

TOWN BOARD
JULY 24, 2002

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: George Lenhardt, Deputy Supervisor
Doris M. Davis, Councilman
Daniel G. Plummer, Councilman
Thomas Marcelle, Councilman
Kathleen A. Newkirk, Town Clerk
Robert J. Alessi, Esq., Town Attorney
ABSENT: Sheila Fuller, Supervisor

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DEPUTY SUPERVISOR LENHARDT: Good evening and welcome to a meeting of the Bethlehem Town Board. Please join me in the pledge of allegiance to the flag. For those that do not know, Supervisor Fuller is on vacation this evening.

The first item on tonight's agenda is a public hearing to consider proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, to repeal yield signs on Oldox Road at the intersection of Paxwood Road, Delmar and add stop signs on Oldox Road at Paxwood Road and Paxwood Road at Oldox Road, Delmar. I ask the clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 24th day of July, 2002 at 7:30 p.m. to consider a proposed Local Law Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-11, Schedule VIII, Yield Intersections as follows:

REPEAL: Yield signs on Oldox Road at intersection of Paxwood Road, Delmar
And

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-10, Schedule VII, Stop Intersections as follows:

ADD: Stop signs on Oldox Road at its intersection with Paxwood Road; and
Stop signs on Paxwood Road at its intersection with Oldox Road.

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 Nan Lanahan at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, CMC,RMC
TOWN CLERK

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State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for 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 10th day of July 2002.

/s/ Elizabeth Bradt

Sworn to before me this 10th day of July 2002.

/s/ Sharon A. Doldo

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 July 11, 2002, 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
11th day of July 2002.

/s/ Julie S. McNeil
Notary Public

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The motion was made by Mrs. Davis and seconded by Mr. Plummer 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: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.
Absent: Mrs. Fuller.

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DEPUTY SUPERVISOR LENHARDT: At this point, I'd ask Mark Sargent from Creighton Manning to step to the mike and present his determination regarding this particular request.

MR. SARGENT: Thank you. Shall I speak into the microphone?

MR. LENHARDT: Please.

MR. SARGENT: Just for those... for the benefit of those who aren't familiar with Creighton Manning Engineering and actually Board Members also, this is our first opportunity to be in front of the Board. We've never actually worked with the Town Board before. We were hired in the spring to look at a number of different locations throughout the Town. Creighton Manning Engineering is a local traffic engineering and highway design firm. We actually used to be located right in Delmar but we recently moved out to the Wolf Road area. We employ about 25 people. We're staffed with professional engineers and land surveyors. Personally, I'm a professional engineer and been doing this type of work for about 17 years. So, that's just a little background on our company.

COUNCILMAN DAVIS: And, you're a resident of the Town.

MR. SARGENT: Yes and I do live near a couple of these locations. Let's see, anyway, so when we're asked to look at this particular location, one of the first things we do is try to follow the Manual of Uniform Traffic Control Devices and most of the time it is pretty straight forward and obvious where you should assign the right-of-way at a given intersection. But, in some instances, where we look for unusual conditions, that might indicate that something out of the ordinary is more appropriate and certainly, the Oldox Road/Paxwood Road pair of intersections is very unusual. It is at the intersection of a reverse curve on both alignments. Motorists slow down as they're traveling through there. It's fairly confusing, the sight distances are limited. The traffic volumes are fairly well balanced on all the approaches and because of the number of... I guess, what we would call unusual conditions, we came up with a couple of alternatives there. 1. Is the one on the agenda tonight which is to remove the 2 existing yield signs and replace them with

stop signs and then add 2 additional yield signs... excuse me, stop signs on the other approaches. And, basically our rationale for that is just because of the limited sight distances and the unusual conditions in the area. So, that's our recommendation at this point. Thank you.

DEPUTY SUPERVISOR LENHARDT: Members of the Board have any questions?

COUNCILMAN DAVIS: Not a question but just a statement. I think that also one of the issues there is a row of shrubs that creates a major sight problem at least coming from one side of Oldox.

MR. SARGENT: Right, on the more northeast bound approach, correct. And, actually I don't have the table right in front of me but from several of the approaches the visibility is less than 200 feet and that begins to get into the critical range of poor visibility. And, we either need to go out there and trim and clear which could get into private property... we didn't investigate exactly where the property lines are... or the major issue before the Town now all way stop....

DEPUTY SUPERVISOR LENHARDT: Okay. This is a public hearing. I ask anyone who wishes to ask questions or make a statement for or opposed to the proposal, step to the microphone and identify yourself please.

MRS. CAPONE: In August of 1987, Bob Hendrick formed a Traffic Safety Committee. If everything was fine, the Town Board took credit for it. If there was something wrong, they blame it on the Traffic Safety. We lived like that til 2 years ago when Mrs. Fuller terminated the Committee. We were 6 members on it. Nobody was paid a thing. Mark was a member, he was not paid for it. It was a very efficient Committee. We did not like to have a stop sign at the intersection. If the road is that bad, people are not going to speed on it but there is a new house that was built on the corner there, so we understand that. But, it was not recommended and if there was a problem with people bitching against one another, we sent Billy Eck who was the Chairman. He is very good at negotiating with neighbors. We never had any problem. Bruce Secor at the end of it, came to our Committee. It was a very, very, very efficient Committee. We did not recognize these stop signs.

DEPUTY SUPERVISOR LENHARDT: Thank you, Marie.

MR. HANOFIN: Evening, Members of the Town Board. My name is Chris Hanofin and I live at 37 Paxwood Road in Delmar. I'm one of the houses that have the privilege to be on the corner of the intersection and probably the main instigator of the effort to have the stop signs. So, first I'd like to give my heart felt thanks to all of you for considering the proposal. I'd like to thank Mr. Sargent and Creighton Manning for doing the work and then analyzing the needs. And, as the report shows, there is a safety concern at the intersection that does require some remediation.

You have 2 options in front of you. I think the superior one and all but one of the neighbors in the entire neighborhood think that the superior option is to have 4 stop signs placed at the intersection for several reasons. 1. As you heard, sight distance are very poor from all approaches. 2. The traffic volume which the report may or may not indicate. It is a heavily trafficked intersection compared to other intersections in the Town. And, if you look at the report, you'll see that the times were not necessarily at the peak commuting distances. People that work in Albany tend to leave between 8:15 and 8:30 to get to Albany at a convenient time. The traffic times, I believe, were over 7:45 to 8:15 I believe. So, that may not have captured all of the peak traffic times and that may have increased a bit more. But, that's my own... that's my own anecdotal evidence, it's not necessarily a study that I performed.

I also have before me and if I can approach the Board Members, with a copy of a petition we have from all of the members of the neighborhood, if I may. (He

distributed copies to the Board Members and Town Clerk)

MRS. CAPONE: George, was the traffic counter put there?

DEPUTY SUPERVISOR LENHARDT: Just a minute, Marie, Mr. Hanofin has the floor.

MR. HANOFIN: Now, I personally drafted the petition and brought a copy of the engineering report to all of the neighbors whose signature you see there. I fully briefed them as to the engineer's recommendations. I tried to present it in a very matter of fact objective position and also in terms of what the neighbors have expressed to me in the past. Most of the neighbors have said it has been a problem which is why in July of 2001 I wrote the letter to begin with because in speaking with the neighbors, I tend to try to get to know the neighbors and, you know, have good communication and we had talked about how traffic concerns in the neighborhood... this isn't a case of neighbors just complaining and coming before you to take up items for your time. It's a demonstrated need.

In fact, there was a previous effort, I believe, either in the mid 80s or the early 90s where a family with young children had sought to have stop signs placed here and for whatever reason the study wasn't done at that time and stop signs weren't put up. But, in this instance a study, scientific study was done by the engineering firm. They did determine that the sight distances were poor, the traffic counts were high, pedestrian behavior requires some type of remediation particularly on Paxwood Road. Currently there is 2 yield signs on Oldox... on the Oldox intersections as they connect with Paxwood which I believe go east to west. But, there is no traffic control on Paxwood which I contend is the most problematic because it's the largest expanse. It's the most difficult for sight distance. So, it's the most problematic for drivers to see and typically that's the highest speeds as they go along Paxwood, both approaching the intersection and then going down the hill on the other side of the intersection. I think the hill also complicates it.

So, I leave you with the petition. Every neighbor has asked that 4 stop signs be erected except for 1 who has asked that 2 stop signs be placed on Oldox and 2 yield signs be placed on Paxwood. And, Mr. King is here this evening. He'll present his case but he is the one who has recommended. I know have Mr. Pizzitola who would also speak in support of the effort, if he would like to. So, thank you very much for your time and I appreciate your consideration.

MR. PIZZITOLA: My name is Anthony Pizzitola and I concur with the remarks made by Mr. Hanofin. I live on Bennett and Paxwood Road. It's known as the speedway. So, I do concur in that situation with the stop signs. Thank you.

COUCILMAN MARCELLE: Thank you.

DEPUTY SUPERVISOR LENHARDT: Thank you.

MR. KING: Hello. My name is Jerod King and I am the son of the resident of 22 Paxwood Road and that would be one of the houses that is on that intersection itself. And, I first wanted to thank and commend Mr. Hanofin for actually bringing this to the Board's attention. This took a lot of effort on his part and there's no question that this is a safety concern and there should be some kind of remediation.

The only question seems to me is what sort of remediation should be done. There are many... in fact I read news articles about efforts by residents in California to attempt to put speed bumps or stop signs to impede traffic because of a desire to have their... have more pedestrian traffic or to have more space for their children, etc. Sometimes these are... there are lawsuits associated with this because people are using shortcuts through neighborhoods because they want to get to work.

There is... if I understand correctly, there is actually a code or some sort of regulation put out by the Department of Transportation about traffic rules and

regulations. And, those exist for basically consistency so that a stop sign is a stop sign regardless of where you go in the country a red light means the same thing. And, also that basically you don't get a balkanized situation where traffic is impeded because everyone wants safety in their own backyard and that if you wanted to go from point 'a' to point 'b' it could take you 2 hours because of every little stop sign or something to that effect.

New York State from reading that report that you have before you, it seems has actually codified much of this and it was cited in the report that traffic devices should only be located in a situation where safety is the issue. It is not for speed control. I happen to agree that safety is the issue here so I do think that there should be some sort of remediation. I do think we should keep that in context. That we should be trying to do the absolute minimum that's necessary to actually provide for safety at this intersection.

That being said, I've looked at this. I've actually measured the distance and I've actually both walked and driven it since I talked to Chris about it and I believe, contrary to what I put on the petition because I've thought about this more and looked at this more, that option 2 of your report that the engineers have put forward is the better option. If you put 4... a 4 way stop in place, first of all is you see the diagram of that report, you'll see that it's a very extended 'x'. It is extended because it is crossing over a tributary to the Dowerskill. So, you had to actually have like a little bridge over the stream. The... there is like a hard part of that 'x' and a shallow part of the 'x'. The hard part of that 'x' is one road is Paxwood and one road is Oldox. There's absolutely no question that the people on Oldox... or on Paxwood cannot see each other. So, it seems to me you definitely want stops where there is one yield and where there is no traffic control. The question is what do you do on that shallow part of the 'x'. And, 4 way stops have the problem in that most people don't know the traffic rules associated with 4 way stops so that you have the problem where people come to the intersection and they don't realize that the person that is actually at the intersection first has right-of-way over relative someone, who let's say, is on the right who came a second later or somebody who was waiting in a line of, let's say 3 cars, before the other car came to the intersection and that person who is actually at the intersection has right-of-way over car number 2 or car number 3. That can be problematic in terms of right-of-way and things like that. The problem with yield as I thought of is the fact that a yield means yield to other traffic. That's confusing and, indeed, what the traffic engineer says there should be no yield on that situation. It's either you declare a right-of-way and you put stops or you do a 4 way stop.

If that's the case, then it seems to me on that shallow 'x' there should either be a slow sign of limited sight distance or really... I'm not even sure there's really anything that is necessary there but there is definitely one improvement that needs to be made and that is some of that shrubbery that's on that shallow 'x' which is blocking that distance, needs to be cut back. I mean, you have to ask yourself, why did they even put this intersection in place without any kind of traffic control originally if it was such a dangerous traffic intersection. The truth of the matter is that the people in the Town, your predecessors weren't dumb but rather is the fact that this... I think it's a fur tree... that is on Mr. Sornelli's property has gotten in 29 years kind of big and it's now blocking the distance. And, there are also some bushes which actually... may actually be on my mother's property which I would be glad to cut back so that won't be a problem. And, then obviously we can talk to Mr. Sornelli about that and I think that is something we should do regardless of whether the Town does it or we as a community does it. I think as a neighborhood we should do that to make it a little bit safer. But, if those are cut back, I think the sight distance is adequate, although I do believe it is smaller than what the traffic law calls for. I don't think there's a problem with sight distance from the shallow end. Where the problem is is on that hard 'x' whether you are on Oldox going around this way or on Paxwood going around that way, you literally do not see the other side. At any intersection, you should always be able to see what's going on at all intersections because you never know who's coming the other way all right so...

Anyway, that's just the way I would accomplish it because you don't want unnecessary traffic control and second of all, you don't want a situation where you have a difficulty in people either not knowing traffic rules associated with 4 way stops or you're at an extended distance where it's hard to see the other driver and to say well, do you want to go or do you want to go, that sort of thing. So, I think, that's the better option and in terms of... but I do want to leave you with is the fact that I think something should be done here and at a minimum there should be 2 stop signs. One where a yield sign is currently and another where there is no traffic control on that Paxwood side and if you put the 2 stops there, then you're going to want to pull the yield off of the Oldox and make that the more clear right-of-way, which I think it is regardless of what is Paxwood and what is Oldox. Thank you very much.

DEPUTY SUPERVISOR LENHARDT: Thank you.

MRS. CAPONE: There is no counter... no counter were put on the road there, so you cannot see how many traffic... how much traffic they have. The traffic law that he referred to was written by Charlie Herr who was a member of our committee that did that for the State of New York. Mr. Heffernan is the one who built a house at that corner. There is no 4 way traffic at the corner of Roweland and Adams that gets a heck of a lot more traffic than that. My neighbor who is an attorney down the street told me that there's so many signs in this Town nobody looks at it any more. There's something to it. And, if you put all these signs, do you have the police to enforce this? It's a false sense of security if nobody enforces it. Thank you.

DEPUTY SUPERVISOR LENHARDT: Mr. Hanifan.

MR. HANIFAN: They always say to have the last word so, I'm going to try and do that. I just point you to the engineers recommendation section 4.0 on page 3 of 3 of the report to Mr. Sagendorph. It says that option 1 is recommended because it is equally as valid, has fewer impacts and fewer maintenance issues which is something that you will be confronted with later on down the road. It says the intersection should be monitored by reviewing accident data and/or potential driver impacts.

So, in the future if it is determined that only 3 stop signs are necessary as Mr. King suggests, then that can be an action of the future instead of 4 stop signs. I concur with the engineer for 4 stop signs. Not a 4 way stop but 4 stop signs and that's listed on paragraph 2 of option 1 where it says 'as discussed the area is actually too closely spaced intersections and the overlap section with remain uncontrolled. The installation of 2 additional stop signs will mitigate the substandard sight distances from the Oldox approaches. Stop line pavement markings should also be installed'. So, I think you have an expert recommendation and an overwhelming majority of the neighborhood that fully support a 4 way or excuse me a 4 stop signs at the intersection.

So, I urge you and respectfully request that you adopt the recommendation of the engineer and of the neighborhood. With respect to Mr. King, I am sympathetic to his arguments because I too am always for less government but in this instance it is a safety issue. And, I do think, that 4 stop signs will be the appropriate remedy. Thank you very much.

MRS. CAPONE: The gentleman complain about shrub in the neighborhood there...

DEPUTY SUPERVISOR LENHARDT: Can you come to the microphone, Marie?

MRS. CAPONE: The gentleman complain about shrub in the neighborhood. I have lived through that. The previous Town attorney told the people that if they don't take it down, if there's an accident at that corner, they would be responsible for it. There was action. It was a fence at the corner of Borthwick and Kenwood.

MR. KING: Jerry King. I want to just clarify, I didn't ask for 3 stop signs, I said what I thought would be the actual engineers report was 2 stops and take away that yield so that you have a clear right-of-way on the Oldox and Paxwood side.

The second thing is just what I guess Marie mentioned and it made me think of something a quotation from Winston Churchill which is 'if you create... if you increase taxes to a burdensome level, you create a black market. If you increase regulations beyond a certain level you create a citizenry that has no respect for the law'. Insofar as you put on more traffic rules, etc., or traffic devices, you get a situation where people start to ignore them and not take them as seriously in terms of when you really do have one. And, I think there is a problem in terms of people not adhering to traffic rules and regulations. Indeed, even driving here today, I was confronted with 3 bicyclists all side-by-side, riding in the middle of the road and I politely honked my horn and they looked at me and laughed as opposed to get into single file on the right side of the road. So, unfortunately we can't legislate good sense but thank you.

DEPUTY SUPERVISOR LENHARDT: Is there anyone else in the audience who wishes to speak? I'll entertain a motion to close the hearing.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to close the regular meeting of the Board at 7:55 p.m. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Marcelle, Mr. Plummer.

Noes None.

Absent: Mrs. Fuller.

Town Clerk

Deputy Supervisor Lenhardt convened the regular Town Board meeting following the close of the public hearing and asked the Board if they wished to take action on the previous public hearing.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the adoption of Local Law No. 4 of 2002, amending the Code of the Town of Bethlehem as follows:

REPEAL: Yield signs on Oldox Road at intersection of Paxwood Road, Delmar
And

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-10, Schedule VII, Stop Intersections as follows:

ADD: Stop signs on Oldox Road at its intersection with Paxwood Road; and
Stop signs on Paxwood Road at its intersection with Oldox Road.

The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer.

Noes: Mr. Marcelle.

Absent: Mrs. Fuller.

Mr. Marcelle noted he believed the 2 stop sign proposition was more efficient.

Hearing Began: 7:45 p.m.

DEPUTY SUPERVISOR LENHARDT: Okay. The next public hearing is to

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

consider proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and traffic to add stop signs on Village Drive at Longwood Drive and Tierney Drive at Village Drive, Delmar. I ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 24th day of July, 2002 at 7:45 p.m. to consider a proposed Local Law Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-10, Schedule VII, Stop Intersections as follows:

ADD: Stop sign on Village Drive at its intersection with Longwood Drive; and

Stop signs on Tierney Drive at its intersection with Village Drive.

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 Nan Lanahan at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, CMC,RMC
TOWN CLERK

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State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for 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 10th day of July 2002.

/s/ Elizabeth Bradt

Sworn to before me this 10th day of July 2002.

/s/ Sharon A. Doldo

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 July 11, 2002, 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
11th day of July 2002.

/s/ Julie S. McNeil

Notary Public

- - -

The motion was made by Mr. Plummer and seconded by Mrs. Davis to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

Noes: None.
Absent: Mrs. Fuller.

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DEPUTY SUPERVISOR LENHARDT: Mr. Sargent, you step to the mike and... This is Mr. Sargent from Creighton Manning Associates. He's an engineer that developed the proposal in front of us this evening.

MR. SARGENT: Thank you. This intersection actually was pretty straight forward. We visited the site on a couple locations, took some measurements, counted some vehicles and observed the operations. We also documented the amount of cut through traffic in the area. That was one of the issues raised in the initial request letter. I don't remember the resident who wrote the letter but there was concern that traffic is cutting through from Delaware Avenue to Elm Avenue along Village and Tierney and that this intersection located at about the mid point could use an all way stop condition.

After observing the intersections for a while, it was pretty obvious that that is a very reasonable recommendation at that location. The geometry is atypical. It's a 'y' shape. Many motorists were observed coming to nearly a complete stop on the uncontrolled approaches. There is confusion at the intersection currently. The sight distance on the controlled approach is actually substandard. We... I mentioned that we had documented the amount of cut through traffic. We only observed about 10 percent of vehicles at that intersection were actually passing through the neighborhood. So, not a significant amount of traffic but there are a number of reasons why all way stop control at this intersection makes a lot of sense. So, that was the recommendation of our study.

DEPUTY SUPERVISOR LENHARDT: Thank you. Are there any questions from the Board? This is a public hearing. I would... anyone wishing to speak in favor or opposed to the proposal or who have questions please step to the mike and identify yourself.

MR. MAOLER: Good evening. My name is Bryan Maoler. I'm a new resident to the Town of Bethlehem. We've been here about 2 years now, almost 2 years, and very pleased we moved here. We enjoy the Town very much.

I'm a resident and live actually right on this corner and I may have been one of the residents that had requested this analysis. So, first of all, I'd like to thank the engineers, the Police Department and, of course, the Town Board for considering this. I think there are 3 reasons to support what the engineers have already said about this corner.

1. The first is it's very confusing. The traffic going on Tierney toward Longwood doesn't know whether it should stop. Traffic coming south on Village towards Tierney doesn't know whether it should stop. So, you've got the perfect location for some great collisions which if we haven't had them already, I'm sure are pending.
2. The second thing is it happens to be the location for the middle school bus stop on... in the mornings and on that particular corner where the school bus stops -- and they happen to stop right on the corner -- you get about 10 or 12 middle school children at 8 o'clock in the morning with traffic coming through that intersection not sure whether they should be stopping or slowing down and so on. So, that's the second reason.
3. The third reason, as the engineer mentioned, there is, I think, a fair amount of cut through traffic from 32 to Delaware that's trying to avoid the traffic light on Elm Street. So, with those 3 reasons for the safety factors involved, I think it's... more stop signs there or 2 stop signs there would be very beneficial and I appreciate the Town Board considering this... this safety measure. Thank you.

DEPUTY SUPERVISOR LENHARDT: Thank you, sir. Is there anyone else who wishes to speak? I'll entertain motion... Oh, I'm sorry. I'll entertain a motion to close the public hearing.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to close the public hearing at 8:03 p.m. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

Town Clerk

Deputy Supervisor Lenhardt reconvened the regular Town Board meeting following the close of the public hearing. He asked if the Board wished to take action on the previous public hearing.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the adoption of Local Law No. 5 of 2002, amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-10, Schedule VII, Stop Intersections as follows:

ADD: Stop sign on Village Drive at its intersection with Longwood Drive;
and
Stop signs on Tierney Drive at its intersection with Village Drive.

The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer.

Noes: Mr. Marcelle.

Absent: Mrs. Fuller.

Hearing began: 8:00 p.m.

DEPUTY SUPERVISOR LENHARDT: Right on schedule again. The third public hearing this evening is to consider proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, to add stops signs on Hague Boulevard at Guildler Lane; Guildler Lane at Hague Boulevard; Windmill Drive East at Hague Boulevard; and Holland Court at Bernard Place, Glenmont. Ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 24th day of July, 2002 at 7:45 p.m. to consider a proposed Local Law Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-10, Schedule VII, Stop Intersections as follows:

ADD: Stop signs on Hague Boulevard at its intersection with Guildler Lane;
Stop sign on Guildler Lane at its intersection with Hague Boulevard;
Stop sign on Windmill Drive (east) at its intersection with Hague Boulevard; and
Stop sign on Holland Court at its intersection with Bernard Place.

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

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

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

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, CMC,RMC
TOWN CLERK

- - -

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for 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 10th day of July 2002.

/s/ Elizabeth Bradt

Sworn to before me this 10th day of July 2002.

/s/ Sharon A. Doldo

Notary Public, Albany County

- - -

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on July 11, 2002, 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
11th day of July 2002.

/s/ Julie S. McNeil

Notary Public

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The motion was made by Mrs. Davis and seconded by Mr. Plummer 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: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Fuller.

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DEPUTY SUPERVISOR LENHARDT: Mr. Sargent, would you please present your proposal. Once again for those who may have just arrived, this is Mr. Sargent from Creighton Manning Associates. He is the engineer who is making this proposal.

MR. SARGENT: Thank you. In the Dowerskill Village area we were asked to look at 3 separate intersections. The requests had been made for all way stop control at each of the 3 intersections. We did short term traffic counts at the intersections. Measured sight distances and as I mentioned about a half an hour ago, what we're really looking for to make our determination is some unusual condition at the intersection, absent anything unusual, it's pretty straight forward where... which approach should normally be controlled. Within this area, 2 of the intersections didn't present anything substantially unusual – that would be the Windmill Drive easterly intersection with Hague Boulevard and also the Holland

Court/Bernard Place, I believe, intersection. So, on each of those or at each of those intersections, we're just recommending a stop sign on the side street approach to the major street.

At the third intersection which is Guilder and Hague Boulevard, it is our recommendation that an all way stop be installed there. It's really the presence of the small park area opposite Guilder along with the high travel speeds in the area and the fact that Hague Boulevard is on a fairly long uninterrupted segment distance in that area. And, for those reasons, we're recommending an all way stop at that one location.

DEPUTY SUPERVISOR LENHARDT: Does the Board have any questions? Once again this is a public hearing. If you have any questions or statements either for or opposed to this proposal, please step to the mike and identify yourself.

MR. FIESINGER: Good evening. I'm Tom Fiesinger. I'm President of the Village Square Homeowners Association. For those that might not know, with our Homeowners Association that operates the recreation facilities. Anybody that buys property in the... it's called the original Dowerskill Section 1, is a member automatically and gets to pay a sustenance whether they happen to swim or not and so we're concerned about the interaction between the pedestrians that use those facilities, not just the pool, but basketball, tennis courts and the field out there. And the traffic that we've seen over the years has kind of been lulled into thinking that it's a country road, it's a nice long stretch and coming down from 9W is almost like a 4 lane highway and you kind of get the wrong idea that you are out in the country until you are right on top of that rec center. In the past the Town has been very cooperative in putting up some speed limit signs and some look out for the children or whatever they call them now signs but we still have that problem. So, we called, I think it was the Pedestrian Safety Committee little over a year ago, asked them what their opinion was and they suggested we do a petition which we did and I was surprised that we got such a large response in favor of the 3 way stops at 3 intersections. Over a majority of both the original section 1 association members and of the new residents in the section 2 area... more than half were for that.

I can speak for our Village Square Homeowners Association Board which reviewed the recommendation of the consultant although it wasn't everything that we originally had sought, the Board unanimously approved the recommendation as a good first step and we're willing to watch along with the Town and the Police Department... see how well that works. I think it does address the major concern we have which is doing something out in front of that rec facility.

I also took a look at that manual that Mark talked about. There are 3... in the description of it there are 3 types of categories in that Federal Highway Manual that they set. They have standards, so for stop signs, all stop signs in the country have to be red. Can't have a green stop sign in one town and a red in another and it confuse people. Then they have guidance about what things should be done under normal circumstances that he was discussing. They might talk about the number of vehicle trips or what... which road at an intersection might get stop sign and which might not but those are not requirements, they're guidance and, of course, no one wants the Federal government coming into every town and telling them where they should put in their stop signs. So, they leave that guidance and flexibility up to local communities. Then they have something that's even less than guidance, called options. And, one of those 4 stop signs is to consider vehicle and pedestrian conflicts which we're glad that the engineering company did look at the guidance and also look at the specific situation and not just rely on what... sort of the standard procedures are.

And, hopefully, the Town will see fit to approve these tonight so we can have the advantage of having them in. I guess they can go in pretty quick once you approve them and have better protection for the rest of the summer. Thank you.

DEPUTY SUPERVISOR LENHARDT: Anyone else? Entertain a motion to

close... oh, I'm sorry.

MR. TIBERIA: Hello. My name is Joseph Tiberia. I'm a member of the Dowerskill Village Homeowners Association and I'll try and keep you on time because you stated that you were on time. I'll make it... Dowerskill is very unique and I just want to state for the record that I'm very much in favor of the study that was done by Creighton and Manning. What I hope you consider with that is that Dowerskill lies between 2 major feeder roads into Albany. One is the Elm Avenue Extension which there are several housing developments going in and the flow of traffic increases it seems like every year. And, Dowerskill, itself, is used as a feeder road, Hague Boulevard to through. The Town has been very cooperative in the past and I think that Tom already stated how they've helped us in many ways and they've listened to us. But, our main interest is the rec center which if you've ever been through that community, you'll see that on any given day you'll find parents and children or any number and combination of those on that road, especially during the warm days when they'll use the pool, they'll use the tennis courts, they'll use the entire rec facility and there's a lot of people who do use that road and during rush hour traffic it is a major safety concern for us.

So, as I said before, I hope you will continue to cooperate with our requests and listen to us. Thank you.

DEPUTY SUPERVISOR LENHARDT: Thank you. Anyone else? I'll entertain a motion to close the hearing.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to close the public hearing at 8:13 p.m. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Fuller.

Town Clerk

Deputy Supervisor Lenhardt reconvened the regular Town Board meeting following the close of the public hearing. He asked if the Board wished to act on the previous public hearing.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the adoption of Local Law No. 6 of 2002 amending the Code of the Town of Bethlehem, Vehicle and Traffic, to add stop signs on Hague Boulevard at Guilder Lane; Guilder Lane at Hague Boulevard; Windmill Drive (east) at Hague Boulevard; and Holland Court at Bernard Place, Glenmont. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Fuller.

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Deputy Supervisor Lenhardt noted the signs most likely will be up very soon. He noted to be careful that the experience in the past has been that the residents who live within the vicinity are usually the first ones that are ticketed. He thanked everyone.

The next item was to accept the resignation due to retirement of a Clerk to the Justice Department, effective July 19, 2002. Deputy Supervisor Lenhardt noted this was Geraldine Blanchard who has been an employee for 30 years and selected July 19, 2002 as her retirement date.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to accept with regret the resignation due to retirement of Geraldine Blanchard, Delmar, New York as Clerk to the Justice Department effective July 19, 2002. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.
Absent: Mrs. Fuller.

The following item was to approve the appointment of Republican Election Inspectors and Poll Clerks for the year July 15, 2002 through July 14, 2003 as recommended by the Republican Chairman.

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

RESOLVED, that pursuant to Article 3 of the Election Law, the attached list of persons (on file in the Town Clerks Office) be and they hereby are appointed Election Inspectors and Poll Clerks as recommended by the Republican Committee to serve for the conduct of elections from July 15, 2002 through July 14, 2003.

The resolution was adopted by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.
Absent: Mrs. Fuller.

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of acceptance of deeds for Dowerskill Village PRD 5, Section 3, Phase 1E.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to approve the acceptance of deeds for Dowerskill Village PRD 5, Section 3, Phase 1E from Charlew Construction Co., Inc., Schenectady New York and The Slingerlands Group, Ltd., Slingerlands, New York as recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.
Absent: Mrs. Fuller.

The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval of release of bond and acceptance of replacement cash bond for The Meadows Subdivision.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to approve the release of bond and acceptance of \$5,000 cash for replacement bond for The Meadows Subdivision from The Swift Group, Glenmont New York as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.
Absent: Mrs. Fuller.

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of acceptance of deed for Terramere PRD.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to accept a deed for Terramere PRD from Terramere L.L.C., Madison, New Jersey as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Fuller.

The following item was a request from Gregg Sagendorph, Highway Superintendent, for approval of disposal of vehicles at auction.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the disposal of vehicles at auction as listed on the Memorandum dated June 27, 2002 from Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Fuller.

The following item was a request from Commissioner of Public Works, Bruce Secor, for approval to go to bid for Directional Drilling. Could advertise July 31, 2002 and open bids on August 8, 2002 at 3:00 p.m.

Question was asked if this was for just typical wastewater or any kind of pipe laying. Mr. Secor said it is a new method for putting in water lines or underground conduits, forced mains and there are some replacements to be done that need this technology. Question was also raised as to whether there will be a lot of bids submitted for this. Mr. Secor said there are about a dozen drilling companies who work in the area, however, only a couple that are in the Albany/Rensselaer area. He said they are hoping for a number of responses.

The following resolution was presented by Mrs. Davis and seconded by Mr. Plummer:

WHEREAS, the Town desires to advertise for bids for Directional Drilling, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of July, 2002 and that bids be received up to 3:00 p.m. on the 8th day of August, 2002 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Fuller.

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of appointment of seasonal personnel.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the appointment of seasonal personnel as listed in the Memorandum dated

July 24, 2002 at the titles and salaries listed as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.
Absent: Mrs. Fuller.

The following item was moved to the last item by Deputy Supervisor Lenhardt. It was a request from M. David Leafer, Assessor, for approval of proposed settlement agreement involving the 2001 and 2002 General Electric certiorari lawsuits with the Town of Bethlehem.

The next item was a request from Kevin Shea, Building Inspector, for approval of appointment of Clerk-Typist II, effective July 24, 2002 at an annual salary of \$26,180. Deputy Supervisor Lenhardt noted this appointment was Karen Gaustella of Delmar, New York.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to approve the appointment of Karen Gaustella, Delmar, New York to the position of Clerk-Typist II, effective July 24, 2002 at an annual salary of \$26,280 as requested by Building Inspector, Kevin Shea. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.
Absent: Mrs. Fuller.

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Deputy Supervisor Lenhardt congratulated Mrs. Gaustella and thanked her for sitting through the agenda. She was wished good luck by the Board.

The next item was to acknowledge receipt of Conditional Approval of Final Plat for the McCormack's Hollow Subdivision, North Street, Delmar, New York from the Planning Board for information purposes.

The following item was to approve the Town Board minutes of June 26, 2002.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the Town Board minutes of June 26, 2002 as submitted. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.
Absent: Mrs. Fuller.

Deputy Supervisor Lenhardt asked for a motion to meet in Executive Session to discuss pending litigation with General Electric.

Councilman Marcelle asked to bring up an issue with the Town Engineer while he was in attendance and before the Executive Session. Deputy Supervisor Lenhardt agreed.

Councilman Marcelle noted he received the reports regarding the water level in the Town and wanted to note a couple things to make sure he was reading the reports correctly. He said it is noted in the letter dated July 1, 2002 and the letter of July 23, 2002 that the valve at stage 3 was opened on July 1, 2002. He

further noted that it is Mr. Secor's opinion that the level of the Vly Creek reservoir would be approximately 8 feet higher if DEC... Mr. Secor said the way the sentence is written he thinks lower is the right word. Mr. Marcelle said it would be higher if DEC let the Town use and open that stage 3. Mr. Secor agreed. Mr. Marcelle further noted that if the level were 8 feet higher, the Town would be above the seasonal average. Mr. Secor said this was correct. Mr. Marcelle said because DEC did not allow this, the Town is still actually below where we should be on average. Mr. Secor said that was correct.

Councilman Marcelle asked if they have offered an explanation why they have not let stage 3 be done. Mr. Secor said correspondence has been traded back and forth and the original permit allowed only 8 months of diversion. He said some years ago the Town requested 2 additional months which was granted and back in March of 2002 a letter was written saying to DEC this is an odd situation in the 30 years that this diversion has existed, the Town has never asked permission to use it for May and June because the reservoirs are normally full and overflowing. Mr. Secor said DEC wrote back and noted they needed some additional information and they were concerned about downstream users and the fish and other things. Mr. Secor said the Town hired a specialized firm which was Lawlor, Matuski and Skelly to do some initial work and they wrote a report which was submitted to DEC looking at the fisheries impact downstream of the diversion. Mr. Secor said the diversion is on one branch of the Onesquethaw Creek and the creek is an intermittent stream. He said 85 percent of the year the stream is dry so one of the things that this consulting firm noted was since it is an intermittent stream, there is no in-stream population, either fish or other, to worry about because it is a dry stream bed. He said because it is a dry stream in the area we are working in, you have to go on downstream a ways to get to a point where there is a continuous flow and noted it is down below Clarksville. Mr. Secor said they started at a point down below Clarksville and actually had another consultant engineer sit down with the U.S. G.S. sheets and do some area measuring and said okay, there's about 26 square miles of catchment area at a point where there's continuous flow. He said at an assumed rainfall rate, and since it is a small enough catchment area, if it is raining, it should be raining over the entire catchment area. He said the flow at that point could be as much as 400 million gallons a day and the diversion is only capable of about 200 million gallons a day. So, the basic question to DEC, Mr. Secor said, is could a fish swimming in the stream tell the difference between a 400 million gallon a day flow rate and a 380 million gallon a day flow rate. He said DEC said they were not sure, they needed more information. Mr. Secor said they provided some more information and got a response back that asked for a more specific stream study which is in the process of being priced. He said there are certainly downstream users and there are fish and wildlife things and the burden of proof is on the Town to show both in theory, in computations and also by actual field measurements. He said since they did not have a year of measurements to demonstrate that it is an intermittent stream – the burden is back on the Town. Mr. Secor said they are in the process of pursuing the information so this will be available in other years. Mr. Secor said the truth of the situation is that in this one year, of all the years that the reservoir has been in existence, this never had to be worried about because the reservoir was always full. He said it was a unique situation, noting they did apply in March and try to get the ball rolling but they were not able to clearly demonstrate or prove the case in time for this year. He said they will continue to pursue that.

Mr. Secor said DEC has been very responsive. He said they have taken the Town's information and given good turn around on the letters and the burden of proof is on the Town. He said we are going to have to keep working on it.

Councilman Marcelle said he appreciated the effort and said this is one of the things that confuses him sometimes with all the permits and the crisis management the Board has to do, the hoops to be jumped through, to get things done and the amount of crisis there is for the residential water supply that, as it is now, the creek has been known to be a dry creek for a large portion of the year. He said he thinks this is one of the reasons people have a tough time swallowing the

process government takes. He said the Board could have resolved a lot of our reservoir issues if the Town had that open for 60 days. He again noted he appreciated the effort that Mr. Secor has done on behalf of the Town and the people of the Town.

Deputy Supervisor Lenhardt asked if anyone wished to address the Board on any issue. Mrs. Marie Capone wanted to tell something related to what Mr. Secor had addressed. She said a girl moved in next door and the father mentioned how much drought there is in North Carolina. She said he said if they don't get water within the next 100 days, they will have to evacuate the Town. She said here the industrial pumps out of the Hudson River. The man said the river in North Carolina is now 2 feet deep. Mrs. Capone said they were starting to truck water to their Town on Monday.

Deputy Supervisor Lenhardt asked if anyone else wished to address the Board. There was no one. He said he would entertain a motion to go into to Executive Session to discuss pending litigation with General Electric.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to approve meeting in Executive Session to discuss pending litigation with General Electric. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Marcelle.

Noes: None.

Abstain: Mr. Plummer.

Absent: Mrs. Fuller.

Deputy Supervisor Lenhardt said he would entertain a motion to reconvene the regular Town Board meeting.

The motion was made by Mr. Marcelle and seconded by Mrs. Davis to reopen the regular Town Board meeting. The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Marcelle, Mr. Plummer.

Noes: None.

Absent: Mrs. Fuller.

Deputy Supervisor Lenhardt noted again that Mr. Plummer was recusing himself from this item. Councilman Plummer noted he is doing this because General Electric is a client of his.

The last item on the agenda was a request from Assessor, M. David Leafer, for approval of proposed settlement agreement involving 2001 and 2002 General Electric certiorari lawsuits with the Town of Bethlehem.

The motion was made by Mrs. Davis and seconded by Mr. Marcelle to accept the request from the Assessor for approval of a proposed settlement agreement involving the 2001 and 2002 General Electric certiorari lawsuits with the Town of Bethlehem which essentially calls for reduction in assessment from 29 million to 20.5 million dollars for the years 2001 and 2002.

Councilman Marcelle said he would like to disclose that he has several hundred shares of General Electric stock but he is not going to recuse himself on that basis.

The motion was passed by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Marcelle.
Noes: None.
Abstaining: Mr. Plummer.
Absent: Mrs. Fuller.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to adjourn the regular Town Board meeting at 8:55 p.m. The motion was carried by the following vote:

Ayes: Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.
Absent: Mrs. Fuller.

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.