

348

TOWN BOARD  
JULY 26, 1995

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

PRESENT: Sheila Fuller, Supervisor  
Frederick C. Webster, Councilman  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Freeman T. Putney, 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. We begin this evening with 2 public hearings. I will ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, on the 26th day of July, 1995 at 7:30 p.m. to consider Local Law No. 7 of 1995, Amending the Code of the Town of Bethlehem as follows:

Public Hearing  
Amend Vehicle  
Traffic  
Speed limit  
Lasher Rd  
to Bridge  
Street

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-28, Schedule II, Speed Limits as follows:  
30 miles per hour - Lasher Road from Route 9W to Bridge Street, Route 396.

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 need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk  
TOWN CLERK

- - -

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 12 day of July 1995.

/s/ Mary A. Ahlstrom

Sworn to before me this 18th day of July 1995.  
/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 July 12, 1995, 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  
25th day of July 1995.  
/s/ Kenneth P. Hahn  
Notary Public

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

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

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SUPERVISOR FULLER: Thank you. Is there anyone wishing to speak in favor of reducing the speed limit on Lasher Road from 35 to 30?

LT. VANDERBILT: As you all know, I am Lt. Vanderbilt, Chairman of your Traffic Safety Committee. One of our police officers initially brought to our attention the fact that the speed limit was 35 miles per hour on Lasher Road. Lasher Road is a short residential street that runs from Route 9W at the State Police barracks to Route 396 on the corner just below the grange hall. It is residential and I think one farm on the street. There really is no reason that that speed limit should be in excess of our Town-wide 30 miles per hour speed limit especially due to the nature of children walking along that roadway. The 35 miles per hour, if anything, is an invitation for people to use it as a short cut rather than staying on Route 9W and Route 396, the 2 roads that are designed to act as thorough fares. The Town Traffic Safety Committee thought it was more than appropriate to lower that in line with our Town-wide 30 miles per hour speed limit. Anyone have any questions that I can answer. Thank you.

Traffic  
Safety  
Chairman  
spoke abo  
Lasher Rd  
Speed lim

SUPERVISOR FULLER: Thank you. Is there anyone else wishing to speak in favor? There were none. Anyone wishing to speak in opposition? There were none. May I have a motion to close the public hearing?

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

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

*Kathleen A. Newkirk*  
Town Clerk

The Supervisor indicated there was time before the next public hearing and asked if the Board would like to take action on the previous public hearing regarding Local Law No. 7 of 1995.

Motion was passed Vehicle and Traffic Article VI Speed limit Lasher Rd

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the adoption of Local Law No. 7 of 1995 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Article VI, Section 119-28, Schedule II, Speed Limits as follows:

30 miles per hour - Lasher Road from Route 9W to Bridge Street, Route 396.

The motion was adopted by the following vote:

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

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Supervisor Fuller noted she would continue on with the agenda until 7:45 p.m., the designated time for the next public hearing.

Approval Final Plat Glen Manor

The following item was to acknowledge receipt of Conditional Approval of Final Plat for the Glen Manor Subdivision, Glenmont, New York from the Planning Board for information purposes.

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Conditional Approval Final Plat Cedar Ridge

The next item was to acknowledge receipt of Conditional Approval of Final Plat for Cedar Ridge, Section 3, Subdivision, Slingerlands, New York from the Planning Board for information purposes.

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Assignment of name and house numbers Speeder Rd Selkirk and Union Ave

The following item was a recommendation from Engineering Division, Department of Public Works, for assignment of name and house numbers on Speeder Road, Selkirk and Union Avenue, Delmar.

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the assignment of name and house numbers on Speeder Road, Selkirk and Union Avenue, Delmar as recommended by the Engineering Division, Department of Public Works. The motion was passed by the following vote:

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

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Councilman Lenhardt noted it is unfortunate that the name is Speeder Road. He finds it an inappropriate name but that is the name chosen. Supervisor Fuller noted this road has always been known by this name.

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Parks and Recreation approval Seasonal Personnel

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

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the following appointments of seasonal personnel as per the request of David Austin, Administrator, Parks & Recreation Department:

Recreation Instructor I at a rate of \$4.60 per hour.

Elizabeth Hart 22 Burhans Place Delmar, NY 12054

Sarah Sandison 34 Longwood Drive Delmar, NY 12054.

The motion was passed by the following vote:

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

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The following item was a request from Gregg Sagendorph, Highway Superintendent, for permission to go to bid for geotextile stabilization fabric for use of separation of clay soils and add strength to gravel base of roads.

Highway  
bid for  
geotextile

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

WHEREAS, the Town desires to advertise for bids for the purchase of geotextile stabilization fabric, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 2nd day of August, 1995 and that bids be received up to 2:00 p.m. on the 14th day of August, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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The next item was a recommendation from Bruce Secor, Commissioner of Public Works, for award of bid for 18" Diameter Sewer Main Relining.

Award bid  
18" Diameter  
Sewer Main  
Relining

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the award of bid for 18" Diameter Sewer Main Relining to the low bidder, Pipelining Products, Inc., Mamaroneck, NY at a cost of \$239,998. The motion was passed by the following vote:

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

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The following item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance and authorization of Supervisor to sign agreement with Niagara Mohawk Power Corporation for crossing of Niagara Mohawk lands by Sudbury Road and Dunwoodie Road, Glenmont.

Agreement  
with Niagar  
Mohawk cros  
by Sudbury

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the acceptance and authorization of Supervisor Fuller to sign agreement with Niagara Mohawk Power Corporation for crossing of Niagara Mohawk lands by Sudbury Road and Dunwoodie Road, Glenmont. The motion was passed by the following vote:

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

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The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for release of bonding pertaining to Skycrest Section 6. Supervisor Fuller indicated the work has been completed.

Bond releas  
to Skycrest  
section 6.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the release of bonding pertaining to Skycrest Section 6 as recommended by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

125

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

Recommendation  
for  
agreement  
between Con-  
solidated  
Rail and Town  
or Trinity Manor  
Sub Motions  
Passed

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The following item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance and authorization of the Supervisor to sign an agreement between Consolidated Rail Corporation and the Town for Trinity Manor Subdivision, Selkirk.

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the acceptance and authorize Supervisor Fuller to sign an agreement between Consolidated Rail Corporation and the Town of Bethlehem for Trinity Manor Subdivision, Selkirk. The motion was passed by the following vote:

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

Agreement  
between Town  
and Stylish  
Development  
for Trinity Manor  
Motion  
Passed

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The next item was a recommendation from Engineering Services Administrator for acceptance and authorization of the Supervisor to sign an agreement between the Town of Bethlehem and Stylish Development Corporation for Trinity Manor Subdivision, Selkirk.

The motion was made by Mr. Lenhardt and seconded by Mr. Webster to approve the acceptance and authorize Supervisor Fuller to sign an agreement between the Town of Bethlehem and Stylish Development Corporation for Trinity Manor Subdivision, Selkirk as recommended by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

Town Clerk  
approval  
for temporary  
employee

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The following item was a request from Kathleen Newkirk, Town Clerk, for approval of hiring and payment to temporary employee.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the hiring and payment of temporary employee, Carolyn M. Lyons, at a rate of \$9.50 to help in the absence of Deputy Town Clerk due to retirement. The motion was passed by the following vote:

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

Town Clerk  
to set salary  
for Deputy  
Town Clerk

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The next item was a request from Town Clerk, Kathleen A. Newkirk, for setting of salary regarding appointment of Deputy Town Clerk to replace retired Deputy Town Clerk.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the salary of appointee Julie S. McNeil, 19 Rigi Court, Selkirk, New York as Deputy Town Clerk at a yearly rate of \$24,704, effective August 7, 1995. The motion was passed by the following vote:

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

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The motion was made by Mr. Webster and seconded by Mrs. Davis to approve the Town Board minutes of June 28, 1995 as presented. The motion was passed by the following vote:

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

Motion passed to accept Town Board Minutes of June 28, 1995

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The next item was to accept the resignation of Mary DiPietro, Clerk-Typist, Justice Department, effective July 28, 1995. Supervisor Fuller noted Mrs. DiPietro is resigning due to retirement indicating she has been a very faithful employee for the past 18 years. The Supervisor wished Mrs. DiPietro the very best.

Resigning Clerk-typist Justice Depart

The motion was made by Mr. Lenhardt and seconded by Mr. Webster to accept, with regret, the resignation of Mary DiPietro, Clerk-Typist, Justice Department, effective July 28, 1995. The motion was passed by the following vote:

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

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Councilwoman Davis noted it was very nice of Mrs. DiPietro to acknowledge her coworkers in her letter of retirement. Mrs. Davis noted Mrs. Hodom deserves credit for that. Supervisor Fuller said it is a very difficult time. Mrs. Hodom said she will send a letter to the people she named in her letter.

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The following item was to approve the transfer of Lisa Sabatino, Clerk Typist II, Planning Department to the position in the Justice Department.

Transfer Clerk Typist II Planning to Justice

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the transfer of Clerk Typist II, Lisa Sabatino, from the Planning Department to the Justice Department, effective July 31, 1995 at a salary of \$23,778.00. The motion was passed by the following vote:

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

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Supervisor Fuller indicated the next Town Board meeting will be held August 9, 1995, 7:30 p.m. This will be the public hearing on the DEIS for Southgate.

Public Hearing set August 9 Deis for Southgate

The Supervisor asked if there were any questions from the audience. There were none.

354

Hearing began: 7:45 p.m.

SUPERVISOR FULLER: Time for the next public hearing. I will ask the Town Clerk to read the call of the hearing, please.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

Public Hearing  
Local Law No. 8  
Amending Code Stop sign  
Foxfire Ct  
Wedgewood Dr  
Wembly Ct

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, on the 26th day of July, 1995 at 7:45 p.m. to consider Local Law No. 8 of 1995, Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-32, Schedule VI, Through Streets as follows:  
ADD: Designate Bender Lane as a through street between Route 32 and Route 9W with traffic entering from Foxfire Court, Fields End Drive and Columbine Drive being regulated by a Stop sign.

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-33, Schedule VII, Stop Intersections as follows:  
ADD: Stop sign on Wedgewood Drive, south, with intersection of Yorkshire Lane;  
Stop sign on Wembly Court, north, with intersection of Yorkshire Lane.

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 need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk  
TOWN CLERK

- - -

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 12 day of July 1995.  
/s/ Mary A. Ahlstrom

Sworn to before me this 18th day of July 1995.  
/s/ Kathryn Olsen  
Notary Public, Albany County

- - -

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on July 12, 1995, 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  
25th day of July 1995.  
/s/ Kenneth P. Hahn  
Notary Public

- - -

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

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

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SUPERVISOR FULLER: Lieutenant Vanderbilt if you would like to address all of this this evening before I open it up for any in favor or opposition.

LT. VANDERBILT: We have basically 2 different locations addressed here. The first being designation of Bender Lane, south of Route 32, as a through street. Foxfire, Fields End and Columbine are the 3 new intersecting streets that intersect Bender Lane from the development that is being built just south of the bypass. The name of the development is...

SUPERVISOR FULLER: The Meadows.

LT. VANDERBILT: The Meadows. It escaped me at the moment. The lay of Bender Lane in that location is somewhat curvy which makes the sight distance limited and we felt it was exceedingly appropriate that stop signs be installed at these 3 intersections. Thus, we are recommending that.

The Yorkshire Lane at Wembly and Wedgewood was brought to our attention by the residents in the area who were concerned about cars speeding in the area and control of the intersection. We reviewed that and didn't feel that there was any need for control on Yorkshire but at streets intersecting Yorkshire due to some limited visibility and the road is not perfectly straight there. It has a slight "s" curve to it. The yards on several of the lots around that corner are raised in nature so it obstructs some of the view of traffic approaching the intersection with stop signs erected there, vehicles would then pull directly up to the intersection, be able to stop and thus have a better view than if they kept moving and just glanced either way. That is the reason that we had recommended that.

COUNCILMAN PUTNEY: I got a phone call tonight, Lieutenant, from a neighbor who was concerned that the -- as he put it, was the original recommendation was to have the stop signs the other way. That is, to have Yorkshire as the stop intersection.

LT. VANDERBILT: That was the request from the neighbors, yes. And, the Committee thought that that was not appropriate that that is the feeder street that feeds the development and putting a stop sign there would not, you know, serve any purpose. It would regulate speed which was, I believe, the reason that they have requested it there.

COUNCILMAN PUTNEY: Sight line distance is the other thing that was mentioned to me in terms of going north on Yorkshire and turning right on Wembly -- apparently there are sight line problems when you make the turn. That is what I heard.

LT. VANDERBILT: You mean when you go down Yorkshire and turn right, there is only 2 houses -- 4 houses in there. It is a stub street.

COUNCILMAN PUTNEY: Okay. Well, perhaps... well, at any rate, but the request from the neighbors was not the same as the recommendation from the Traffic Safety Committee.

LT. VANDERBILT: No. We didn't feel that as it was requested by the neighbors that it was appropriate. We discussed this over 2 or 3 different meetings of our Committee and members of the Committee went down there and we looked at the area. I went down and put out traffic counters with the traffic safety officer. Took a look at speeds in the area, which we found only a few to be excessive. We have had some patrol down there also doing enforcement efforts in the area. We had a couple vehicles that were mentioned by the neighbors

to us as being habitual violators in the area and our officers were advised to be specifically on the alert for those vehicles also.

ATTORNEY KAPLOWITZ: Dick, I am not sure I understand. Route 32... Bender Lane rather between 32 and 9W is going to be a through street. These other 3 streets are those the 3 streets ...

LT. VANDERBILT: That intersect them.

ATTORNEY KAPLOWITZ: That intersect with Bender Lane.

LT. VANDERBILT: Bender Lane. They will stop at Bender Lane.

ATTORNEY KAPLOWITZ: Where are you going to put the stop signs?

LT. VANDERBILT: On those streets at Bender.

ATTORNEY KAPLOWITZ: So everybody coming out entering Bender...

LT. VANDERBILT: Anybody entering Bender, thus designating that as a through street and the future of any other streets were built to intersect Bender Lane would fall into the same...

COUNCILMAN WEBSTER: Fields End is not mentioned in here.

ATTORNEY KAPLOWITZ: Fields End.

COUNCILMAN WEBSTER: Fields End is one of the streets that enter Bender Lane.

ATTORNEY KAPLOWITZ: I assume we are not putting... talking about putting a stop sign there.

LT. VANDERBILT: Yes, Fields End, Foxfire and Columbine.

ATTORNEY KAPLOWITZ: Any other to be added.

COUNCILMAN WEBSTER: Fields End is just not in...

LT. VANDERBILT: It is not in the description but it was in the reading by the Town Clerk.

COUNCILMAN WEBSTER: It is in the reading, right, yes. It's the first street as you go in Bender.

COUNCILWOMAN DAVIS: That is the major, the first entrance where the sign is.

COUNCILMAN WEBSTER: Yea, where Wayne Johnson lives there.

ATTORNEY KAPLOWITZ: For purposes of amending the Code, do we normally designate a through street?

LT. VANDERBILT: Yes. We have a schedule in the Code just for through street designations.

ATTORNEY KAPLOWITZ: I would only like to make one comment, if there is any disagreement with the people who are here, we ought to give an opportunity to vote on one, two, three or four stop signs in case some want one and not another so that we know what we are after or what people...

LT. VANDERBILT: Right. Actually Yorkshire and Bender Lane are 2 separate items.

ATTORNEY KAPLOWITZ: For purposes of the Traffic Ordinance, we ought to be voting on them separately probably in case any of you have a difference of opinion. It is conceivable one will pass, another one won't. I am just raising that possibility and if we vote on all 4, the Traffic Ordinance is going to be subject to some criticism I think in the event of an attorney defending a client who got a ticket for going through a stop sign. If that should happen.

COUNCILMAN WEBSTER: The objection voiced to you, Ted, was concerning the interior stop signs, not the ones entering onto Bender, is that correct?

COUNCILMAN PUTNEY: Correct. This has to do with the Yorkshire.

COUNCILMAN WEBSTER: Yes, that is the same thing I got too.

LT. VANDERBILT: Off of Euclid Avenue.

COUNCILMAN LENHARDT: That is a different development. You are talking 2 different things here.

COUNCILWOMAN DAVIS: You are in Normansgate.

COUNCILMAN WEBSTER: That is what he is talking about. Yea.

COUNCILMAN PUTNEY: Two entirely different things here.

COUNCILMAN LENHARDT: Normansgate is the second one.

SUPERVISOR FULLER: We got some from Normansgate and some from the Meadows.

COUNCILMAN LENHARDT: Just to add some fuel to what Ted said, I was approached about a week or two ago on the same issue and the statement made to me was that the Traffic Safety Committee didn't understand the request that cars coming in are speeding or exceeding the speed limit anyway and not aware of the children in the area and that. And, their attempt was to try to mitigate that.

LT. VANDERBILT: We understood that.

COUNCILMAN LENHARDT: And, what came out of the Traffic Safety Committee wasn't exactly taking care of that situation. That was the comment that was passed to me.

LT. VANDERBILT: The Traffic Safety Committee understood the request but according to the Manual of Traffic Control Devices and the information that we developed in our examination of the locality, we didn't feel that that was appropriate. What we thought was appropriate was the other way.

COUNCILMAN LENHARDT: I understand, I am just...

SUPERVISOR FULLER: Anyone here who would like to speak in favor? If you would please come to the microphone so we can have it on tape. Anyone wishing to speak in favor? There were none. Anyone wishing to speak in opposition?

MRS. MARBECK: The first one or the second one?

SUPERVISOR FULLER: Why don't we do Normansgate area first, Yorkshire and Wembly.

MRS. MARBECK: Okay. May I give you these maps.

COUNCILMAN WEBSTER: Surely.

MRS. MARBECK: I don't think I have enough anyway.

SUPERVISOR FULLER: And, if you would, please, identify yourself for us.

MRS. MARBECK: My name is Denise Marbeck and I am an owner of a house in the Normansgate development which we are talking about. What I have given you is a map that I drew and please notice that it is not drawn to scale. But, as we have been talking about in this conversation, originally a group of the adults in the neighborhood came to the Town to ask for a stop sign at point "A" in the map. The reason there is, is there is a large proportion of young children in our neighborhood and what we thought is, when people come off of Euclid and make a right onto Yorkshire going into the development, that is a straight of way. There is no houses built on each side

right now and so they tend to develop some sort of speed. There were speed lines put up and I guess the count during that time was the traffic wasn't excessive or the speed wasn't very high. Our concern with that was that they were put down during a period of time -- I think it was during spring vacation or something like that -- where typically the traffic would have been a little bit less. When the Town was looking at our request, they decided that stop signs at point "A" and "B" were inappropriate. And, that they...

COUNCILMAN PUTNEY: Were not...

MRS. MARBECK: Excuse me?

COUNCILMAN PUTNEY: Were not appropriate.

SUPERVISOR FULLER: She said inappropriate.

MRS. MARBECK: And, that stop signs at point "C" and "D" were. As we said before, that really doesn't address our concern. And, the other problem is that if you look at the stop sign at point "C", that is a stop sign coming off a cul-de-sac and right now there is only 1,2,3,4,5 -- there is actually only 5 houses there, I have drawn 6. And, there is only 1 other house that can be on that cul-de-sac. So, the amount of traffic coming out of that road, it is very small compared to the amount of traffic that comes off... through Yorkshire. You know, I am here speaking for myself but I have talked to my other neighbors and quite frankly, the reason why we came to the Town was for a stop sign at point "A". We don't care about a stop sign at point "C" and "D". Now, we realize that there are some problems with the sight line but I don't think all over wherever there are problems on sight lines in the Town of Bethlehem with the volume of traffic in the development as it is, we put stop signs. So, that is my information that I wanted to give today but I think there is 2 other people that would like to speak too.

SUPERVISOR FULLER: Okay, thank you.

MR. MARBECK: My name is Marty Marbeck. I am Denise's husband and that is why I applauded. But, I am not going to repeat anything that Denise said but the one concern that I just wanted to repeat was mainly speed. It is not only young people or old people, but a lot of time it is ongoing construction with trucks and there is just an awful lot of speeding going on and I know the Lieutenant has done a terrific job in terms of trying to measure the speed but I know for myself, I don't know if it is human nature or not but whenever I see 2 things on the road, I automatically slow down. So, I mean, what does that mean. It means that I think once those go up, I think people just go faster than even when it is being tested. And, just being a part of the community I just think that I know first hand the numbers... that speed was the biggest concern that we have had in coming into the development that intersection just seemed like the cars -- and we do have a lot of young children in that area as Denise said -- but, just wanted to repeat that speed was our main concern, why we addressed the issue in the very beginning. Respectfully.

ATTORNEY KAPLOWITZ: Lieutenant, our hearing is on which of those 4 intersections. Stop signs at all 4?

COUNCILMAN WEBSTER: "C" and "D".

ATTORNEY KAPLOWITZ: "C" and "D" is what is on tonight?

LT. VANDERBILT: The ones that intersect Yorkshire.

SUPERVISOR FULLER: The recommendation of the Traffic Safety Committee which is "C" and "D".

COUNCILMAN LENHARDT: Which is "C" and "D".

ATTORNEY KAPLOWITZ: I just wanted to make sure we are all on the same ones.

COUNCILMAN WEBSTER: You asked for "A" and they want to give you "C" and "D".

MRS. MARBECK: Yes.

COUNCILMAN WEBSTER: Fair enough.

MR. CARPINELLO: My name is George Carpinello and I live in the house which is one up from...

SUPERVISOR FULLER: Excuse me, George, please use the microphone.

ATTORNEY KAPLOWITZ: That will record what you are saying, it doesn't project your voice.

MR. CARPINELLO: Sorry about that, usually they tell me I shouldn't speak into the microphone because I speak too loudly to begin with. But, for posterity I will speak into the microphone. If you look at the map, I live one house up on the left hand side of Wedgewood. And, from my perception, the issue is not a traffic issue. It is not a regulation of traffic issue. It is purely a child safety issue which is why I totally disagree with the recommendation of the Traffic Committee. I understand and correct me if I am wrong, I understand that "C" and "D" have been recommended because Yorkshire is by far the more heavily traveled road and more cars come in through Yorkshire than come in from Wembly or in from Wedgewood, therefore, the recommendation was you put the stop sign and make that traffic yield to the more heavily trafficked road. The reason why the neighborhood wants the stop sign is not because it is a heavily traveled intersection or that there are problems of cars giving way to each other at the intersection. It is purely a question of child safety and it arises from the design of the road. If you drive up Yorkshire you will see that when you get to the intersection, the... where "D" is on your map, there is a slope. The land slopes up from the road so you do not have adequate sight line looking down Wedgewood. So that... and more over there is no traffic... there is no street light there. So that when you come up Yorkshire and you are about to make the turn left on Wedgewood, or right on Wembly for that matter, but I am mostly concerned left on Wedgewood because of my children, you cannot see a child in the road until you have actually made the turn. And, many cars make the turn without stopping. And, therefore, they are immediately confronted if a child should happen to run into the road. By a child immediately in front of them, much shorter than the normal stopping distance of a car. It is worse at night because the way the cars come in and the way the roads are designed, you cannot see anything on Wedgewood until you literally make the turn and your traffic lights have swept back over and they are facing down Wedgewood. Last night -- I told Ted Putney earlier today -- last night I came home, I tend to slow down because I have children in the neighborhood so I am aware of the problem. I was going about 5 miles per hour, I made the turn and standing, literally, right in front of my car was my neighbor's dog which I did not see till I had completely made the turn. I was 5 feet away from the dog. If I was going 10 miles per hour I would have run over the dog. A month ago, my wife coming into the intersection stopped at Yorkshire and immediately in front of her, 2 feet in front of her, coming out of Wembly was a child on roller skates. The kid would have been dead if my wife did not stop. It is not a problem of regulating traffic in the neighborhood. It is a problem that the sight lines are such that a child is going to get killed unless the cars are required to stop and then slowly make the turn. They do not stop now. They do not slow down. As a result, someone is going to get killed. So, we are asking for the stop sign not to regulate the traffic but to make people stop as they come in from Yorkshire. The real problem is... The real need is, rather, to have the stop sign at "A". I don't care if you do them at "A", "B", "C" and "D". I have no problem with that. I am not here to oppose "C" and "D" but the real need is to have a stop sign at "A". Putting a stop sign at "C" and "D" will do nothing. It will do literally nothing. It will help a little bit. I mean... to the extent that you want people to stop in residential neighborhoods, it will be of marginal help. It will probably annoy some people cause they will not see the need for it. The real need is a stop sign at "A". That is what everyone asked for. Now, I think the Traffic Committee approaches it -- has got a misperception because they came in a couple months ago and they put down these wires to tract the number of cars and they said the volume of traffic doesn't justify it. Well, I understand that normally stop

360

signs are put up to regulate high volume intersections where a traffic light isn't justified. In this case we are asking for a stop sign for a very simple reason that has nothing to do with volume per se but because of the sight lines of the road, the way they are engineered, it is a real child safety issue. The cars must stop before they make the turn. Thank you.

MRS. CAPONE: Mrs. Fuller, I don't understand his sentence the children are playing in the street. Wait a minute. I raised 2 kids, they have never played in the street. Fred Webster raised his children, they have never played in the street. I live across the street here on Delaware.

SUPERVISOR FULLER: Mr. Carpinello, Marie is also a member of the Traffic Safety Committee.

MRS. CAPONE: He lives on Kenwood. But, at the same time, why do the children play in the street.

MR. CARPINELLO: May I respond? I will go up to the microphone. My children are instructed never to play in the street and we have...

MRS. CAPONE: It's the neighbors'.

MR. CARPINELLO: Well no, I am going to talk about my own children, I am not going to blame it on the neighbors although I will tell you that my 1 year old -- who I have to watch all the time and I do watch all the time when I go out -- occasionally runs into the road. And, my 5 year old occasionally runs into the road and, moreover, my children ride bicycles and they are always instructed to ride their bicycles on the side of the road and to stop at the intersection. Unfortunately, the cars coming in at 30 miles per hour are oblivious to children riding their bicycles on the side of the road. We have had several near accidents with children riding bicycles. And, it is true, no matter how... and, I suppose one could take the position if a child dies that it is the parents' fault. I would like to deal with it in 2 aspects. One, to have the parents be as vigilant as they can be and I believe, I and my neighbors are but also 2. have the drivers be as vigilant as possible. And, the way you do that is to have them stop because they are in the middle of your residential neighborhood. It is not a through street. We are not holding up traffic. There are no commercial properties there. You will not interfere with the normal flow of traffic anywhere in Town. It is a self-contained cul-de-sac. It is... Yorkshire itself, as you can see, is itself a cul-de-sac. It is not a through street at all. So, I see no problem with asking people to stop at that intersection and I think you have to take it at both ends. Obviously, it is the parents obligation to try to keep the kids out of the street. But, it is also, I think, where possible to have the Town's obligation to make sure the drivers slow down and stop at the intersection.

MRS. CAPONE: Then, if it is a cul-de-sac it's you and your neighbors that's driving.

SUPERVISOR FULLER: Is there anyone else who would like to address the Board?

COUNCILMAN LENHARDT: Could I just say something here? For the sake of my fellow Board Members, this diagram we are looking at, Yorkshire isn't as perpendicular as it is drawn on here. You come in and there is a slight bend coming into it makes the sight lines more difficult as Mr. Carpinello said.

ATTORNEY KAPLOWITZ: Yes, there is.

SUPERVISOR FULLER: Bend in the road.

COUNCILWOMAN DAVIS: And, the hill on the side... the homes that are to the right, that one in particular, the sight is bad.

MRS. MAGGIORE: My name is Patty Maggiore. I live at 12 Wedgewood Drive. And, this is the first meeting I have been to but I have been hearing a lot from my neighbors. I am a stay at home Mom so I am out frequently with my children and for the most part they are

supervised. I am there. Occasionally, like anyone else, something comes up where I am helping one child, you don't see the other one -- a ball rolls into the street, the kids go into the street. I have witnessed, as George has said, there have been many occasions where the kids have almost been hit by the cars, the traffic that does come into our development. Two months ago when the traffic rope thing was set up I don't know if the houses were going up -- we had a lull there when there was 2 or 3 months where there were no houses being constructed. When there are houses going up there, the volume of trucks and workers coming into that development during the day time hours is quite heavy. And, I am at home, so I do see what goes on here. It seems to me like the price of a stop sign is a small price to pay for the life of a child and I agree with George, it is just a matter of time before something is going to happen to one of our children. The cars come into the development to look at the new homes. It is a new development, it is very attractive. A lot of Sunday drivers, people coming through looking at the houses. So, it is not just the people who live there who need to be... to slow down and be careful for the children, it is the other people coming in to see the development or coming in to deliver building materials to the development. And, they really do go much too fast. My husband frequently comes home late... works until the late hours of the evening and will come home and has told me that he hasn't... I know the dog that George is talking about... the dog will be in the middle of the road and he... it's just not visible until you make that turn and are really almost on top of Wedgewood before you can see if there are any dogs, bicyclists, a lot of people walk through our development to get their exercise or ride their bicycles. It is not even just our children that are the concern but it is also the other people who use our neighborhood for walking, for exercising, walking babies... it really... it is quite a popular area there. And, I think something does need to be done. I don't care if 4 stop signs go up that is fine with me but I agree with George in that that 1 stop sign coming into the development is probably the most vital one that I think we are asking for at this point. Thank you.

MRS. CAPONE: How good is your stop sign if you don't have a cop to enforce it?

COUNCILMAN WEBSTER: I think this little gentleman was next. (indicating a baby) Raise your hand.

MRS. SMITH: Hi, my name is Cindy Smith and I live at 20 Wedgewood Drive and I just wanted to say that I am also in full agreement with every thing that has been said here. Personally about 3 weeks ago, my son was playing at "A" in the back yard with a bunch of the other boys and I, personally, saw my son dash across the street to go get a ball. Now, my point here is that if the stop sign were there, the car that was approaching would have begun to slow down. Fortunately, there was not a car coming up but I mean the odds of my child or some other child just running across the street is great. I mean the balls are much more important at the time when they are playing and we just all can't stress enough that it is so very important to us to put the signs at "A" and "D" so that we can stop the traffic when it does come into the development. Thank you.

SUPERVISOR FULLER: Thank you.

COUNCILMAN LENHARDT: "A" and "B".

MRS. SMITH: "A" and "B", sorry.

ATTORNEY KAPLOWITZ: Just so everyone understands, the advertising... the legal advertising for tonight's hearing, only included "C" and "D". So, the Town Board could not properly act on "A" and "B" because no one was ever given notice that that was being considered. You have some alternatives, I suppose, you could act on "C" and "D", you could send it all back to the Traffic Safety Committee or any number of things but we couldn't legally adopt stop signs at "A" and "B" tonight because no notice was ever given to the public. Should anyone want to come in and speak in favor or against. George, you didn't tell us whether you keep the golf balls or throw them back on the course for people like me to find. I have hit a few into your yard, I think.

SUPERVISOR FULLER: Is there anyone else who wishes to address the Board on this issue.

MR. CARPINELLO: I have a question just to follow-up. I just want to follow-up on Bernie's question.

ATTORNEY KAPLOWITZ: Probably can pick you up.

MR. CARPINELLO: Legally, what would happen if the Board were disposed to agree with us that there was a need for a stop sign at "A"? What would be the next step. Would it have to go back to the traffic committee and a new recommendation?

ATTORNEY KAPLOWITZ: Well, they normally would do that. I don't think there is any legal requirement. But, we certainly would have to have another public hearing and advertise in the Spotlight and go through all that. The Board tends to always send it to the Traffic Safety Committee and I think that probably would happen. I can't speak for them but I assume that's what they would do.

MR. CARPINELLO: Would you expect this all to come out again, I mean by our absence of the next hearing would you construe that as a change of mind or...?

COUNCILMAN PUTNEY: I would not.

ATTORNEY KAPLOWITZ: I don't know. I can't answer that.

COUNCILMAN WEBSTER: I don't think so.

ATTORNEY KAPLOWITZ: It wouldn't be a bad idea to have somebody in the neighborhood come and speak for several of you or something if you wanted. It is always good to have someone show up.

MR. CARPINELLO: None of us... I don't think any of us are opposing the alternate location but that doesn't really address the issue. That's the point. That "A" is really the critical.

ATTORNEY KAPLOWITZ: No one is saying no. I am just saying we couldn't legally proceed without having to publish it properly and the hearing notice and all that.

MR. CARPINELLO: I see. Right.

SUPERVISOR FULLER: So, we would have to set another public hearing tonight on this for...

COUNCILMAN LENHARDT: There is a question.

MRS. MARBACH: I just want to consider, although we are not opposing location "C" and "D" as we have named them -- would it be possible to not make a decision on them if it is going to be unfavorable to them until we get to the "A" and "B"?

SUPERVISOR FULLER: I think the easiest solution I feel is just to send it back to the Traffic Safety Committee and start over again.

COUNCILMAN PUTNEY: How quickly could they do it?

SUPERVISOR FULLER: As quick as possible, it is the advertising that we run into.

COUNCILWOMAN DAVIS: Yes. Lt. Vanderbilt can that be expedited as long as we have heard the discussion? We understand the problems and the concerns of the neighbors. Is it possible to speed that process up?

LT. VANDERBILT: We can probably have something back to the Board, doubtful by the next meeting but probably by the meeting after that.

SUPERVISOR FULLER: I have to tell you the soonest would be the August 26 meeting. We already have a public hearing scheduled at 7:30, which is on the Southgate DEIS, so that will be most of the

evening. So, I think I would be looking at the 26th of August at the earliest. We have a 10 day advertising.

TOWN CLERK NEWKIRK: Yes, 10 day minimum. No less than 10 nor more than 20. So you really need to set it.

COUNCILMAN PUTNEY: Would it be possible to have a public hearing at 7:15 on the first night?

SUPERVISOR FULLER: No. Do we have enough time for the 9th?

COUNCILMAN WEBSTER: You don't have time.

SUPERVISOR FULLER: We don't have enough time frame.

LT. VANDERBILT: If we made a recommendation to the Board at the meeting of the 9th, you could set a public hearing for the meeting following that?

SUPERVISOR FULLER: It is still short.

LT. VANDERBILT: Is that what you are talking about?

SUPERVISOR FULLER: You are still short, I think.

ATTORNEY KAPLOWITZ: If you got it to the Spotlight by the 11th, it wouldn't come out until the following Wednesday, which is the 16th. That is not 10 days.

SUPERVISOR FULLER: Make it a week.

ATTORNEY KAPLOWITZ: The problem is the Spotlight only comes out on Wednesday.

LT. VANDERBILT: It would be the first meeting in August... or September rather before it could be up for public hearing.

ATTORNEY KAPLOWITZ: Well, you know, why don't we set a hearing tonight.

SUPERVISOR FULLER: If you set it tonight, you could do it.

ATTORNEY KAPLOWITZ: And, schedule it for the second meeting in August and you can save at least 2 weeks and we could always cancel it if something happens or if the Traffic Safety Committee can't respond in time. What do you think?

MRS. CAPONE: Don't create a precedent. Think about it.

COUNCILMAN WEBSTER: Would a motion to hold up action on "C" and "D" and set a public hearing for site "A" and "B" tonight.

ATTORNEY KAPLOWITZ: Yes, it could be 2 separate motions, that's all. Why don't we just table a motion.

SUPERVISOR FULLER: We need one motion to table this Notice of Public Hearing for tonight.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to table the Notice of Public Hearing regarding Stop Signs at sites "C" and "D" on Wembly Court and Wedgewood Drive. The motion was passed by the following vote:

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

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SUPERVISOR FULLER: Now, may I have a motion to set a public hearing for August 26, 1995 at 7:30 p.m.

The motion was made by Mrs. Davis and seconded by Mr. Webster to set a public hearing for August 26, 1995 at 7:30 p.m. to consider Stop Signs at locations "A" and "B" on Yorkshire Lane.

LT. VANDERBILT: For consideration of stop signs at Yorkshire Lane at...

SUPERVISOR FULLER: At location "A" anyway. We have heard that repeatedly tonight.

LT. VANDERBILT: Consideration of doesn't say...

ATTORNEY KAPLOWITZ: Dick, is it possible that the Traffic Safety Committee could move so that if the Town advertised it would do so on August 9th. So, August 9th we would have to have the ad in the Spotlight. That doesn't give you much time. But, we have to advertise it by the 9th.

TOWN CLERK NEWKIRK: It would have to appear in the 9th.

ATTORNEY KAPLOWITZ: We could have the hearing anyway.

SUPERVISOR FULLER: Do you have a meeting scheduled with the Traffic Safety Committee right now?

LT. VANDERBILT: We will have one scheduled for August, yes. We can schedule it next week if we have to.

SUPERVISOR FULLER: Okay, if you could schedule say next Friday...

ATTORNEY KAPLOWITZ: That is what I am trying to say. That would be a big help if you could do that.

SUPERVISOR FULLER: Friday, the 4th.

LT. VANDERBILT: Friday the 4th.

COUNCILWOMAN DAVIS: Do you have other items that you can include on that agenda so that you have other things to discuss?

LT. VANDERBILT: Yes. We do have some other items, nothing pressing, but things we can include.

SUPERVISOR FULLER: Do you have enough members available?

LT. VANDERBILT: I have to do a phone poll to find out if we can get a quorum together.

SUPERVISOR FULLER: Maybe we ought to check on that tomorrow and see and maybe then you can find another date between now and a week from Friday.

COUNCILMAN WEBSTER: Mel can hold the presses for us.

SUPERVISOR FULLER: Okay. We have a motion to table a decision but we need to close the public hearing first.

The motion was made by Mr. Webster and...

SUPERVISOR FULLER: Wait a minute we have Bender Lane. We made the motion to table the first portion of this...

TOWN CLERK NEWKIRK: There was a motion to table "C" and "D". Then there was a motion for August 23rd.

SUPERVISOR FULLER: August 23rd at 7:30 p.m. may I have a motion to approve setting the public hearing.

The motion was made by Mr. Putney and seconded by Mrs. Davis to set a public hearing on August 23, 1995 at 7:30 p.m. to consider stop signs at "A" and "B" on Yorkshire Lane, Elsmere. The motion was passed by the following vote:

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

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SUPERVISOR FULLER: The other part of the public hearing this evening is on Bender Lane as a through street between Route 32 and 9W. Is there anyone here wishing to speak in favor? There were none.

Is there anyone wishing to speak in opposition? There were none. No one from Bender Lane. Okay, may I have a motion to close the public hearing.

The motion was made by Mr. Webster and seconded by Mrs. Davis to close the public hearing at 8:20 p.m. The motion was passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

366 238

The Supervisor reconvened the regular Town Board meeting following the public hearing.

Motion Passed Local Law No. 8 pertaining to Bender Lane

The Supervisor asked if anyone wished to vote on Local Law No. 8 of 1995 amending the Code of the Town of Bethlehem, Vehicle and Traffic, pertaining to Bender Lane.

The motion was made by Mr. Lenhardt and seconded by Mr. Webster to adopt Local Law No. 8 of 1995 amending the Code of the Town of Bethlehem, Vehicle and Traffic Article VI, Section 119-32, Schedule VI, Through Streets as follows:

ADD: Designate Bender Lane as a through street between Route 32 and Route 9W with traffic entering from Foxfire Court, Fields End Drive and Columbine Drive being regulated by a stop sign.

The motion was passed by the following vote:

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

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The motion was made by Mr. Putney and seconded by Mr. Webster to adjourn the regular Town Board meeting at 8:22 p.m. The motion was passed by the following vote:

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

*Kathleen D. Newkirk*  
Town Clerk