 services re-
 approval for
 part-time
 appointment

The motion was made by Mr. Johnson and seconded by Mrs. Burns to approve the reappointment of Bella McCarroll to the position of part

RESOLVED, that the Supervisor of the Town of Bethlehem and the Town Clerk of the Town of Bethlehem be and are hereby authorized to sign the application and submit it to New York State Division for Youth on or prior to January 15, 1998.

The foregoing resolution was presented for adoption by Mr. Lenhardt and was seconded by Mrs. Burns and was duly adopted by the following vote:

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

Noes: None.

Absent: None.

The following item was a recommendation from Supervisor Fuller for appointments to the Traffic Safety Committee.

Appointments to
Traffic Safety
Committee

Supervisor Fuller said Mr. William McGarry and Mr. Walter Eck, Jr. presently are alternating or will be taking turns sitting on the Traffic Safety Committee, noting they represent the fire departments for the Town of Bethlehem. And, the other seat on the Traffic Safety Committee is Mr. Mark Sargent who has been very active with the Pedestrian Safety Committee. She said Mr. Sargent has been attending the meetings and Fran Stevens may attend if Mr. Sargent is unavailable. She said the Pedestrian Safety Committee will have a permanent seat on the Traffic Safety Committee.

Councilman Johnson said this was a minor point, however, he asked that it be designated Mr. Walter Eck, Jr. He said there are 2 of them in Town and he wanted to distinguish which man was to serve.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the appointment of Mr. William McGarry and Mr. Walter Eck, Jr., as well as, Mr. Mark Sargent and Ms. Fran Stevens to the Traffic Safety Committee of the Town of Bethlehem. The motion was passed by the following vote:

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

Noes: None.

The next item was to acknowledge receipt of the negative SEQR declaration and Certificate of Conditional Approval of Final Plat No. 193-CF for the Porter Howard #2 subdivision from the Planning Board for information purposes.

Acknowledge
receipt of
negative SEQR
declaration
Final Plat for
Porter Howard
#2 Subdivision
Final Plat for
Lynnwood II
subdivision

The next item was to acknowledge receipt of Final Plat for the Lynnwood II Subdivision, Jolley Road, Glenmont from the Planning Board for information purposes.

The next item was to approve Town Board minutes of November 25, 1997 as submitted.

Approve Town
Board Minutes
November 25,
1997

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the Town Board minutes of November 25, 1997 as submitted. The motion was passed by the following vote:

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

Noes: None.

Supervisor Fuller asked if anyone wished to address the Board.

Resident Sherwood Davies addressed the Board referring to his attendance at the last meeting. He again provided information regarding his predicted water shortage for the Town. He also

Sherwood Davies
speaks on Water

commented on a FOIL request he had submitted and the fact that he has not received the information. He was now making a request to the Town Board. He said he did receive information from the New York State Health Department. Mr. Davies read from the report and noted the emergency water plan has not been filed with them. Mr. Davies noted this is an important part of the report. Mr. Davies noted he thought the contract with the City of Albany should be renegotiated.

Mr. Davies also mentioned his review of the Albany County Health Department Records with regard to trihalimethanes. He said this is a disinfection by-product. He commented the ozone unit is not in operation at the Clapper Road water plant. He feels the report is disturbing. He believes there is a need for the Town Board to take an overall look at the recommendations that were made by the County Health Department and the State Health Department with regard to ozone, trihalimethanes, emergency planning and let us not be put into a position this summer of having to go to Albany with hat in hand. He thanked the Board.

Supervisor Fuller thanked Mr. Davies and asked Mr. Secor to comment. Mr. Secor noted a number of points raised are misrepresentations of the facts. He said the water conservation plan had been submitted which DEC required, the safety plan was submitted to the Federal Government as required, and an emergency plan was submitted which he thought met the requirements of the 1990 law, however, the Health Department returned it and said the book had to be a fatter, bigger book. He said they hired C.T. Male and the draft plan is on his desk being reviewed. It will be done within a few weeks. Mr. Secor noted he has many plans upstairs but it seems there is another government entity writing another rule every once in a while and we are trying to comply.

Mr. Secor said the thm standard is there and we meet the standard. He said Mr. Davies is again trying to prove that down is up. He said we are under the standard and always have been. Mr. Secor said the idea of testing is to test points throughout the distribution system. He said 3 of the points are at the end of the system at Selkirk Cogen, the car carrier and there is one on Clapper Road which was picked up after a new customer was picked up. He said there are a very limited number of customers on the system.

Mr. Secor said as far as the FOIL request, he thinks Mr. Davies is in once a week, sometimes twice a week, asking for one thing or another and he does not have the staff available to respond every day to Mr. Davies. He said he has tried to respond.

Mr. Secor said the last request was for all laboratory requests from 1995 to date. That is a tremendous amount of work to pull out, according to Mr. Secor, noting he does not have the staff time for it now. He noted in the past he has written back to Mr. Davies and indicated it will be obtained as soon as staff time is available. He said right now the tax bills and water bills are being done. He said he knew Mr. Davies went down to the State and requested the exact same information from them. He said they have provided Mr. Davies with almost all of the data on previous occasions. He said he has piled up records 2 feet thick, indicating Mr. Davies goes through them, does not take copies and then 2 years later comes back and asks for the same information over again. Mr. Secor said he will get the records out again and bring them forward. He said he is not withholding anything.

Mr. Secor noted the monthly reports are on file with the Town Clerk's office so they are readily available. He said a majority of all the test information that is taken is attached right to the reports. Mr. Secor said Mr. Davies has had access to those right along. He said he is dealing with this situation the best he can and continue to serve the other 28,000 customers.

Mr. Secor said the ozone system is operable. He said the operator training has been done. He further noted the New York State Health Department and the County Health Department have stated in written letters and in response directly to Mr. Davies -- who has copies of the letters -- that the ozone system which they recommended we include with the system is an alternative oxidant that

is available for our use if needed. He said we do not need it. He noted we are meeting all the standards. He said the ozone system is very expensive to operate. He said we have chosen not to do that and it has kept us within our budget. He said there is no reason to turn it on. Mr. Secor said he has offered to the State Health Department -- since they required that we build the ozone system -- if they want to come down and run experiments, he has offered to allow this as long as they pay the electrical costs and pay for the cost of the samples. Supervisor Fuller noted it was part of the cost overrun. Mr. Secor said it was and it was forced upon us by the State Health Department and then they turned around and said we really did not need it when it got to the public hearing. Mr. Secor said to put the cost on the taxpayers of the Town of Bethlehem for no particular good reason, is not something he thinks we should do. He said he has not recommended it and in written responses to a number of letters by Mr. Davies and Mr. Kelleher, the State and County Health Departments and the Federal EPA have repeatedly stated that we are meeting all water quality standards.

Supervisor Fuller asked if anyone else would like to address the Board. Mrs. Capone said Governor Pataki was interviewed from Watertown and he congratulated the people because they had a problem and took action immediately. She said the people did not stop to analyze the situation. She thought he was talking about Bruce Secor. She said Mr. Secor went and got the Corps of Engineers when we had a problem. She said he did not form a committee. She said maybe it is the way they think in the 1990s. She said we have 2 old State workers that have a vendetta against Mr. Secor and have 1940 education and it is about time that they stopped. Supervisor Fuller thanked Mrs. Capone.

Mrs. Capone
addressed the
board

Mr. Davies said he would be very happy and he will provide each of the Board Members with what was said backed up with the letters that have been written by the State and County Health Department regarding the water system.

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Supervisor Fuller asked if there was anyone else who wished to address the Board. Mr. Robert Samsel of Selkirk said he would like the Town Board to make an effort to get either Price Chopper or Hannaford to locate down in the Selkirk area. He said there is lots of room there, very nice having Price Chopper at the other end of the Town but it didn't do much for the residents in the Selkirk area and we got a lot right in between the old Grand Union in Glenmont and Ravena. Supervisor Fuller said he was absolutely correct. Mr. Samsel said they would like a little competition there. He said there are so many hundred acre plots down there that have been up for sale for the past 20 years. He said we want to get business in Town, that is a good business to have and he doubts that they will have 1/10 of the opposition down there that they have up here. Supervisor Fuller said they have suggested Hannaford look in the southern end of Town. She said Price Chopper wanted this site indicating it had taken 32 years to get it. She said there is no changing minds when it comes to locations. Mr. Samsel said he is not expecting it in his life time but he would like to see it. Attorney Kaplowitz said 20 years ago Tom Corrigan walked some of the land down there with the Hannaford people and the Price Chopper people trying to interest them and they both said their market studies say there just is not enough population and they would not do it.

Mr. Samsel would
like to see
Price Chopper
or Hannaford
in Selkirk

Supervisor Fuller asked if anyone else wished to address the Board. Resident Karen Houseknecht asked when the report from O'Brien and Gere was going to be coming. Supervisor Fuller said hopefully soon, noting they keep waiting and waiting.

Karen Houseknecht
asked about
the report
from O'Brien
and Gere

- - -

Supervisor Fuller asked if there were any comments from the Board. There were none.

Adjourn
Town Board
Meeting

The motion was made by Mrs. Davis and seconded by Mr. Johnson to adjourn the regular Town Board meeting at 8:30 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk