

TOWN BOARD
JUNE 8, 1994

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

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

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SUPERVISOR FULLER: Good evening and welcome to the meeting of the Bethlehem Town Board. This evening we will begin with our first public hearing. Sorry we are a couple of minutes late. The first public hearing is to consider Local Law 3 of 1994 amending the Code of the Town of Bethlehem, Article VI, Section 119-28 Schedule II, Speed Limits, and Amending Article VI, Section 119-36 Parking Prohibited at all Times. I would ask the clerk to read the call of the meeting.

Public
Hearing
Local Law
No. 3, 1994
Amending
Code re:
Speed Limits
and
Parking
Prohibited
at all times

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 8th day of June 1994 at 7:30 p.m. to consider Local Law Number 3 of 1994, Amending the Code of the Town of Bethlehem as follows:

AMEND ARTICLE VI, SECTION 119-28, Schedule II, Speed Limits as follows:

ADD: 35 MPH on the northerly portion of Elm Avenue be extended from the entrance of Elm Avenue Park to the intersection of Feura Bush Road (State Rte. 910A).

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

ADD: Both sides of Winne Place and Hoyt Avenue, from their respective intersections with Kenwood Avenue for a distance of 125 feet for Winne Place and 150 feet on Hoyt Avenue;

All parties in interest 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

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State of New York)
County of Albany)

CAROL STUART of the Town of Bethlehem, being duly sworn, says that she is the Advertising Coordinator of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 25th day of May 1994.

/s/ Carol Stuart

Sworn to before me this
27th day of May 1994.
/s/ Kathryn Olsen
Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on May 25, 1994, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
 Town Clerk

Sworn to before me this
 25th day of May 1994.
 /s/ Catherine T. Picarazzi
 Notary Public

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

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SUPERVISOR FULLER: Lieutenant Vanderbilt, if you would just briefly explain these traffic regulations.

LT. VANDERBILT: In response to the first item on the traffic change request being a 35 mile an hour speed change for Elm Avenue. The actual portion we request change is a portion of county highway which most people refer to as Route 32 but is, in fact, the portion of County Route 52 which is co-located with New York State Route 32, extends in front of the Town Park from the present Town Park entrance, passed the new Town Park exit to the end of the Town Park playing field at the intersection of Feura Bush Road. As you are probably aware, the town recently constructed, just this spring, a new exit from the Town Park to alleviate some of the traffic flow problems at the one and only exit that was previously located there. That new exit, exits now on a 55 mph road. The Town Traffic Safety Committee felt that a 55 mph roadway with traffic exiting and heavy flow from the park, was a hazard. Therefore, we are requesting that we lower the speed limit to 35 to coincide with the remainder of Elm Avenue which is currently 35 mph.

The second item that we requested, the prohibited parking on Hoyt Avenue and Winne Place, is in response to a request from the citizens in that area and also from some of the fire departments in reference to some traffic congestion during Little League games on the ends of Hoyt and Winne Place. Cars now park on both sides of those roadways right up to the intersections of Kenwood Avenue. Evening times, fire department emergency vehicles train at the Fire Training Tower in the area behind Winne and Hoyt Avenue. Some of the times we have found that traffic cannot flow through there with these large vehicles do to the constriction. Thus, we took and made measurements as to the distance that would be appropriate to limit parking so as to have free and easy access for emergency vehicles for both training and emergency response purposes. We use the minimum amount of distance that would be required to provide that access. We feel that we're not inhibiting normal residential parking on those streets. Any questions?

SUPERVISOR FULLER: Are there any questions from the Board pertaining to these?

There were no questions.

SUPERVISOR FULLER: Thank you. I would ask in the audience, those wishing to speak in favor of these changes, please come forward, and identify yourself for the record.

No one came forward.

SUPERVISOR FULLER: Is there anyone wishing to speak in opposition?

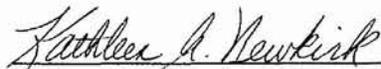
No one responded.

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

The motion was made by Mr. Putney and seconded by Mr. Webster to close the public hearing at 7:44 p.m. The motion was passed by the following vote:

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

Noes: None.


Town Clerk

The Supervisor asked if the Town Board wished to take action on the previous Local Law.

Adopt
Local Law
No. 3, 1994

The motion was made by Mr. Putney and seconded by Mr. Webster to adopt Local Law No. 3 of 1994, amending the code of the Town of Bethlehem Article VI, Section 119-28 Schedule II, Speed Limits and Amending Article VI, Section 119-36, Schedule X Parking Prohibited at All Times. The motion was passed by the following vote:

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

Supervisor Fuller indicated the next public hearing was scheduled for 8:00 p.m. and proceeded to handle other items on the agenda.

Authorization
to repay
Retirement
System
Obligations

The first item following the scheduled public hearings and the discussion of the Planned Commercial District application was a recommendation from Judith Kehoe, Comptroller, for authorization of repayment of Retirement System obligations. Mrs. Kehoe explained the Town was concerned about the repayments that may have been required by the State and therefore, a \$500,000. reserve had been established for this contingency. The State has just announced its conversion plan from Projected Unit Credit to the Aggregate Cost Method and it does not require a lump sum payment, but rather a gradual increase in the annual retirement system contributions. Accordingly, Mrs. Kehoe recommends that the monies in the reserve be used to repay the outstanding loan with the Police Retirement System of approximately \$140,000.

The loan of the Employees' Retirement System will be satisfied through the use of credits on hand at the Employees Retirement System, therefore not requiring a cash outlay by the Town. Accordingly, the remainder of the monies in the reserve can be returned to the unrestricted funds in the General Fund.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the payment of the retirement monies, authorize a supplemental appropriation so that the amortization to the Police Retirement System can be accomplished through a general fund charge and subsequently to collapse the reserve for retirement since it is no longer needed at this time, returning these monies to the general fund. The motion was passed by the following vote:

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

Approve
Construction
Trailer
Permits

Following was a request from John Flanigan, Building Inspector, for approval of issuance of 2 construction trailer permits.

The motion was made by Mr. Webster and seconded by Mr. Lenhardt to approve the issuance of 2 construction trailer permits for CNG Transmission Corporation, Westfield, PA for property located at Route 9W, Glenmont. The motion was passed by the following vote:

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

Reimburse
Overpaid
Water Rents
May, 1994

The next item was a request from the Receiver of Taxes and Assessments for reimbursement of overpayment of water rents for the month of May.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the reimbursement of overpaid water rents for the month of

May as indicated in the Memorandum from Receiver of Taxes and Assessments, Kenneth P. Hahn. The motion was passed by the following vote:

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

The next item was a request from Richard LaChappelle, Chief of Police, for approval attendance of Sgt. Corsi at the 17th Annual Vehicular Homicide and DWI Conference.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the attendance of Sgt. Corsi at the 17th Annual Vehicular Homicide and DWI Conference to be held July 17 through 21, 1994 at Chicago, Illinois with expenses paid. The motion was passed by the following vote:

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

The following item was a request from Chief of Police for approval of acceptance of donation from G.E. Plastics Plant to the DARE program to fund Kid-Care.

The motion was made by Mr. Webster and seconded by Mrs. Davis to approve the acceptance of a donation from G.E. Plastics Plant to the DARE program to fund Kid-Care, child identification program. The motion was passed by the following vote:

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

The Supervisor said the Town is very appreciative of the donation from GE Plastics.

Next was a request from Chief of Police for approval of reimbursement of tuition to Sgt. Kerr for attendance at the RR/Highway Grade Crossing Collision Investigation and Prevention Course.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the reimbursement of tuition fee to Sgt. Kerr for attendance at the RR/Highway Grade Crossing Collision Investigation and Prevention Course held May 24-26, 1994 at Saratoga Springs, NY. The motion was passed by the following vote:

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

The following item was a request from Chief of Police to approve the attendance at the 8th Annual Colonel Henry F. Williams Homicide seminar.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the attendance of Det. Wilson at the 8th Annual Colonel Henry F. Williams Homicide seminar to be held September 24-28, 1994 at the NYS Police Academy with expenses paid and transportation by police vehicle. The motion was passed by the following vote:

Seminar
Vehicular
Homicide
and
DWI
Police Dept.

Accept
Donation
from G.E.
DARE -
Kid-Care

Tuition
Reimbursement
Police
Dept.

Homicide
Seminar
Police
Dept.

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

The Supervisor noted this is an honor for Det. Wilson to attend this seminar, it is by invitation only.

Approve
attendance at
DARE
Conference
Police Dept.

The next item was a request from the Chief of Police for the approval of Officers Linstruth and Rinaldi to attend the DARE Officers Association Convention.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the attendance of Officers Linstruth and Rinaldi at the DARE Officers Association National Convention to be held July 11-15, 1994 at Orlando, Florida with expenses paid from DARE funds. The motion was passed by the following vote:

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

Accept
Resignation
IDA Member

The next item was to accept the resignation of Bethlehem Industrial Development Agency member, Ruth O. Bickel.

The motion was made by Mr. Putney and seconded by Mr. Webster to accept the resignation of Bethlehem Industrial Development Agency member, Ruth O. Bickel, with regrets. The motion was passed by the following vote:

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

Appoint
New Member
IDA

The following item was to appoint a new member to the Bethlehem Industrial Development Agency.

WHEREAS, the Town Board of the Town of Bethlehem, by resolution duly adopted November 14, 1973, established and organized the Bethlehem Industrial Agency and

WHEREAS, there is a need to appoint a new member of such agency, due to the resignation of Ruth Bickel, now therefore be it

RESOLVED that Peter Bakal be and he hereby is appointed a member of such agency to serve at the pleasure of the Town Board.

The foregoing resolution was presented by Mr. Putney and seconded by Mr. Lenhardt and was duly adopted by the following vote:

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

Approve
Disposal
of Surplus
equipment
MIS Director

The following item was a request from Director of Management Information Systems for declaration of equipment as surplus and allowance of purchase by highest bidder.

The motion was made by Mr. Webster and seconded by Mrs. Davis to declare as surplus such equipment as listed in the memorandum from Jeffrey Dammeyer, Director of MIS, and allow for sale of equipment to Computer Marketplace, East at a total of \$400. The motion was passed by the following vote:

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

 The next item was a recommendation from the Highway Superintendent for authorization of signature of Section 284 agreement concerning resurfacing and reconstruction of certain roads.

Authorize
 resurfacing
 and
 reconstruction
 certain roads
 Highway Dept.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to authorize the Supervisor to sign the Section 284 agreement concerning resurfacing and reconstruction of certain roads for 1994. The motion was passed by the following vote:

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

 The next item was to approve the Town Board minutes of May 11, 1994.

Approve
 Minutes
 May 11, 1994

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the Town Board minutes of May 11, 1994. The motion was passed by the following vote:

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

 The next item was a request from the Town Clerk for approval of attendance of Deputy Town Clerk at records seminar.

Records
 Seminar
 Deputy
 Town Clerk

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the attendance of Deputy Town Clerk Picarazzi at a records seminar, Inactive Records Management, to be held August 25, 1994 at Catskill, NY with expenses paid. The motion was passed by the following vote:

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

 Following was a request from the Administrator of Parks and Recreation Department for appointment of seasonal personnel.

Approve
 Seasonal
 Personnel
 Parks &
 Rec. Dept.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the appointment of seasonal personnel as listed on the memorandum dated June 8, 1994 from David Austin, Administrator, Parks & Recreation Department at the titles and rates indicated. The motion was passed by the following vote:

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

 The next request was from the Town Planner for approval of a budget transfer.

Approve
 Budget
 Transfer
 Planning
 Dept.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the transfer of \$2,500 from Account No. A8021.452, Engineering Fees (Contractual Expenses) to Account No. A8021.12, Part-time (Personnel Services). The motion was passed by the following vote:

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

The next 2 items were withheld for discussion following the public hearing.

Seminar
Voting
Machine
Custodian

The following item was a request from the Town Clerk regarding the attendance of the Democratic Voting Machine Custodian at the voting machine training certificate program.

The motion was made by Mrs. Davis and seconded by Mr. Webster to approve the attendance of the Democratic Voting Machine Custodian, William McGarry, Jr., at the voting machine training session to be held August 2 and 3, 1994 at Canandaigua, NY with expenses paid. The motion was passed by the following vote:

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

Noes: None.

The following item was a request from Lt. Richard Vanderbilt, Chairman of the Traffic Safety Committee, for consideration of proposed changes in the Town Code.

Set Public
Hearing
Local Law
No. 4, 1994
Speed limits
Schoolhouse Rd
and
Russell Road

The motion was made by Mr. Webster and seconded by Mr. Lenhardt to set a public hearing for July 13, 1994 at 7:30 p.m. to consider Local Law No. 4 of 1994 amending the Code of the Town of Bethlehem Article VI, Section 119-28, Schedule II, Speed Limits, 30 miles per hour from the intersection of Schoolhouse Road to the intersection of Russell Road, North Bethlehem. The motion was passed by the following vote:

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

Noes: None.

The Supervisor indicated there would be a short break before the 8 p.m. public hearing time.

SUPERVISOR FULLER: It is 8 p.m. Time for the second public hearing, Article IV, Solid Waste Facilities, Section 97-38 regarding variance application from Capital Wood Recycling for premises located in the Port of Albany, Town of Bethlehem to operate a wood recycling facility. Ask the clerk to read the call of the hearing.

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 June 8, 1994 at 8:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY with regard to Article IV, Solid Waste Facilities, Section 97-38 of the Bethlehem Town Code regarding variance application from Capital Wood Recycling for premises located in the Town of Bethlehem, at the Port of Albany to operate a Wood Recycling Facility.

Public
Hearing
Article IV
Solid
Waste
Facilities

All parties in interest and citizens will have an opportunity to be heard at the said hearing. The Town of Bethlehem provides reasonable accommodations for the disabled.

Disabled individuals who are in need of assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

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

- - -

State of New York)
County of Albany)

CAROL STUART of the Town of Bethlehem, being duly sworn, says that she is the Advertising Coordinator of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 25th day of May 1994.

/s/ Carol Stuart

Sworn to before me this
27th day of May 1994.
/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 May 25, 1994, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

- - -

Sworn to before me this
25th day of May 1994.
/s/ Catherine T. Picarazzi
Notary Public

- - -

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

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SUPERVISOR FULLER: Mr. Glover, if you would like to give just a brief overview for people in the audience that haven't heard this.

MR. GLOVER: To repeat again. Our facility is designed to receive waste wood such as skids, pallets, tree waste, any clean waste that hasn't been treated or painted and it is to be ground up and shipped to a facility in Chateaugay, New York which is generating power for sale to the New York State Electric and Gas.

The site is an acre and a half. It is at the end of Port Road on the Agway property adjacent to and in the midst of an industrial installation all around it. We do not anticipate any noise problems and we will meet all of the DEC requirements and are so permitted by the Department of Environmental Conservation and must adhere to their regulations.

In addition, the Chateaugay project is fully 360 permitted, is ours which is a 360 part 12 permit for the recycling as they term it "refuse derived waste" although it is wood derived waste, not general garbage waste. We do not think that this will impose any traffic problem on the town, being very much off of the edge of town. It would not increase traffic in the Town of Bethlehem in that the traffic would be passing through town directly to there. Any in-town traffic -- the balance of the traffic would be coming in on Route 32 or 144 or other State roads that are off the Thruway to arrive here at the site.

An acre and a half is more than sufficient. I had furnished members of the board, I believe through your Commissioner, Mr. Secor, some pictures and some additional information and a map of the facility in operation in Frankfort. The pictures I took, I will point out, were taken promptly after we had just processed and several loads had just come in. We removed the grinding machinery and it went on its way and loads came in before we cleaned up the yard to its usually situation because it's basically as clear as a parking lot. But I wanted to get the pictures to you so you would at least have an idea of what a pile of wood looks like. And it is, just a big pile of skids and pallets.

Hopefully, some of you had the chance to go down to the Port of Albany where we are operating temporarily adjacent to Pacific Molasses and you can see that it is a clean and orderly operation and that's what we expect to do. We have had nothing but completely clear marks and, as a matter of fact, commendations from the Department of Environmental Conservation, the Town of Frankfort and the Oneida County Waste Authority on our operations in the Utica area and we expect to have the same kind of results here. We're proud of what we do and we do it right. Be happy to handle any questions.

SUPERVISOR FULLER: Thank you. Are there any questions from the board?

MR. WEBSTER: Are you still doing some grinding down at the port?

MR. GLOVER: No, we have not ground yet.

MR. WEBSTER: Nothing down there at all?

MR. GLOVER: No. We have, what -- probably two hundred fifty, three hundred ton down there right now.

MR. WEBSTER: I've been in and out and have never seen any activity and that's why I wondered.

MRS. DAVIS: No, neither have I.

MR. GLOVER: It's rather quiet. There isn't a lot of activity. A truck comes in, dumps it's material...when we grind there's about a week of activity. We'll accumulate about 500 tons and grind it and

remove it from the site as we grind, so there's no real accumulation at any time.

MRS. DAVIS: Thank you very much for the photographs that I requested. I appreciated your following through on that.

MR. GLOVER: I'm pleased to comply.

MR. KAPLOWITZ: Is the facility opened, closed, partially opened, partially closed?

MR. GLOVER: Right now it is, I guess you would say, partially opened in that all of the haulers are required to give us a call. We have a couple of phone numbers. They contact us and we meet them there when they're coming in.

MR. KAPLOWITZ: I'm sorry, I meant physically, is there a building housing the operation or is it out in the open air?

MR. GLOVER: It is an open air operation but it is totally enclosed by fencing or by the Kill, the creek.

MR. KAPLOWITZ: You haven't had any complaints about noise at this point?

MR. GLOVER: No, no.

MR. KAPLOWITZ: Are you actually in the port?

MR. GLOVER: Yes, do you know where Salerno's is it?

MR. WEBSTER: It's right next to the molasses.

MR. GLOVER: Right now, the new, the one we're proposing is down in the Agway property adjacent to the boat works and Port Welding.

MR. PUTNEY: You have to get to it through Albany.

MR. GLOVER: The whole access to it is through the city.

MRS. DAVIS: A question was asked the last time that you were before us, about the trucks that will be transporting this material to and from. I remember that you said that the trucks would be capped.

MR. GLOVER: Yes, they are covered, by law.

MRS. DAVIS: How do you enforce that and who does it?

MR. GLOVER: Well, number one the State Police will, the DEC will and we will. No refuse hauler and this can only be brought in to us by those who are licensed to do so. A 360 permitted hauler other than a private hauler on this would be a company and the company truck. The people who own the material, who have generated the material can bring it in on their own truck. It might be a pickup or it might be larger but they are required to have a covered load and on our outgoing trucks, we require that they be covered and the main reason we police it is, we had one truck leave our facility in Frankfort and the guy neglected to cover and by the time he got 5 miles up the highway, he'd lost a quarter of the load. We did a nice job of mulching the highway and didn't do very much for our pocketbooks so we'll be very careful of that, to our economic advantage.

MRS. DAVIS: What about trucks bringing the waste material to your facility? How do you ensure that that will not lose its load which would be a different kind of material on the roads.

MR. GLOVER: Yes, this is, the whole material if you will, and all of those -- that's what I was referring to the 360 haulers, the garbage men if you will, refuse haulers, that sort of thing and they are required to cover their loads at all times or have containerized loads. And, so it's basically, self-enforcing but at the same time we will police it ourselves as it comes in and tell them that if they come back another time without a covered load, we will not accept the load. This is what we have done in Frankfort and it's worked

exceedingly well. The only exception we run into is a few individuals with domestic loads of materials who have come in with a pickup or something like that or in a trailer and we haven't made a big fuss about this because if we see, maybe one or two of those a month, we haven't seen that much of those.

MR. WEBSTER: Is what we see presently at the site you're working on -- is that pretty much what we are going to see on the new site?

MR. GLOVER: Yes, you have seen a reasonable facsimile. There is a mess when we grind because material is flying around and they're going to find things in the load and they are going to cast it aside and then when they leave we have to go in and clean up the site but this is done pretty much the same the next day.

SUPERVISOR FULLER: Where are you bringing the wood from, if you could just name some of the places.

MR. GLOVER: Generally from industry. People who are bringing the material in now are Albany Pallet, their waste wood from the construction of pallets, several local industries, Robert Wright, Refuse Haulers, BFI and Waste Management. I have my recording behind me. I'm just a parrot.

MR. PUTNEY: Out of the proposed contract, your tip fee to most of your customers is thirty dollars a ton, we would get a fifteen percent discount.

MR. GLOVER: That is right.

MR. PUTNEY: What sort of history do you have in terms of changes in the tip fees and what you anticipate in the near future, please?

MR. GLOVER: I think that they will probably hold for a long period, as long as five years. We are under contract and it was a six year contract, if I remember correctly, but it dates from about a year ago this time. So, we're pretty much set for the next five years and then after that time, I guess we have to see what the banking authorities do to us or something.

MR. PUTNEY: Thank you.

MR. LENHARDT: Mr. Glover, you indicated that you haven't had any complaints regarding noise but you also indicated you haven't chipped any of the material that's at the port yet.

MR. GLOVER: No, not at the port, and if we were to chip now at the port, this would be in the Port of Albany and it wouldn't be down in the location that we're seeking the approval on, however, in Frankfort we've been shipping roughly every three to four months for two and a half years. The situation of that site is not unlike the site that we're proposing here adjacent to Port Welding. The houses are probably closer, I guess a hundred and fifty yards. There are some homes at that range.

MR. LENHARDT: At the Frankfort site?

MR. GLOVER: At the Frankfort site. On the east side and within 75 yards west of the site and that applies to three trailer homes, two regular homes, children-wise, a rather normal neighborhood. Not exactly affluent and we've had no complaints from them at all.

MR. LENHARDT: Thank you,

SUPERVISOR FULLER: Any other questions from the board?

MRS. DAVIS: Do you find that it's necessary at times to wet this material during the dryer seasons to prevent it from blowing?

MR. GLOVER: No.

MRS. DAVIS: To prevent it from creating a problem with the homes that are nearby?

MR. GLOVER: No, normal moisture in the air is 7 to 8 percent and when we grind, this is sufficient moisture. We don't have a dust problem.

MRS. DAVIS: Okay.

SUPERVISOR FULLER: Thank you, Mr. Glover.

MR. GLOVER: Thank you.

SUPERVISOR FULLER: At this time I would like to call upon anyone in the audience who would like to speak in favor of this proposal. There was none.

Is there anyone in the audience who would like to speak in opposition to the proposal? Please identify yourself for the record.

MRS. AUCLAIRE: I live on South Street, South Bethlehem and I have a couple of questions I would like to have addressed. May I ask who is to be the manager of this facility and the supervisor? Does anybody know who is going to run the facility?

MR. GLOVER: I will be.

MRS. AUCLAIRE: And who is to oversee the plant in accordance with regulations set forth by the State of New York? The town or DEC?

MR. GLOVER: The Department of Environmental Conservation.

MRS. AUCLAIRE: What would be the regulations for the facility like this one.

MR. GLOVER: They run about 150 pages. It's really hard to answer as such, but we are required to monitor water runoff, dust and such factors as noise and dust, smoke, that sort of thing. The requirements for fuel and other things which will not be on site. There's a lot of requirements that we don't have to address. The main thing is that we have to have due regard for wetlands and runoff from the facility. Concerned about noise, we must control as with ash, trucking debris and we must control the material that we receive and the material that we ship.

MRS. AUCLAIRE: Okay. Is there a 12 foot or wide road into this facility to accommodate fire apparatus and a turn-a-round for the same.

MR. GLOVER: Yes.

MRS. AUCLAIRE: Location of the nearest fire station, miles and minutes away?

SUPERVISOR FULLER: Selkirk.

MR. PUTNEY: Glenmont.

MRS. AUCLAIRE: And what would be the minutes, would you expect in case of a fire?

MR. PUTNEY: About six minutes.

MR. WEBSTER: Down the hill?

MRS. AUCLAIRE: How is the storage of products to be accommodated, hold and chipped, in sheds or outside, potential fire hazard?

MR. GLOVER: It would be stored outside, in piles.

LADY IN AUDIENCE: Please use the mike, sir, we can't hear back here.

MR. GLOVER: Oh, I am sorry. We will have to do a little dancing here.

The material is stored outside in piles in as received form, until we process and as we process, we load the trucks.

MRS. AUCLAIRE: Okay, how frequent are the deliveries to and from the operation; hours of business; traffic flow at peak hours; truck entrance and leaving; warning signs posted "Truck Entering"?

MR. GLOVER: Okay, name them one at a time.

CHARLOTTE AUCLAIRE: Okay, traffic flow at peak hours?

MR. GLOVER: Well, our normal hours will be from 7:00 o'clock in the morning until 5 o'clock in the evening. Normal business hours. Traffic flow at peak would be perhaps one every 15 or 20 minutes.

MRS. AUCLAIRE: And what about warning signs posted?

MR. GLOVER: Warning signs are posted. The rules and regulations have to be posted on site by DEC regulation and they are already posted.

MRS. AUCLAIRE: Okay. Is the wood product to be free of all paint and toxic materials? Who inspects for this and how frequently are the inspections?

MR. GLOVER: It must be free of all hazardous materials -- is the way it is worded, which is paint or treated wood. This is a double requirement on our part because the Chateaugay installation is a forty million dollar installation and nobody wants to take chances with that and every load is inspected as received.

MRS. AUCLAIRE. Thank you very much. I oppose this grant of a variance due to my experience that I have dealt with with DEC and the regulations with the C & D Dump up on Spawns Hollows Road with Metz's Dump. There's a flare unit that is on it, that has -- that is burning off toxic gases, which is C & D material. I would appreciate it if the Board would look into it deeper than with, as I said, BFI, Waste Management trucking in. I know that the Board knows that the C & D dump, the material that was trucked in was from Waste Management also. That if the Board please look into deeper to find out if there could be any birth... potential of toxic substance, even though he says that could be borne onto this wood. I appreciate your time.

SUPERVISOR FULLER: Thank you. Is there anyone else who would like to speak in opposition? There was 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 8:20 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

The Supervisor asked that the Town Board not make a decision on this issue this evening. She noted there are some things to be looked into. She thanked Mr. Glover.

The Supervisor apologized for jumping back and forth this evening. The next item was a recommendation from Bruce Secor, Commissioner of Public Works, and Jeff Lipnicky, Town Planner, regarding consultant engineering services review of the DEIS for Southgate Commons. She asked Mr. Secor to give some background.

Discussion
Engineering
Consultant
to review
DEIS
Southgate
Commons

Mr. Secor noted at a previous meeting a memo was given to the Town Board with an outline of the scope of services that were considered to be required. He said based on the information, a number of consulting firms were interviewed. He noted there was a chart submitted showing the firms that were interviewed. He noted other engineering firms have worked on this parcel and have interests, so therefore, the circle of review was expanded and the recommendation is a joint venture with Tectonic Engineering, Rhinebeck, NY and Greenplan, Dutchess County. Mr. Secor said these firms have an excellent experience background with representing municipalities in this type of project. He noted Tectonic would use a subcontractor for the traffic technical portion of it but they are very strong in the community aspects and geotechnical aspects.

The Supervisor indicated the hiring of the consultant will be paid by the developer. Mr. Secor indicated this was correct, noting both under the SEQR ordinance and under our own Town ordinance, we are able to capture the fees or cost of this review from the developer. He said he thought the developer is willing to put the money up front. He stated the Town should have that.

The Supervisor noted once the escrow account is in place, the developer may begin work. Mr. Secor said with the Board's approval, once the escrow account is funded and in place, the consultant is ready to start.

Councilman Putney asked if the 60 day deadline for SEQR is required. Town Planner Lipnicky said the SEQR regulations do have deadlines but that the deadline will pass before the consultant makes its recommendation. Note was made that the deadlines in SEQR are not mandatory.

Councilman Putney asked with the proposed contract, if there is going to be a deadline, as far as, finishing their work. Mr. Lipnicky said the consultants are aware of that.

Councilwoman Davis asked how soon the escrow account can be put into place. Mr. Secor said he would have to ask Attorney Kaplowitz for the current standing with regard to this. Mr. Kaplowitz said he sent information directly to the attorney for the developer. The attorney notified Mr. Kaplowitz he did not think there was a problem, however, Mr. Kaplowitz noted he has not heard anything back.

Mr. Secor noted his recommendation to the Town Board, subject to the approval by the Town Attorney of the escrow agreement and receipt of that signed agreement and check, was to hire the consultants and notify them to proceed.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the establishment of the escrow account and approve the appointment of Tectonic Engineering Consultants, P.C. and Greenplan as a joint venture to handle the review of the DEIS for Southgate Commons. The motion was passed by the following vote:

Approve
Escrow
Account
and
Appoint
Engineering
Consultant
DEIS
Southgate
Commons

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

Noes: None.

Approve
Consulting
Engineer
Sanitary
Sewers
Colonial Acres

The next item was a recommendation from Bruce Secor, Commissioner of Public Works, to authorize the engineering firm of Robert J. Ganley, Delmar, NY to provide consulting engineering services to design a section of sanitary sewer in the Colonial Acres area and approve going to bid.

Mr. Secor explained the Colonial Acres sewer pumping station was put in at a time when federal aid was available back in the early 1970s. He further explained they would not approve gravity interceptor sewers. He said it was anticipated at that time that in the future this pumping station could be eliminated. He said there is a need to have the design and documents put together for this work and therefore, this recommendation is made. This will have to go to bid, according to Mr. Secor.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the use of Robert J. Ganley, Delmar, NY, engineering consultant, to design a section of sanitary sewer in the Colonial Acres area and prepare bid documents. The motion was passed by the following vote:

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

Noes: None.

Discussion
Planned
Commercial
District
Route 85 and
LaGrange Road

The Supervisor indicated the only item left on the agenda was the receipt of an application to establish Planned Commercial District, including a SEQR resolution regarding lead agency status and classification of the action for property located at the northwest corner of Route 85 and LaGrange Road, Slingerlands. The Supervisor indicated this is the first step in a long process the Applicant would have to go through in order to establish the PCD. The presentation is to be by the developer and the Supervisor indicated there would be no public input at this time since this is early on in the process and ample time for input would be provided as the process proceeds.

Mr. Joe Sporco from the LA Group, land planning firm, introduced the developers, the Windsor Development Group. He noted also representing them was Dan Russo. He gave a brief overview of the project for the Town Board's information. He noted the development is the Price Chopper Community Center and the application is for a Planned Commercial District. He said the project is on 30.8 acre site on New Scotland Road and LaGrange Road, Slingerlands. He noted the parcel is currently zoned "A" Residential predominately and a small portion in the rear is zoned "AA" Residential.

The site will be serviced by New Scotland Road, indicating the main entry will be at the intersection of Cherry Avenue Extension. A new deceleration lane will be constructed on New Scotland Road with 2 lanes in and 3 lanes out with a signal at the intersection. LaGrange Road will be widened which will connect to the proposed future bypass extension which borders the site on the northerly side.

The development consists of 95,000 square feet which consists of 63,000 square feet supermarket with additional 32,000 square feet of retail business and service use. Some uses contemplated are a bank, and 2 out parcels. It is a community shopping center, including additional possible uses of a video store, hair salon, service oriented retail. Parking will accommodate 605 spaces as planned, which is in excess of the minimum requirement. Only 7.4 percent of the site will be covered with buildings, leaving over 19 acres of open space -- approximately 65 percent of the total site.

The development will be serviced by Town water and sewer which are both located on New Scotland Road. The site will be attractively landscaped, according to Mr. Sporco, noting the green areas on the exhibited map represented landscaping. The site will have trees, shrubs and the parking lot entryway will be well landscaped. The site is well buffered from the adjacent property owners. The main building will be located 600 feet off of New Scotland Road.

Mr. Sporko mentioned information contained in the application. An expanded environmental assessment form which includes the application and the legal description; description of the project; description of the soils and slopes; soils report; survey of wetlands, approximately 5 acres of federal wetlands on the site; vegetation and wildlife study; researched archeological on the site; justification of need for the project; long environmental assessment form with additional technical reports, which included environmental impacts and mitigating measures; detailed water and sewer report; storm water management report; and a traffic report.

Question was raised as to the LaGrange Road access and how the ingress and egress will be configured. LaGrange Road and Cherry Avenue Extension is the current intersection. The entrance into the site from the southerly direction will be lighted. There will be 3 lanes exiting the site and 2 lanes into the site. Note was made that there will be a 60 foot wide set aside for LaGrange Road for eventual connection to the future bypass.

Question was also asked regarding the size of this shopping center and whether it is a profitable venture. Mr. Miller, one of the principals of the developers, responded that a larger center would be more profitable. He said they have built 2 centers of this approximate size -- Windsor Plaza in Albany for one -- and Price Chopper would like to be in this community. Therefore, he noted they worked with them and developed this center. He also noted they recognize this is what the Town has asked for.

Comment was made to the name of the center as a community center. Mention was made that a community center vote was done in the Town previously and it was voted down. Following, a question was asked regarding the line of trees along New Scotland Road, noting with the shielding, how did they intend to attract business. Mr. Miller said community center is not the name, it is used to reflect the size of the center. The tree line is the existing line and there will have to be some exposure to the road. The older trees are to remain so as to maintain the character of the site. A full landscape plan will be submitted to the Planning Board.

Question was raised as to whether any other development will occur in the future or how the community can be reassured that the green space will remain open. Mr. Miller stated that they have no intention to develop it and indicated any modification would have to be brought before the Board.

Supervisor Fuller noted everyone had heard that we need another grocery store in our Town. She called upon Mr. Lipnicky to explain the process to be followed. Town Planner Lipnicky indicated the application was for a Planned Commercial District. It is a zone change application from the existing zoning "A" and "AA" residential to PCD. The process is a 2 stage process. The first involves the rezoning to PCD which requires referral to the Town Planning Board and recommendation from the Board back to this Board. The second step involved is the preparation of the building project approval. This process is essentially a site plan review process, according to Mr. Lipnicky. The application is submitted to the Town Board which then refers the application to the Planning Board. The Planning Board will review the application and make its recommendation regarding the building project approval. Also involved is the State Environmental Quality Review Act for environmental review of the proposal.

The application for rezoning would eventually result in the physical alteration of over 10 acres of land. Under the SEQR act, it is a Type I action. Involved in this action are other involved agencies. The first Step in the SEQR process is to determine lead agency status and declare this proposal a Type I action. Information is included with the application in regard to this. Mr. Lipnicky noted there are time limits involved with this action. Once the Town Board is established lead agency, the Town Board then refers the application for review to the Town Planning Board. The Town Planning Board would then review the application and SEQR materials and make its recommendation to the Town Board as to whether or not a Draft Environmental Impact statement should be prepared.

Supervisor Fuller thanked Mr. Lipnicky. Councilman Lenhardt noted there will be ample opportunity for public input during this process. Mrs. Fuller noted the Spotlight and Times Union contained information regarding this application.

Question was raised by Councilman Putney as to the Capital District Transportation Authority being notified of this review process. Mr. Lipnicky said they are not a part of the agencies involved, however, this can be sent to them as well for input as an interested agency. He noted they are not an involved agency.

Mr. Russo of Whiteman, Osman and Hanna, indicating he was in agreement with Mr. Lipnicky's outlining of the steps involved in the SEQR process. He said, obviously, there will be and must be lots of opportunity for public comment. He raised the question of whether the referral to the Planning Board could be started when the lead agency process is begun. He indicated in this way the Planning Board will be able to begin its review of the document. Mr. Lipnicky noted the Planning Board would receive a copy of this as an involved agency. He further stated under the Memorandum of Agreement between the Planning Board and Town Board for review of Planned Districts, the process is that the referral to the Planning Board for review of the application does not occur until such time as the Lead Agency is established. He said the lead agency is not established until the end of the 30 day period.

The following resolution was presented:

SEQR RESOLUTION
CLASSIFICATION OF ACTION AND LEAD AGENCY DESIGNATION
PRICE CHOPPER COMMUNITY CENTER

SEQR
Resolution
and
Lead Agency
Designation
Planned
Commercial
District
Route 85
LaGrange Rd.

WHEREAS, the Town Board of the Town of Bethlehem has received an application and Environmental Assessment Form from the Windsor Development Group, Inc. to establish a Planned Commercial District (PCD) on 30.8 acres of land located at the northwest corner of NYS Route 85 and LaGrange Road; and,
 WHEREAS, establishment of the PCD would amend the current zoning of the parcel from Residence "A" District and Residence "AA" District to Planned Commercial District; and,
 WHEREAS, the proposal for subsequent development of the parcel would entail construction of a 93,000 square foot shopping center with parking for 605 vehicles; and,
 WHEREAS, Article V of Chapter 128 of the Code of the Town of Bethlehem provides the Town Board with the authority to establish Planned Commercial Districts, and further provides that the Town Board shall refer all applications for establishment of a PCD to the Town Planning Board; and,
 WHEREAS, The State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,
 WHEREAS, 6 NYCRR 617.5(a) requires that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether other agencies are involved; (3) the appropriate classification of the action; and, (4) whether a full or short environmental assessment form is necessary; and,
 WHEREAS, 6 NYCRR 617.12 establishes thresholds for the classification of Type I actions and the proposed project exceeds these thresholds; and,
 WHEREAS, 6 NYCRR 617.6 establishes procedures for coordinated review of Type I actions;
 NOW, THEREFORE, BE IT RESOLVED,
 that the Town Board of the Town of Bethlehem hereby determines that the application by Windsor Development Group, Inc. for establishment of a Planned Commercial District constitutes a Type I action subject to SEQR; and,
 BE IT FURTHER RESOLVED,
 that the Town Board hereby determines that at minimum, a Full Environmental Assessment Form is necessary to determine the significance of the action; and,

BE IT FURTHER RESOLVED,

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

BE IT FURTHER RESOLVED,

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

BE IT FURTHER RESOLVED,

that the Town Board hereby authorizes the Town Supervisor to initiate coordinated review by filing a copy of the Planned Commercial District application, SEQR materials and appropriate notice with involved agencies, and notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice; and,

BE IT FURTHER RESOLVED,

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

BE IT FURTHER RESOLVED,

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

On a motion by Mr. Webster, seconded by Mrs. Davis and a vote of 5 for, 0 against, 0 abstention, and 0 absent, this RESOLUTION was adopted on June 8, 1994.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to hold an Executive Session to discuss pending litigation following the regular Town Board meeting. The motion was adopted by the following vote:

Executive
Session

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

Noes: None.

The Supervisor thanked everyone for their patience during the Town Board meeting.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 9:00 p.m. The motion was passed by the following vote:

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

Noes: None.


Town Clerk

EXECUTIVE SESSION

There was no action taken at the Executive Session.