

TOWN BOARD
MARCH 25, 1998

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

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

- - -

SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. We will begin with the pledge of allegiance. Well everyone in the audience, the first item on tonight's agenda is a public hearing and it is not quite 7:30 p.m. so I can't start, unless that clock is slow. Okay, 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 the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on March 25, 1997 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider Local Law No. 5 of 1998, Amending the Code of the Town of Bethlehem, Chapter 119, Vehicle and Traffic, Section 119-36, Schedule X, Parking Prohibited at All Times on VanDyke Road, east side from Delmar Bypass Extension north to driveway of Bethlehem Central Bus Garage, 82 VanDyke Road, Delmar.

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.

Public Hearin
Parking
Prohibited
at All Times
on VanDyke
Road

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk, CMC
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 11th day of March 1998.

/s/ Mary A. Ahlstrom

Sworn to before me this 16th day of March 1998.
/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 March 11, 1998, 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 March 1998.
/s/ Catherine T. Picarazzi
Notary Public

- - -

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

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

Noes: None.

- - -

SUPERVISOR FULLER: Lt. Vanderbilt, if you would.

LT. VANDERBILT: Good evening. Unfortunately, I can't place this so everybody can see it but I made a sketch of the area that is in question. VanDyke Road is the 2 wider lines on the left hand side. The narrow 2 lines together are the bike path which runs along side VanDyke Road. This being VanDyke Road and the bike path being here which runs along side of it. The bus garage and parking area for employees of the bus garage and the Delmar Bypass extension on the southern side. At the end of last year, the Town finished construction of a bike path on the east side of VanDyke Road from the intersection of the Delmar Bypass to the high school, actually to Delaware Avenue. The area north of the bus garage is completely paved between the bike path and VanDyke Road. The area to the south of the bus garage is a graded and grass seeded area between the roadway and the bike path. We have a wider area north of the bus garage to allow for parking in that area which was paved over by the Town several years ago to allow more parking for the high school. The Traffic Safety Committee had brought to our attention by several individuals, one including a member of the School Board about the fact that parking was occurring in some cases on the bike path and other cases on the grassy area between the pavement and the bike path, that area not designed for parking. We also had noted a problem brought to our attention by the school bus transportation people with cars parking right up to the driveways of this parking lot which is newly constructed and causing a visibility problem for school buses and for cars -- employees driving their personal cars out of that parking lot. Several near accidents were noted by the personnel from the bus garage. Traffic Safety Committee looked at the situation and our suggestion was to make no parking from that area of the bus garage south to the intersection of the Bypass extension, since it was not designed wide enough for that parking in the first place. It also caused a safety problem being a narrow area with people opening their doors into traffic after they were coming right around the corner from the Bypass extension not expecting to see an open door and having students getting out of the car there. We found that that was basically who was parking there was high school students since nobody else would have a real reason to park there in the proximity of the high school -- found it to be students were parking there. I have a couple photographs which I will circulate down the Board table which show, in one case a vehicle parked right on the bike path and you can also see the damage that has been done to the area between the bike path and the highway. Basically now it is all ruts and the Highway Department or the Public Works Department, one or the other, will have to go back there this year and repair the damage to that area. Does anybody have any questions?

COUNCILMAN BURNS: I do. I was just wondering how many cars does that area accommodate? What is the capacity of the parked cars -- is it 10 that could park there?

LT. VANDERBILT: Ten or 12 probably. You can see a number of them in the picture. I would say 10 or 12 cars probably.

COUNCILMAN BURNS: Ten or 12 cars.

LT. VANDERBILT: Yes. The Traffic Safety Committee did not consider how many cars would be eliminated from parking. We were considering the safety aspect, the blocking of the bike path... because it had been told to us about people witnessing, disabled people from the group home which is located just south of the intersection of the Bypass extension in wheel chairs not being able to even get up the Bypass because of cars parked on the bike path... get up the bike path rather than the Bypass. So, we were concerned about safety and accessibility to the bike path. We really weren't concerned with parking not being in the purview of the Traffic Safety Committee as one of our charges. We've dealt with the safety issue and the accessibility issue.

COUNCILMAN BURNS: Was there any thought to any alternative for those... alternative parking for the high school students anywhere else?

LT. VANDERBILT: No, we did not consider that. That being outside the purview of the charge of the Traffic Safety Committee.

COUNCILMAN JOHNSON: I have ridden the area twice and both times my findings were the same as you and the Traffic Safety Committee but I also rode through the parking lots and through that area as late as yesterday and every time there have been parking spots somewhere in the complex.

LT. VANDERBILT: I was in the front lot at the high school yesterday at both 9 in the morning and yesterday afternoon about 1:30 and there were probably at least a dozen parking spots available. Of course, people come and go so initially at the 7 or 7:30 in the morning they may have all been full. Later in the day spots were available. I understand there is some kind of a system for parking on some of the lots that is assigned to seniors in the high school. Can I answer any other questions?

SUPERVISOR FULLER: I just need my memory refreshed on the rules of the high school parking... the front parking lot seniors can use.

LT. VANDERBILT: I believe that is the way it is assigned. Probably some of the audience can tell you more about that.

SUPERVISOR FULLER: Is there anybody from the school district here?

COUNCILMAN DAVIS: Boy, your hands went up fast.

SUPERVISOR FULLER: Okay. In the front row, what are the...

MR. ROSENTHAL: Well, my name is Dan Rosenthal. I am the Vice President of the Student Senate at Bethlehem High School and I can assure you that any possible, feasible solution of reorganizing the parking lots or the student part of the parking lots has been talked about and retalked about and really there... I can assure that there are no spaces that are student available that are available for students to park on. There isn't an influx of spaces. The front parking lot is assigned senior only and there are rules about car pooling and they have tried to do things like assign certain spots -- I don't know the degree of... I don't know the positive feedback they've gotten from those decisions about assigning certain spots because there is problems in that. But, really the way parking is set up is this... the seniors have a portion of the front lot and teachers have the side lot closest to the back entrance of the school which would be right here. And, so, basically the only spots that the seniors or any students have to park on in the entire school complex is a portion of the front lot which I can assure is not close to the amount of parking that's needed. Students don't park on VanDyke because they want to or because they think it is going to give them an easier way to leave school early.

COUNCILMAN DAVIS: Because they would rather park by the front door.

MR. ROSENTHAL: Oh, I am sure. I am sure. If you ask any student in any grade, they would say I want to park the closest to my home room because if you are a minute late to home room, then you are going to get detention or something like that. There is no excuse for coming in late. It doesn't matter if you park 450 meters down VanDyke and have to do a 2 minute jog into home room, if you are a minute late, there is no excuse for it. The 10 or 12 spots, I truly understand what they are doing to the grass, I have seen it. I am not going to deny the fact. I agree with everything that Lt. Vanderbilt said. The grass is being eaten up and there is dirt. But, by eliminating that parking in general, that's not going to solve the problem. Students need some where to park. It is not... a lot of students don't come to school driving because they think that that would be just the easier thing to do or because it is cool, a lot of students need to drive to school. A lot of students play athletic sports where they need rides home afterwards. A lot of students may not be able to get a bus but live too far away during the winter to walk. There are endless reasons why parking is needed for student activities. Also, I mean students are really trying to do the right thing. Students don't want to just take the easy road and if that involves eating up grass or making the Town look any less beautiful that is not what... that's not... I mean students... it's not a malicious thing. Students are just doing whatever is possibly in their power that is going to allow them to... I mean, follow the rules. The rules are set forth and they are pretty specific. They say you have to get to home room on time and if that involves, I am telling you right now with the problems on VanDyke and the overflow parking that students are getting to school half an hour, 45 minutes early just to be able to find a spot maybe on the middle of VanDyke. I don't know what time people come to get a spot on the front of VanDyke. I personally have never seen it open. They must come an hour early but I mean, I believe that a solution to this problem would be to look for alternative places where students can park instead of just eliminating it in general. That doesn't solve the problem. That might alleviate the Town's pressure on the problem and yet if it is a safety risk it has to be addressed but to devise a solid solution for the problem, there needs to be alternate steps that need to be taken. I don't know if that involves trying to make funding to create a parking lot which I have talked... we have talked endlessly on the Student Senate of possibilities and I know it is very expensive and it really... it is not feasible at this point to create a parking lot but other solutions have to be looked at before a decision to just cut out the entire problem in general is made because that doesn't cut out the problem. That may cut out the appearance of the problem but that, I can assure you, will not cut out the problem of student parking because students... students are going to do what they need to do and if they need to find a parking spot, if... this might actually... in my opinion, this is going to make it more unsafe. If you are cutting out this parking which may make the Town look a little bit less beautiful, then students are going to do something that might not be as safe, they are going to double park some where where they shouldn't double park. Not because... that's not because they want to do something that's malicious, it is not, because they just want to do something that is easy, it is because they have to.

SUPERVISOR FULLER: Have you spoken to the school district about this problem?

MR. ROSENTHAL: Well, I was talking to one of my fellow students on the Student Senate, Colin Blake, and I know he talked to you and I was asked... I am actually writing an article for the school newspaper about it that's why I am here tonight but he really told me to not cause too much of a... I guess I might have gone against his wishes a little bit but...

COUNCILMAN JOHNSON: You did a nice presentation.

SUPERVISOR FULLER: No, you are absolutely fine and I spoke with Colin about it. Have you gone to Dr. Loomis and the school board to ask the same issue that you are here to talk to the Town about as far as additional parking?

MR. ROSENTHAL: I was asked not to address...

SUPERVISOR FULLER: Were you told not to answer any questions?

MR. ROSENTHAL: I'm pleading the 5th amendment, self-incrimination. No, I was really waiting on the decision of... I know that it... Colin and I heard that yourself were forming a committee to look at other possible solutions and basically the reason I am here tonight is to allow maybe your committee to think of other possible situations... or other possible conclusions to this problem rather than just making the problem worse by cutting out the few remaining spots that students crucially need. I mean this is... I really don't know what students are going to do because a lot of students can't park on VanDyke and the students who need to park and absolutely... I mean a lot of students come in late. The students who need the... or park in these spots 500 meters, 600 meters away from the school, that's not a good like situation to be in. I mean I don't think any student is going to like try and run for 2 minutes and get to home room and be in a sweat for their first period class but...

SUPERVISOR FULLER: Physical fitness program.

MR. ROSENTHAL: I mean, if you want to integrate the 2 I am all for it.

COUNCILMAN DAVIS: Can you just refresh our memory, what's... there's a priority, isn't there sort of a, you know, seniors, juniors, sophomores -- how does it work?

MR. ROSENTHAL: Well, basically, it's not very distinct. I mean, basically what it is is the seniors have priority spots. They are the only ones who are allowed to park in the front lot. That's not for underclassmen parking. And, basically, for the juniors and sophomores, it is fighting for your own spot on VanDyke. There's... I know that you can't make specific spots on VanDyke, that's not allowed and so it is basically first come first serve, sophomores or juniors. I mean, I am sure that students would be willing to talk about any possible solution -- car pooling, anything. I mean, I just know that students really need these spots. It's crucial for students to be able to drive.

COUNCILMAN DAVIS: Don't students have to have a permit. Isn't there a ticket or a permit or something that they have to get from the administration in order to park at the high school?

MR. ROSENTHAL: To park... well, a senior... seniors, I mean, it doesn't count for underclassmen, just seniors. Seniors need to get little tickets for the front of their car but that's... I am not quite sure, a senior might be able to talk about that better because it has changed in the last couple years. I know last year that students just got a parking... a parking slip to stick on their mirror...

COUNCILMAN DAVIS: Right.

MR. ROSENTHAL: And, then they could park wherever they want in the front lot but I think this year they have tried to do spots... assigned spots but I know that that doesn't really work because it is a domino effect -- if someone parks in your spot, then the whole thing is just ruined.

SUPERVISOR FULLER: Are seniors the only ones allowed to park cars at the high school?

MR. ROSENTHAL: On high school property, yes.

SUPERVISOR FULLER: So, everyone else in the school is not supposed to be driving the car to school, correct?

MR. ROSENTHAL: I wouldn't say that...

SUPERVISOR FULLER: Only the seniors.

MR. ROSENTHAL: I wouldn't say that.

COUNCILMAN DAVIS: Isn't that what technically the permit system, though, suggests? Isn't that the bottom line?

MR. ROSENTHAL: I... I... to answer that question, I truthfully... I would really have to talk to the bus supervisor to see what the capacity for our busing system is. Personally, not knowing that much about it, I would say personally just from viewing it that our buses would not have enough room to bus in the junior, sophomores and freshman. I can tell you that straight up. I don't have numbers for that but and I can tell you for the classes underneath... personally I am a sophomore, I know that the classes in the middle school are much bigger than our classes. So, this problem isn't going to go away. I mean, inevitably, there's not going... unless... you as... I guess the school board as a panel wants to approve bills to buy tons more buses, I think a more productive idea would be to just devise a way where parking could be made more available rather than just by saying well you are not supposed to park... you're not supposed to park, you don't need to park, we will bus you in. That's not feasible in my opinion.

SUPERVISOR FULLER: Okay. Well, thank you. I will have to check with Colin to see what committee I have been assigned.

COUNCILMAN LENHARDT: Can I make a comment? As we... this is the Town Board as everyone here knows. As we speak the school board is having their weekly budget meetings and a plea to the school board for additional parking would certainly be appropriate.

SUPERVISOR FULLER: Maybe you can go over there first and come back. We will start up again.

MR. ROSENTHAL: I'm just trying to slow down cutting off the parking.

COUNCILMAN LENHARDT: They started at 7 this evening.

LT. VANDERBILT: I would add a couple comments based on what he had to say. We did think about not making a suggestion to make this whole area down here no parking but we needed to at least make the area for the sight distance at this intersection 2 or 3 spaces, no parking to have sight distance at the intersection and on either side of this driveway which would really only leave 2 or 3 spots in the middle here if you had the necessities done. And, those 2 or 3 spots in the middle if we had not suggested no parking for that would still not have addressed the problem of people parking in there and parking onto the bike path and eliminating the accessibility of the bike path or the damage to the property there.

COUNCILMAN DAVIS: And, if the student is here tonight who -- you can see the picture -- parked on this new bike path, there's no excuse. There is just no excuse. I think all of you would admit that.

LT. VANDERBILT: They got a parking ticket so they know who they are.

COUNCILMAN DAVIS: Hopefully, you're not here tonight.

LT. VANDERBILT: On our Traffic Safety Committee is Bob Peters, who is the transportation director for the school district and he has told us many times, the school district is required to furnish a seat for every student on the school bus. So, there is room for every student to ride the school bus. He said if he was allowed to provide bus transportation for the average number of students that would ride the bus, he could deplete several buses from his fleet but he has to maintain an empty seat in case everybody wanted to ride the bus at any particular time to school.

COUNCILMAN DAVIS: But, it's not as much fun, Lt. Vanderbilt.

LT. VANDERBILT: That is probably true.

COUNCILMAN LENHARDT: Lieutenant, I have one question. How recent is that entrance to the parking area?

LT. VANDERBILT: Gregg, do you know?

MR. SAGENDORPH: I think they built it last year.

LT. VANDERBILT: Last fall I believe.

COUNCILMAN LENHARDT: Okay.

LT. VANDERBILT: About the time the bike path was being constructed.

COUNCILMAN DAVIS: Yes, yes.

COUNCILMAN LENHARDT: I haven't driven that way in a while.

LT. VANDERBILT: The bus drivers previously had to pull their bus out of the spot and put their own car in the spot, kind of like Russian roulette in the parking lot. They made a specific lot for the drivers.

SUPERVISOR FULLER: If we can go back to just taking some questions right now and then everyone will have their opportunity to speak in favor or in opposition. Yes.

MR. SCHRADE: I have one question, if the school...

TOWN CLERK NEWKIRK: It would be better if you come to the microphone, if I am going to get you on the record.

MR. SCHRADE: I am Rick Schrade. I am a resident of Delmar and Slingerlands. My question is, if the school building was as it sits today was being constructed brand new, what are the number of parking spots as parking is a big controversy in the Town of Bethlehem with new businesses and what not, what would be the required number of parking spots that they would be required as of today? And, is the school district meeting that requirement?

COUNCILMAN DAVIS: John, does John know that?

LT. VANDERBILT: Can the Town Board regulate the public building construction?

MR. FLANIGAN: No, they can't. They cannot regulate school district property.

SUPERVISOR FULLER: It's the school district has to...

MR. FLANIGAN: That is up to the school district.

MR. SCHRADE: I was just curious as to whether they were... because the purpose of zoning is really for public safety and to have things work normally. Are they today in your opinion, Mr. Flanigan, are they meeting the requirement?

MR. FLANIGAN: I couldn't tell you.

MR. SCHRADE: Okay.

SUPERVISOR FULLER: Gentleman in the second row. Sorry, did you have a question? Anyone else questions, yes.

MR. MOSHER: What is the regulations regarding parking on Brockley Drive across the street from the high school?

SUPERVISOR FULLER: Would you do me a favor? If anyone has a question, you need to come to the microphone and give your name because the Clerk is very upset with me.

TOWN CLERK NEWKIRK: Not with you but we need your name on the record.

COUNCILMAN DAVIS: It is a public hearing.

SUPERVISOR FULLER: I keep forgetting.

MR. MOSHER: I am Tim Mosher, I am a senior at the high school and I am wondering what the regulations are regarding parking on Brockley Drive.

SUPERVISOR FULLER: Is it no parking on Brockley or limited parking?

COUNCILMAN DAVIS: Certain hours.

LT. VANDERBILT: I think I can address that properly. During school hours, I believe it's limited to 1 hour parking.

MR. FLANIGAN: You are right.

SUPERVISOR FULLER: Yes.

GENTLEMAN: After everyone get's finished talking, I would like to make a statement.

SUPERVISOR FULLER: Yes.

GENTLEMAN: After everyone get's finished. I would like to hear from all the other people first.

SUPERVISOR FULLER: Are there any other questions?

ATTORNEY KAPLOWITZ: There is a question over here.

MR. WELCH: I would like to make a statement. My name is Dick Welch. I live at... on Brockley Drive, number 2. And, to address your question, about 7 years ago, we had an awful problem with the students parking on Brockley Drive. So, we had a petition and the Town Board approved of the 1 hour parking signs because the kids were parking on both sides and we couldn't get delivery trucks, ambulances and that and it was a real mess. And, that is why the signs are there, okay. Thank you.

SUPERVISOR FULLER: Thank you. Anyone else?

COUNCILMAN BURNS: I just wanted to add to this young man as far as solutions go. I did talk to the CDTA people and they were talking about the 112 spaces at the Elm Avenue Park and Ride and on a daily basis only 20 cars actually park there and they were willing to sit down and talk about that as a possible alternative. And, I don't know if there is a liability issue. I don't know anything more about it but they were very open to discussing that.

SUPERVISOR FULLER: Yes.

MR. AUSTIN: I am Dave Austin.

COUNCILMAN DAVIS: Hi, Dave.

SUPERVISOR FULLER: Does your Dad know you are here tonight?

MR. AUSTIN: No, he doesn't. First of all to address the CDTA parking lot thing. I think that is just such a distance really to walk that, I don't think that's a plausible solution to... and I think everybody here. As a senior last year, I think the problem, there's a big parking problem, obviously. But, I also think that I would be in support of this proposition because we are only giving up 10 spots and the safety concerns that are being addressed by Officer Vanderbilt are really they're obvious. First of all, having parked in that area last year as a senior which... I know I have stepped out of my car a couple times and thought I was going to the big house there and so, I would definitely say that just to give up those 10 parking spots is not really that big of a deal. It is not going to change the problem either way, so that's just my position on that.

SUPERVISOR FULLER: Thank you. If you would like to come to the mike and speak in favor or in opposition, just give your name and...

MR. GOEDEKE: Okay. My name is Matt Goedeke and I live... and I am a sophomore in high school and next year I will have access to a car and a license so this obviously affects me. And, I just want to talk about the issue of the buses and like right now. Right now I take the bus and really, I mean, just with mainly the buses every where, at least I know my bus is just sophomores and freshmen and I know now that it is so crowded and that's just now so it's really

overcrowded. Well, I am like one of the first stops so it is easy for me to get a seat but I know like the last or second to last that I am being... like I am with someone in a seat or there's 3 people to a seat. So, I know that is really bad and to cut those spaces off would just make it worse. So, I really wouldn't think that would be good because it would just be way too crowded. So...

COUNCILMAN DAVIS: How many people do you think are in those cars?

MR. GOEDEKE: What do you mean?

COUNCILMAN DAVIS: In those spaces?

MR. GOEDEKE: That park on it?

COUNCILMAN DAVIS: Yea. How many people do you think that will involve?

LT. VANDERBILT: One per car, 2 per car?

COUNCILMAN DAVIS: So, that's 10, 12 students, maybe? How many more people will that put on your bus? How many buses are there every morning?

MR. GOEDEKE: Excuse me.

COUNCILMAN DAVIS: How many buses are there every morning?

MR. GOEDEKE: A lot.

COUNCILMAN DAVIS: Right, so that might be a 1/4 of a person per bus?

MR. GOEDEKE: Well, just in general, I mean, first they are going to want to take that away and then in 2 or 3 years, they may want to just go, well, that's working, let's just get rid of VanDyke parking all together. And, it's just...

ATTORNEY KAPLOWITZ: Why are we doing this? We can't do anything for them anyway.

SUPERVISOR FULLER: No, I know but we are trying to put a law in place which is why we have them here.

ATTORNEY KAPLOWITZ: Yes.

MR. GOEDEKE: It's really a big issue because I know that when I have my license and I am driving to school, I am not going to want to park all the way at the CDTA station by that church and walk or be towed there, that is just ridiculous when you can easily just walk 150 yards to school.

COUNCILMAN LENHARDT: Can I make a comment? Just on the issue of your fears regarding the future of VanDyke Road. A number of years ago... few years ago actually, the Town spent quite a bit of money to ensure there was safe parking on VanDyke Road especially from the bus garage towards the high school. I doubt seriously that those spaces will disappear.

MR. GOEDEKE: I don't know but I am sure that 5 or whatever, however, "x" number of years ago, people were saying oh, we'll never take it away just on that strip, well I mean, who knows. We can't really determine that now.

SUPERVISOR FULLER: Okay, thank you. Yes, Mr. Lobel.

MR. LOBEL: Ira Lobel. I have a couple students in the school. I think there are a couple issues. 1. Just in terms of the kids parking on the bike path. One ticket would eliminate that completely because all the kids would know it. You know, and that seems to be...

LT. VANDERBILT: We have been ticketing for quite a while.

COUNCILMAN DAVIS: They have been ticketing.

MR. LOBEL: Then kids have a lot more money than I do. But...

LT. VANDERBILT: Either that or they don't answer their parking tickets.

MR. LOBEL: Well, give them time. But, seriously, I think the issue of parking is one of those situations where... I think you made the point, where the school district and the Town Board have to get together because it is a serious problem. And, I don't think it is a serious problem for the kids going to school but I think it is a serious problem for the kids getting home from school. The last bus, to my knowledge, is 3 o'clock. That means that all the kids who want to participate in sports, clubs, drama, whatever, have to figure out a way to get home. And, a lot of them do it by getting 4 and 5 kids in a car on the way home, kids on VanDyke, kids in the senior lot. We are the only suburban school and I checked, I called about 5 suburban schools, that doesn't provide parking for almost every senior. We provide parking for about 1/3 of the seniors and that means that seniors, juniors and sophomores park on VanDyke and there are a lot of seniors who also park on VanDyke who don't have the space in the front lot or it isn't their turn to park in the front lot. So, it is a problem that is a mutual problem between the safety of the Town and the money that the school board has and I am not sure what the solution is. From what I understand, the school board park... you know, bought some land across the street...

SUPERVISOR FULLER: Yes, they did.

MR. LOBEL: And, I don't know if you can get an ungraded lot in there that somehow the Town Board and the school district get together and get... you know, make an ungraded lot there for a while and put some wood down so the kids don't park all over the place but it's... I understand the safety problem, it is a big safety problem, but it is a big practical problem for kids to get home at night after school. And, a lot of the kids that are driving to school are participating in activities after school where they need a car. And, we are one of the few school districts, in fact the only school district that doesn't provide more spots for our seniors who could double up or a late bus. Our last bus is 3 o'clock. That's why, I would... you know, we need every spot we can get. Okay.

SUPERVISOR FULLER: Thank you.

COUNCILMAN DAVIS: I have a question then for either you, Mr. Lobel or the students who are here. To get a parking permit, do you have to indicate a need on the application? Do you have to indicate that you are in a sport or an activity after school?

AUDIENCE: No.

COUNCILMAN DAVIS: No, so, anyone can get it.

MR. LOBEL: As I understand it, for seniors at least this is what my daughter who is a junior is telling me what is going to happen next year is... they got to buddy up with 2... I think it is 2 other seniors so that 1 out of 3 days, if you know, it's 1 spot for every 3 seniors.

COUNCILMAN DAVIS: That wasn't my question though. My question was does a student have to indicate or substantiate that he or she is staying after school to participate...

MR. LOBEL: No.

COUNCILMAN DAVIS: ...either in a sport or an after school activity.

MR. LOBEL: Seniors just get it.

COUNCILMAN DAVIS: Okay.

MR. LOBEL: As I understand it.

MS. GOEDEKE: My name is Marcy Goedeke and I am a senior and I just wanted to answer that question. We had a terrible problem with

parking this year for seniors because a lot of the juniors were parking because VanDyke was full. So, what they decided to do... at the beginning of the year it was just anyone could park in any spot as long as you were a senior but juniors were seeping in as they do. And, what they just decided to do was assign 2 seniors per spot and everyone gets like a little sticker on their car and they are assigned a spot. But, the thing with that is they only had a limited number of spots so not every senior got a parking spot which forced them onto VanDyke. And, then a lot of people still car pooled but there still isn't enough room. So, that's where it stands today.

SUPERVISOR FULLER: Yes.

MR. SHENIN: My name is Dave Shenin. I don't know as that matters. But...

SUPERVISOR FULLER: For the record, we need your name.

MR. SHENIN: Okay, so it does matter. I don't know if this is a matter for the Town Board or the school board but this problem has been going on for a while. It is pretty much the same situation, I know, since my sister was here a few years ago. And, a couple... last year actually they built 2 large parking lots right above the bus garage and somehow there was no extra spots for any students after 2 big parking lots were built. And, I don't mean to point fingers because I know that doesn't solve anything but if there was enough spots for the teachers to park before because I know the teachers have always had enough spots because obviously they have the priority, we can't have them parking all the way down there but how did the teachers go from having enough spots not gaining really any spots and then the students didn't gain any spots when we built 2 large parking lots. And, I think, I wrote an essay for a philosophy class last year because I was a junior so this was my problem last year. And, I just... I always noticed that there was a large number of spots for the... empty in the teachers parking lot right above the bus garage, probably 20 or 25 spots a day and I mean that is just an approximation but maybe if we were really to look at how many spots were there, we could devise a solution from that but...

SUPERVISOR FULLER: How about the parking lot by the cafeteria that is used for a bus turn around?

MR. SHENIN: Yea, well that used to be solely for the buses they park there and for some reason they changed that and I am not really sure why and gave the buses that whole new parking lot and the bus... one of the new parking lots is for the buses and one of the new parking lots is for more of the teachers spots. And, I don't know it seemed like the old method was working pretty well for the buses but that's just my opinion. I don't know any of the technical stuff but... so that whole parking lot where the buses used to be is now empty. We are not really using that except maybe for turning around the buses. I don't know.

SUPERVISOR FULLER: So, that lot is that being used at all.

MR. SHENIN: Not to my knowledge but I don't really know anything.

SUPERVISOR FULLER: Thank you.

COUNCILMAN DAVIS: I am sure you do.

COUNCILMAN LENHARDT: Don't sell yourself short.

SUPERVISOR FULLER: If you want to come ahead and line up so we can save a couple minutes here as we go through and each of you have the opportunity to speak.

MS. BLACK: My name is Katie Black and I am a junior. And, 3 of my friends and I car pool every morning to school and we park on VanDyke past the bus garage. So, I guess we are guilty of ruining the bike path or the grass and seeded area, why can't we just pave the grass area so it's the same as the area before the bus garage width... the pavement because then there's not going to be a grass area for us to tear up. Because, I mean, there is only 10 or 15 spots beyond that

but those 10 or 15 spots are taken every single day and to get a parking spot before the bus garage, you have to get to school at 7 o'clock. And, they fill up between 7 and 7:03 because I have been there early and they are all gone within like 3 minutes. And, I think that to keep those spots keeps 15 other people... like it gives them the ability to park because if you take those spaces away, then they're just... they're going to have no where to park and it's just going to make the problem worse.

LT. VANDERBILT: I can answer part of that. The area between the roadway and the bike path is a narrower area south of the bus garage than the area north of the bus garage where the pavement is paved over between the 2 areas.

MS. BLACK: So you couldn't...

LT. VANDERBILT: So there is not as much space there. You would be having to park partially on the bike path even if it was paved.

MS. BLACK: But the bike path is really wide and bikes are really narrow. I haven't seen too many bikers biking down the bike path.

COUNCILMAN DAVIS: No, the bike path, there is a history to the bike path and the bike path has to be that width. That is part of the regulations for us to qualify for the monies -- that was part of a grant, a federal grant -- it has to be that wide to accommodate bikes and pedestrians going in either direction. So, that was the only way to qualify for the grant. And, you can't cut it shorter because if you do then we are going to be in real trouble too.

LT. VANDERBILT: The Feds will be asking for the money back.

COUNCILMAN DAVIS: That's right.

SUPERVISOR FULLER: I have a feeling you have a different story.

MS. STEVENS: I have a little bit different comment about that. I am going to speak on behalf of being a resident of VanDyke Road and also for the Pedestrian Safety Committee here in Delmar where we have lots of kids, high school kids and middle school kids killed by being involved in car crashes. So, my name is Fran Stevens and I would like to say I support the recommendation that we limit parking for safety reasons and because of the investment of the Town in a bike path to increase people's ability to walk in the Town and to bike in the Town safely and not... and to share the road safely with cars. So, I hate to see this new investment of the Town where lots of people do use it, be impeded by cars parking on it and wrecking the area that we just invested and not have it wrecked by cars pulling over it. I realize that there is a parking problem for the school that needs to be taken up by the school board. And, probably in conjunction with the Town and some kind of solution arrived to but I don't think the solution is to increase the parking along a road where it increases the hazards to pedestrians and where our 1 showcase for increasing safety in the Town is... would be diminished by allowing this to continue to happen. So, I have to speak in support of this proposition and recommend that the Town and the school board work together to come up with some kind of solution for the parking problems of the students. You know, for colleges and a lot of colleges, they say only freshman can park. There are lots of solutions besides just building more and more and more parking areas. We have to think that there are some other opportunities for creative people to say, maybe we should be doing something besides building more parking lots.

COUNCILMAN JOHNSON: Thank you.

SUPERVISOR FULLER: Thanks, Fran.

MR. KINDLON: I am... can everybody hear me? I don't know how this works.

SUPERVISOR FULLER: Just move up a little closer. We need your name.

MR. KINDLON: My name is Patrick Kindlon. I am the President of the Senior class and I came in here without an agenda. I came in here as a participation in government student but listening... sorry, I am very hoarse if my voice cracks nobody please make fun of me. I just... like listening, I just had to come up and speak from experience. I rode a bus for 3 years and when I couldn't get a bus then I walked and I never found this to be a problem and I played sports and I participated in activities and from my own personal experiences, it is not a problem. What I have been hearing a lot from sophomores is that or pardon me, sophomores and juniors is that they want to drive to school and I understand that, that is fine but if want is the only issue then it really doesn't justify anything, I would like to be flown to school every day but that's not to say I should be. I find it to be... like I agree whole heartedly with... I am sorry...

MRS. STEVENS: Mrs. Stevens.

MR. KINDLON: Ms. Stevens in that if this truly is a safety issue as it is being addressed, if it is a safety issue which I can't vouch for either way, if students lives are actually endangered, then I am in full support of the Law No. 5, I guess.

SUPERVISOR FULLER: Yes.

MR. KINDLON: Right, yes. Then I am in full support because it is ridiculous to say I want to drive to school because I want to. Like, sports... this is not to say that I support us just dropping it and no student parking, this is to say that I support other alternative methods like, if you do in fact... we have a detention bus, if you do in fact have a sport perhaps a sport bus would be called for and I needed a question answered by... I think, you sir. The... with the growing number of students coming in, like the... I understand the classes that will be freshmen are going to be much larger, is that true?

LT. VANDERBILT: I am not sure.

MR. KINDLON: Well, there is a question in the back, just the students I was sitting with if we will be able to carry them all in the bus. Like, if so, then I see no problem with eliminating all the parking on VanDyke.

LT. VANDERBILT: The information I had from Mr. Peters was that he has to, by law, provide a spot on the bus for every student.

MR. KINDLON: Then, if it is in fact a safety issue, the issue of I want to drive to school is ridiculous and I support this and I think a lot of other seniors who went 3 years not getting a bus... or not getting up and driving a car also support this.

SUPERVISOR FULLER: Thank you.

COUNCILMAN JOHNSON: Thank you.

COUNCILMAN DAVIS: Thank you.

MR. SAMSEL: Bob Samsel, Selkirk. I can't sympathize too much with the problems that have been expressed here. I had 6 children and 9 grandchildren go to the RCS school. Every one of them was in extra hour facilities-- sports, drama, what not -- my wife wore her car out getting them back and forth. There was no such thing as everyone of them had to have a car, we just didn't have the money. Now, I have a granddaughter that's going to Holy Cross college this fall and they solved the problem beautifully, she's outraged -- no freshman can have a car on the property and they have to live on the property.

COUNCILMAN LENHARDT: That is not unusual at college.

SUPERVISOR FULLER: It's true. See what you have to look forward to when you leave Bethlehem and go off to college. You won't be able to have a car anyway.

MR. ROSENTHAL: I will be brief because I know I already spoke. My name is Dan Rosenthal, again.

SUPERVISOR FULLER: Dan, would you do me a favor. Can I interrupt you?

MR. ROSENTHAL: Yes, sure.

SUPERVISOR FULLER: In fairness to everyone, if you would let everyone who has not spoken have their turn first.

MS. PARAFINCZUK: I'm Becky Parafinczuk. I am a sophomore and the... to somebody who suggested like a bus that would bus us home after sports, that really is not practical because sports end at different times because now in the spring we have different gym times and like... I know, I play lacrosse and I have it at different times every day. And, you can't... my parents work til 5:30 so they can't come pick me up at 4:30 after school. So, I rely on people who drive or somebody else to give me a ride home. So, a bus wouldn't be practical because sports... some sports end at like 4:30, with us some end at 5:00 and parents who work at 5:30... work til 5:30 or 6:00 o'clock can't come pick their kids up so how are those kids supposed to get home. And, I know that, I'm personally getting a car for like that reason so I can drive me and my sister and whoever else needs a ride home because my parents can't come get us. Thanks.

SUPERVISOR FULLER: Thanks, Becky.

COUNCILMAN DAVIS: Thanks, Becky.

MS. BERRY: My name is Lynn Berry and I am a sophomore. Like, I definitely am very in agreement with eliminating the parking from the bus garage is it's a safety hazard at all because I know, personally, I don't want to have to worry about running into somebody who is coming out of their car if I am driving around the corner. But, I also want to bring to the attention that there is a problem with the seniors parking now. There is not enough room for the seniors now but next year there is more seniors. The year after that there are more seniors. The year after that there are more seniors. I think that it's just... it's going to become more and more of a problem and if it ... and definitely take that parking out but do also keep in mind that there is going to be a need for extra, extra parking after that because right now there is no room for the seniors that are here now. And, I have hear complaints from seniors that they have to park on VanDyke along with the other juniors and sophomores and if there is no parking now, there is going to be a problem later. So, just to bring up the subject again about looking into further ideas of parking. Thanks.

SUPERVISOR FULLER: Thank you,

MS. SELLITTI: My name is Ronta Sellitti. I just like to say that as far as parking goes on VanDyke and the problem that used to exist Brockley, I feel for the residents of those 2 areas because I know how just congested and horrible it can be on those roads in the morning and after school but I think I would have to agree with what Pat said that it should be only a need basis to park on VanDyke because you can't say you can eliminate it all together because, honestly, for myself and for a lot of other kids, people work after school. These are kids that need jobs that cannot get to these jobs and can't honestly like legitimately find a way to get from school to their jobs after school and it's just not feasible to say that you can't have a car at school because I mean not only for athletics and for drama especially for kids who actual like prior engagements that you can't get rid of, these are things you have to take into consideration. So, if VanDyke was just a need basis only, I mean, we don't need... for seniors, we don't have to justify a reason for parking in the front lot because that is a privilege and that's something that after 3 years of high school parking like miles away from school -- that is something that, I guess, we are entitled in a way. But, I mean, for us it's even turned into a burden because it is not this easy situation. We have people taking other people's spots in the front lot on a daily basis. It's definitely a bigger problem than most people realize but as far as kids parking on

VanDyke, I definitely think it should only be on a needs basis and for any other areas and a possible solution would be as Dave said before, definitely that side lot because I am not aware... like if that's definitely needed by other faculty but it is not used. I drive by that like every day and the whole... VanDyke is completely full, like there is one lot behind where like the glass hallway is, that's totally full. There is the one by the cafeteria and that's needed for buses but there is a lot that was brand new last year and it completely... not utilized at all. If they wanted to have people justify why they would need to park on VanDyke or park... you know where ever need be, that would definitely be a solution to consider because right now it's just going to get worse and especially with the increase in class sizes it is going to get exacerbated every time. I mean, if people don't think it is a real issue now, you are going to have more people like this in coming years standing up and talking about this problem because it's going to get worse.

SUPERVISOR FULLER: Thank you.

COUNCILMAN DAVIS: Thank you.

MR. SHERIDAN: I have been living on VanDyke Road for 35 years, all right. And, for 30 years.

ATTORNEY KAPLOWITZ: I remember.

MR. SHERIDAN: I live on the 50 yard line. Student Council here...

COUNCILMAN LENHARDT: Vice President and President both.

MR. SHERIDAN: Okay. All right. Now, my friend, 7 o'clock in the morning, you start lining up and that was absolutely correct to get your spot there. Now, I live right there and I would appreciate in the future if you would not turn your radios on -- could you relate this back to people -- you know, you know, say my grandkids are there, whatever sleeping and bingo that radio is going loud. That's number 1. Number 2, my driveway is private, could you please explain to people that if they want to turn around to go the other way, use the bus parking, use the front parking lot but don't use my driveway, all right. You know, because you are tearing up, every time you do, you are tearing up the lawn. Could you bring that message back that we don't want people turning around in the driveway.

MR. ROSENTHAL: I will do what I can.

MR. SHERIDAN: About 2 years ago, some young woman pulled in front of my garage and her car died and I want to get my car out of the garage to go to work and I can't until her father comes and straightens it all out and gets her out of there. But, that is private property so if you would use the school property to turn around and go the other way and go that would be appreciated. But, I think VanDyke Road has a much bigger problem than just parking on the other side of the street there. The road... there was 1 accident in about 30 years. Some guy hit the telephone pole, but I think he had, you know, too many that night.

LT. VANDERBILT: Had one 3 weeks ago, 2 students in the afternoon.

MR. SHERIDAN: The last time it snowed when you get out about 2 in the afternoon or 3, right there right in front of the house, there has been like 10... our mailbox has been taken out 3 times since the new road is in there. So, I think, for the Town, there has to be something... you sign in now 25 miles per hour but maybe there needs to be more signs, maybe there needs to be salted more, maybe there needs to be someone sitting there, maybe there needs to be a flare when it is icy, something should be done. My bushes are brand new by the way, you know that. My old ones were there, they were this... it was a good buffer zone from the 50 yard line. They are all gone now, they are this big, they are all brand new. So, we would appreciate if you would do something about that. I agree with Mrs. Stevens that the safety issue and some of the kids, some of the people here also, some of the students mentioned that for 4 or 5 spots it is probably better off just to figure out another... By the way, if you would

relate this back to your peers too, if you do develop that property next to mine as a parking lot, if you could put like a 50 foot buffer zone -- here is my house, all right. I got no problem because the parking lot... just leave some room between the parking lot and you know, we are the last... I will work with you on that, you know, but... I had 7 kids go through that school system, got 2 grandkids there now, you know, so we've been here for a long time. I have had a kid in that school district for the last 35 years, either a kid or a grandkid. But, anyway, that...

SUPERVISOR FULLER: So, you live close enough where they could just walk, parking wasn't a problem.

MR. SHERIDAN: That's what I am using for as to sell the house.

SUPERVISOR FULLER: Anyone else? I lost Mr. Rosenthal.

MR. ROSENTHAL: I just want... I wanted to speak briefly about the safety concern and the decision. It seems to me that it's almost been taken with too much ease that... by taking this parking away it would create more safety and create a safety concern and that is true. I completely agree with that. Yet, you also have to look at the consequences of this and I am saying full heartedly that by removing this parking that students... that the students who are parking there really need it. I mean, they are not parking there by choice. By removing that, that's going to create a larger safety concern in my opinion. I believe that students are going to do what they need to do to park their car. I am saying this in all honesty. I am saying that students aren't going to be like well okay, we can't park here let's take the bus to school. They are going to say we can't park here, let's try and squeeze another space onto the lawn that is even more illegal than parking over there and even more unsafe. And, so, I am saying you can't make it this cause and effect where okay we are going to remove this parking and that is going to affect our safety and make it a more safe place. I don't think that it's that easy. It is more complicated than that. Also, I think, in my opinion, I am for removing this parking if it is a safety concern. I am all for removing that parking, just because I mean, the life of a person is more important than parking in the space to go to school. I'll agree, I feel if it's a safety concern, that should be dealt with. But, I think that it would be a mistake to deal with it before other alternatives are agreed upon of how to relieve the pressure of this parking. I believe that it wouldn't be fair to make a decision of if this... they should or should not have parking at this time before it has been decided of what alternate methods could be used to alleviate this problem. So, in my... in my belief, I believe that... I don't know if a continuance is... I don't know anything about Town Board meeting etiquette but I believe that other alternatives really have to be discussed and something else has to be decided on to be an alternate decision before you just remove this entire dilemma.

SUPERVISOR FULLER: I would ask you to do us a favor and I would ask every student that is here this evening. I think what you need to do is go to school board meetings. I think you need to meet with Dr. Hunter and Dr. Loomis. This is a school district issue. The safety issue, obviously, is a concern of the Town but basically your school district are the ones that have to set the rules and regulations. So, we need some help from you with the school district. Gregg.

MR. SAGENDORPH: For the record, Gregg Sagendorph, Superintendent of Highways. Just to put a few specific numbers onto Lt. Vanderbilt's fine art project, there's about 450 feet from the Bypass extension to this area between the transportation employee parking lot and the actual bus garage. 450 feet, if each parking space is 20 feet and that's being generous, you are looking at 20 to 25 parking spots, if all were utilized. More a factor is the distance between the edge of the pavement of VanDyke Road and the existing bike path.

COUNCILMAN DAVIS: Right.

MR. SAGENDORPH: It varies from a maximum at the Bypass extension of 8 feet in width and narrows as you progress towards the bus garage to a minimum of 4 feet. You only have 4 feet of what used to be grassed

area and is now a muddy quagmire between the bike path and the roadway not nearly enough to park cars. The cars are either going to be in the driving lane of VanDyke Road or onto the bike path. As a reference point, above the bus garage, the parking lane is 10 feet wide, then there is a median... a grass strip between the parking area and the new bike path of 3 feet because Federal guidelines would not let you... would not allow any obstruction whether it be a moveable obstruction such as a car or a fixed object such as a tree or whatever to be within 1 or 2 feet of the existing bike path paved parking... or paved parkway. Safety is the most paramount factor here. Number one above all else. Secondary to that is the design of VanDyke Road, the storm drainage when it rains the water is to run down the edge of the pavement. On Mr. Preska's side and Mr. Sheridan's side, there are ditches and there are also catch basins. The water runs into the field and leaves. On this side, there are catch basins. The water is supposed to run down the edge of the pavement into these pick-up structures, into these catch basins and be taken away underground in pipelines. Because of the parking, there is severe rutting going on. The water is laying in these ruts and sooner or later, in the freeze/thaw cycle, it's going to get under the pavement, it is going to get under the bike path and it's going to deteriorate the pavement. Once again, safety is paramount in everyone's mind here. But, you have to understand that the integrity of the bike path and the integrity of the roadway is being compromised by continuing to allow this parking. And, it just ain't safe because it's only 4 feet wide.

SUPERVISOR FULLER: Thank you, Gregg.

COUNCILMAN DAVIS: Thank you, Gregg.

MR. FLANIGAN: I shouldn't say this because I am going to ask the students to go back to the... Dr. Hunter and talk to him. I know where there is 30 or 40 places which they could use.

SUPERVISOR FULLER: You can take him with you.

MR. FLANIGAN: The Elm Avenue site over by the maintenance building has got 30, 40, 50 spaces over there if they were to be maintained by the school district, the walk from there is no farther than walking from here.

ATTORNEY KAPLOWITZ: Whose land is it on?

MR. FLANIGAN: It's the school district's land. It is over where their maintenance building is off Elm Avenue.

COUNCILMAN DAVIS: You mean across the field?

LT. VANDERBILT: By the soccer field.

MR. FLANIGAN: By the soccer field off Elm Avenue. There is 30, 40 places in there at least and there is probably more that could be fixed very easily by just putting... not even a hard service but just putting some crusher run in there.

SUPERVISOR FULLER: How about additional...

MR. FLANIGAN: I mean, I would caution you, just don't go start using it. I would go ask if you can use it first.

SUPERVISOR FULLER: How about additional parking there as you pull into the high school on the right, it is presently lawn? And, there is parking for one lane of cars. Do you know where I mean?

MR. FLANIGAN: That's the maintenance area.

SUPERVISOR FULLER: Could they make... they enlarge that parking area there or not? That you could have 2 rows of parking there, that's what I am...

MR. ROSENTHAL: I've heard figures that it costs \$700 a space, I don't know if that is true or not. That's a figure that has been

thrown out at me and that makes it pretty hard to argue for more parking.

MS. BERRY: Teachers also park in the front lot..... So they are taking up space too.

COUNCILMAN DAVIS: Well, maybe we ought to get rid of those teachers.

SUPERVISOR FULLER: Yes, I think we ought to ban parking for the teachers. Okay. We need to get on with the rest of our agenda here.

MS. BERRY: I have just 2 quick questions. With the parking across on the other side of the field, what do we do when there is 3 feet of snow? If we decide to park over there, I mean, do we just like hike through the snow in the morning.

MR. FLANIGAN: I would take that up with the school district but I think that could be worked out.

MS. BERRY: I was just curious. And, my other question is, is there any plans of what the Town of Bethlehem wants to do with the parking situation? Like what they're plans are to solve the problem.

SUPERVISOR FULLER: I would like the school district to address the problem.

MS. BERRY: What... How... What would you do?

SUPERVISOR FULLER: It is not... we Town Board...

COUNCILMAN DAVIS: It's not a Town...

ATTORNEY KAPLOWITZ: It is not a Town problem.

SUPERVISOR FULLER: We, the Town Board cannot tell the school district what to do. The school district needs to hear from you. We can't...

MS. BERRY: So, the school district will make all final decisions on how the parking is..

ATTORNEY KAPLOWITZ: It's their land.

COUNCILMAN DAVIS: We don't have that authority.

SUPERVISOR FULLER: It is really 2 separate governments. You have your school district and Town government. Two different boards.

MR. SHERIDAN: I can speak to that. When I call the Town, they say call the school and when I call the school, they say call the Town. It's a simple process.

COUNCILMAN LENHARDT: It's government.

SUPERVISOR FULLER: Yes.

MR. SHERIDAN: Isn't this one of these issues where the Town... and I understand the legal... the legal distinction between the Town Board and the school board. But, isn't this one of these kinds of issues where somehow we have to figure out a way to get the Town Board and the school board to work together to solve the problem.

SUPERVISOR FULLER: It is not a case of working in different areas here, it is a case of... you can be sure that I have discussed the parking issue with Dr. Loomis and I am sure everybody else has talked to someone in the school district about the parking. We are concerned about the safety on VanDyke Road. We are concerned about the bike path and the walk that's in there, a lot of money went into that. It is an improvement for the Town. So, it is not like we're coming from opposite ends here but the school district, you know, a hundred years ago I was on the school board and this was the same discussion then, from '78 to '91.

COUNCILMAN DAVIS: You look good after a hundred years.

SUPERVISOR FULLER: We argued over there wasn't enough parking then. So, it's still going on. And, 5 kids went through the high school and they were not allowed to drive their cars, by the way, they had to board the bus. I was the mean mother. Okay.

COUNCILMAN BURNS: I agree that it should be an issue between the two boards and I did actually call Dr. Hunter and I never got a call back but maybe he is busy. So, I was on the phone trying to find solutions and alternatives and just one of the things, I did get ahold of CDTA but and I do appreciate the students concerns. I have a freshman and we'll probably be dealing with this down the line. On the other hand, the bike path just went in in the fall and now it is spring and there is going to be a lot of people on that path... we haven't even seen the people who are going to use it yet and I couldn't in good conscience think of anyone getting hurt on that bike path. It would be... we just can't have it.

COUNCILMAN LENHARDT: I would like to just say, every comment that has been stated here tonight I can guarantee you will be brought back to at least one member of the school board, probably over breakfast rather than later this evening because one is usually asleep when the other one arrives home.

SUPERVISOR FULLER: I think you need to do it twice, tonight and tomorrow, George.

COUNCILMAN LENHARDT: Safety is my concern also as it is the rest of the Board. And, that is the issue we are going to deal with when we take our vote, just so everyone understands that.

COUNCILMAN DAVIS: I have just 1 question, how many students are here tonight because you are interested and not members of a P.I.G. class?
(Participation in Government Class)

About 6 hands were raised.

Okay, we are glad you came. We are glad the pig students are here too. I thought there would be more students, frankly, who are not in PIG class because you are interested in this particular issue. I am surprised there are so few who are not PIG students.

GENTLEMAN: Inaudible.

COUNCILMAN DAVIS: Could be.

COUNCILMAN LENHARDT: Possible.

COUNCILMAN DAVIS: Well, this is not the jurisdiction of the school board, this is the jurisdiction of the Town Board, this particular issue.

COUNCILMAN JOHNSON: I just have a couple of comments. I have tremendous respect for the Traffic Safety Committee, for their expertise and the work that they do. But, I have been extremely impressed by the students, by your discussions tonight and your maturity and I thank you for your input, I think you did a great job. Thank you, Lieutenant.

MR. SHENIN: About what you just said, I don't really think many students knew that there was a meeting about school parking. The only reason I even knew that this was going on was because I had to come for my PIG class. But, if I wasn't coming for that I wouldn't have known what the subject was. There was no real notification of anyone what the issue was to be discussed.

SUPERVISOR FULLER: I had several phone calls from students in the high school and I also faxed the local law out to Dr. Hunter and asked him to put it on the morning's announcements.

AUDIENCE: It got lost some place.

COUNCILMAN LENHARDT: Last week's issue of the Spotlight also had a picture which I thought was rather...

AUDIENCE: Slanted.

COUNCILMAN LENHARDT: Rather severe because it... I think it was of the piece of VanDyke Road that we are not discussing this evening which I thought would have brought out practically every student in the high school. So, there were... notification was out there.

AUDIENCE: I know there's been a lot of talk in the high school among a lot of my friends. A lot of people... like we... I came because I didn't want to have a misconception about what was going on but I know a lot of people have a misconception that the whole thing is going and that there is going to be no parking at all.

I don't think many people knew about the meeting because there was just that little blurb about the meeting.

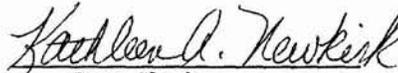
SUPERVISOR FULLER: It was not on the morning announcements or you...

AUDIENCE: No. No one knew about it like... the only reason I came is because my sister asked me to but I am sure... I am glad I came now and I am sure that if everyone else knew about it, this place would be like packed.

SUPERVISOR FULLER: Okay. Thank you. May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to close the public hearing at 8:35 p.m. The motion was passed by the following vote:

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


Town Clerk

The Supervisor convened the regular Town Board meeting following the close of the public hearing. She asked if the Town Board wished to take action on Local Law No. 5 of 1998 to amend the Code of the Town of Bethlehem regarding Parking Prohibited at All Times on VanDyke Road from the east side of the Delmar Bypass Extension north to the driveway of the Bethlehem Central Bus Garage at 82 VanDyke Road.

The motion was made by Mr. Johnson and seconded by Mrs. Burns to adopt Local Law No. 5 of 1998 amending the Code of the Town of Bethlehem regarding Parking Prohibited at All Times on VanDyke Road from the east side of the Delmar Bypass Extension north to the driveway of the Bethlehem Central Bus Garage at 82 VanDyke Road. The motion was passed by the following vote:

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

Local Law
No. 5 1998
No parking
all times
on VanDyke Rd
east side
of Delmar
Bypass exten-
sion north to
driveway of
Bethlehem
Central Garag.
passed

The Supervisor noted this is not the end of the issue, this is a safety concern that the Town Board has to act on. She said the Board cannot go on and see these cars parked there where they are interfering with pedestrian traffic, as well. She said she would assure the students that if Colin gets in touch with her, she will be glad to help wherever she can. She noted this is the school district's responsibility and indicated she was sure Mrs. Stevens will go home and report to her husband. She said she will also speak with Dr. Hunter and Dr. Loomis again.

Ms. Berry asked how the no parking was going to be enforced in that area. Supervisor Fuller said the no parking signs will be up tomorrow and following that tickets will be issued. Councilman Lenhardt said signs will be placed. Mr. Rosenthal asked when this would take affect. Supervisor Fuller said right now. She asked the Town Clerk when it legally takes affect. Town Clerk Newkirk indicated upon filing with the Secretary of State and the notice being received of the filing date.

Councilman Lenhardt as the Lieutenant what the traffic fine was for illegal parking. Lt. Vanderbilt said \$25. and signs will be in place before tickets are issued. A student requested the high school be notified. Lt. Vanderbilt said Mr. Sagendorph can notify him when the signs go up and he will then call the school.

Supervisor Fuller requested that the students refrain from parking on the bike path.

The next item was a request from Engineering Division, Terrence Ritz, Department of Public Works for approval to go to bid for Precast Concrete Manhole Blocks, Precast Reinforced Concrete Manhole Sections and Iron Castings. Could advertise April 1, 1998 and open bids on April 14, 1998 at 2:30 p.m., 2:45 p.m. and 3:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for Precast Concrete Manhole Blocks, Precast Reinforced Concrete Manhole Sections and Iron Castings, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 1st day of April, 1998 and that bids be received up to 2:30 p.m. on the 14th day of April, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Engineering
to goto bid
Precast
Concrete Man-
hole Blocks,
Precast Rein-
forced Con-
crete Manhole
Sections and
Iron Casting
and resolutio

The following item was a recommendation from Bruce Secor, Commissioner of Public Works, for award of bids regarding the Proposed Additions and Renovations to the Town Hall building.

Commissioner
of Public
Works award
bid proposed
additions and
renovations

Councilman Johnson said he thought he understood Mr. Secor's memorandum and that he assumed everything is legal and proper for Stilsing Electric, Inc. to withdraw their bid. He wanted to check with the attorney. Town Attorney Kaplowitz said as long as there is some evidence to the fact that the bid was a result of an honest mistake. He said Bruce assured him that he spoke with the architects and what happened is when they were totalling, they missed a page, so the estimate came in too low. He further noted they knew it within a short period of time and it is perfectly proper to let them withdraw the bid.

Supervisor Fuller asked if there was anyone in attendance from Architecture Plus. Mr. Lomanico said bids were received and there was a lot of interest in the project. He said there were 11 bids for the general construction, 14 bids for the mechanical and 10 bids for the electrical work. He said immediately following the bid opening, they met with the apparent low bidders for all 3 contracts. He said the first 2 for the general construction which is Dutch Valley and the second contractor, the mechanical work, Bourque Electric, were reviewed and no problems were found with them. He said the 3rd contract which is the electrical work for the project, they met with Stilsing Electric, the low bidder, and at first it wasn't apparent that they had a mistake but their bid was substantially less than the other bidders. As the bids were reviewed, according to Mr. Lomanico, it became apparent that they had placed in their bid an incorrect amount for the generator that was specified. He said they carried a bid for a lesser quality generator and it wasn't apparent to them from the subcontractor and they inserted it in the estimate. They asked by letter following this meeting to be relieved from the bid. Mr. Lomanico said they made a mistake and it was an honest mistake. He said there was nothing more than a miscommunication giving them the bid and the bid they submitted. He said at that point they met with the next low bidder, Trojan Hardware Co., Inc. and reviewed their bid and found their bid acceptable.

Mr. Lomanico said the schedule to commence the project is in early April and expects that construction will begin at that point in time if the Town Board approves the award of the bids. Supervisor Fuller thanked Mr. Lomanico.

Supervisor Fuller asked if anyone had any other questions. Councilman Davis said she had no questions but was delighted to see that the prices are lower than what was anticipated and bonded for. She said she felt that was good news, indicating it was a difference of several hundred thousand dollars. Supervisor Fuller noted it was \$140,650 lower than the estimate. Mr. Secor noted the total package is still \$140,000 less than the original estimates were. He said what is included now is substantial. Beyond the elevator, there is also masonry repairs to the building and we are getting a lot for this package. He said there was a very good response to the bids. He said Mr. Lomanico gave some very good advice, as far as, when to put this out for competitive bids. Mr. Secor said this was why he recommended the Board move forward with this. Supervisor Fuller thanked Mr. Secor.

The motion was made by Mr. Lenhardt and seconded by Mrs. Burns to approve the award of bid for the proposed additions and renovations to the Town Hall building, 445 Delaware Avenue, Delmar, New York as follows:

Contract 1, General Contracting for \$399,900
Dutch Valley General Contracting, Amsterdam, NY;

Contract 2, Mechanical Work for \$22,500
Bourque Mechanical Systems, Inc., Rensselaer, NY; and

Contract 3, Electrical Work for \$104,750, Alternative \$2,200.
Trojan Hardware Co., Inc., Troy, New York.

The motion was passed by the following vote:

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

Noes: None.

The following request was from David Austin, Administrator, Parks & Recreation Department, for approval of appointment of Seasonal Personnel.

The motion was made by Mrs. Burns and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as per the Memorandum from David Austin, Administrator, Parks & Recreation Department, dated March 25, 1998 at the titles and salaries indicated. The motion was passed by the following vote:

Parks and recreation for approval of appointment of seasonal personnel

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

Noes: None.

The next item was to acknowledge receipt of the Annual Investment Report, review and approve reports from Judith Kehoe, Comptroller. Supervisor Fuller noted this has been reviewed and asked if there were any questions for the Comptroller.

Comptroller acknowledge Annual Investment Report

Councilman Burns said on Exhibit B on the back, the last page in the back, she had a question with regard to the water. She said she was not sure -- indicating she sees the total in 1997 was \$3,583 and the total in 1996 was \$17,585 -- asking as the bond proceeds are spent down then there is less to invest and less earnings. Comptroller Kehoe said that was correct. She said the project is close to fully expended and most of the bond proceeds have been drawn down, therefore, less to invest.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the Annual Investment Report as submitted by Comptroller, Judith Kehoe. The motion was passed by the following vote:

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

Noes: None.

The following item was a request from Gregg Sagendorph, Highway Superintendent, for approval of expenditure of Capital Reserve Funds to upgrade the fleet fuel facility at the Highway Garage on Elm Avenue East, Selkirk and request for approval to go to bid for an upgrade to the Fleet Fuel Facility. Could advertise April 1, 1998 and open bids at 3:15 p.m. on the 14th day of April, 1998. Supervisor Fuller said there is also a permissive referendum resolution which is a part of the motion.

Highway Superintendent expenditure of Capital Reserve Funds upgrade fleet fuel facility resolution

RESOLUTION AND PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 25th day of March 1998, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to upgrade the Highway Department's fleet fuel facility, and

WHEREAS, it is estimated that the costs of said work will be approximately \$110,000, and

WHEREAS, in recognition of these needs, funds for such purpose are in the General Fund Capital Reserve; and

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete this facility upgrade; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$110,000, and

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the General Fund Capital Reserve the funds necessary up to \$100,000 in said reserve fund, and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Mrs. Davis, was seconded by Mr. Johnson and duly adopted by the following vote:

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

- - -

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

WHEREAS, the Town desires to advertise for bids for the purchase of an upgrade to the Fleet Fuel Facility at the Highway Garage, Elm Avenue East, Selkirk, Town of Bethlehem, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 1st day of April, 1998 and that bids be received up to 3:15 p.m. on the 14th day of April, 1998 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

- - -

Supervisor Fuller asked if there were any questions. Councilman Johnson asked if this was similar to what is out back at the Town Hall. Mr. Sagendorph said he has the option, to go with underground storage tanks or above ground storage tanks. He said he will be writing the specifications to allow for using either option. Councilman Johnson asked if the key situation would be similar. Mr. Sagendorph said they would. Supervisor Fuller asked if it was a better option to go with the above ground so there is no worry about underground. Mr. Sagendorph said behind Town Hall it was simply because they knew the tank underground was leaking and they did not know how far it had spread. He said the choice was remove that, remove the contaminated soil and put in an above ground tank. He said at the Highway Garage, hopefully, they will not have a leak and maybe when the tank is removed, the same excavation can be used to put a new tank underground. He said the new tank would probably be fiberglass.

Councilman Burns said it says lighting and fire suppression system, and asked if there was lighting there now or is this more lighting and is there a fire suppression system there now. Mr. Sagendorph said actually the pump island has 4 pumps. He said the Highway Garage was built in 1974 but the gas pumps that exist there now were bought used in 1974 from ESSO, which is now EXXON, terminal that was down on River Road. He said they feel replacement of the 4 pumps is necessary. He said there is one light there now. He said the light will be replaced because it also contains fire suppression systems and these are put in the area in the event of a fire. He said everything drops down to extinguish the fire. Supervisor Fuller thanked Mr. Sagendorph.

Chief Lachappelle to appoint School Cross guard

The next item was a request from Richard LaChappelle, Chief of Police, for appointment of Louis A. Benedict, Glenmont, New York as School Crossing Guard effective immediately. Supervisor Fuller said this is basically a substitute. She said it would be at the prevailing rate and that is at \$26+ per day and if this person were

called in and worked half of the day, he would be paid half the daily amount. She said this is really better for the Town because if there isn't a school crossing guard available, a police officer performs this function.

The motion was made by Mr. Johnson and seconded by Mrs. Burns to approve the appointment of Louis A. Benedict, 131 Beacon Road, Glenmont, NY to the position of School Crossing Guard effective immediately at the prevailing daily rate. The motion was passed by the following vote:

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

The next item was a recommendation from Janine Saatman, Deputy Town Planner, for approval of the Supervisor to sign a revised Building Project Approval for Terramere, PRD Nos. 2 and 7. Supervisor Fuller said Ms. Saatman is in attendance if there are any questions.

Deputy Town
Planner
approval from
supervisor to
sign revised
building Pro-
ject Approval
for Terramere

The motion was made by Mrs. Burns and seconded by Mr. Lenhardt to approve the Supervisor signing the revised Building Project Approval for Terramere, PRD Nos. 2 and 7. The motion was passed by the following vote:

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

The next item was authorization to request home rule legislation by the New York State Legislature to allow the Delmar Fire District to contract with the Town of Bethlehem for the provision of ambulance service. Supervisor Fuller explained this is before the Assembly and the Senate and both need to pass it.

Request home
rule legisla-
tion to allow
Delmar Fire
District to
contract with
Town of
Bethlehem

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve authorizing a request for home rule legislation by the New York State Legislature to allow the Delmar Fire District to contract with the Town of Bethlehem for the provision of ambulance service. The motion was passed by the following vote:

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

- - -

Supervisor Fuller asked if there were any questions. Councilman Burns said just to be clear on this, she asked if they are already providing the service. Supervisor Fuller said yes. Councilman Burns said this would be a means to pay them. Attorney Kaplowitz explained that Elsmere and Slingerlands do not have ambulance service. He said Elsmere in particular decided they did not want to be involved in it any more. He explained they had been paying Delmar to do Elsmere in their budget. He said Elsmere doesn't want to do this any more and the whole thing fell apart. He said Delmar promised and kept their word that they would never let the service go or the area go unserved, so they are doing it.

Attorney Kaplowitz further explained that the Town Board created an ambulance district but the law provides that a fire district may not contract to provide ambulance services. He said he cannot find anybody in New York State government who understands why that is there. He said he asked everybody he spoke to. He said this is a local law that would allow the Town to contract with the Delmar Fire District, otherwise giving them the money. He explained collecting taxes is a little bit hairy so if there is a contract it would be better. He said he has spoken to both Neil Breslin and John Faso and they are both doing whatever they can to work this out. He said

there is an alternative or 2 that could be tried but this is the best way. He said service was never stopped at any time.

The next item was to approve Town Board minutes of February 25, 1998 as submitted.

Approve
Town Board
Minutes 2/25/98 The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the Town Board minutes of February 25, 1998 as submitted. The motion was passed by the following vote:

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

A lengthy discussion followed brought before the Board by Mr. Rich Schrade regarding barbed wire fencing in the vicinity of his home. Mr. Schrade indicated Mr. William Cade has not removed the barbed wire from atop the fencing around his property. Attorney Kaplowitz indicated he received a letter from Mr. Cade indicating the barbed wire and fencing will be removed in its entirety when his new home is complete and he moves from the area. Due to the extended period of time since the enactment of legislation banning barbed wire remove Barbed Wire Fence fencing in residential neighborhoods, Mr. Schrade feels that Mr. Cade has had a long enough period of time to remove the fencing. Suggestion was made by the Board that Attorney Kaplowitz communicate with Mr. Cade and request the barbed wire be removed from the fencing behind the houses along Orchard Street and such other locations that have homes constructed on the lots. Attorney Kaplowitz indicated that if Mr. Cade did not wish to remove it, he could bring a court action that would result in the fencing remaining past the September date suggested by Mr. Cade.

Supervisor Fuller asked for a motion to approve Attorney Kaplowitz's directive to Mr. Cade to remove the fence, barbed wire portion on Turnberry Lane Prestwood, and Mutterfield.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve Attorney Kaplowitz directing Mr. Cade to remove the barbed wire fencing from the fencing on Turnberry, Prestwood and Mutterfield immediately. The motion was passed by the following vote:

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

Supervisor Fuller asked if anyone wished to address the Board. There were none.

The Supervisor asked for a motion to adjourn to executive session to discuss negotiations following the close of the regular meeting.

Adjourn to
executive
session.
No formal
action
taken

The motion was made by Mrs. Davis and seconded by Mrs. Burns to meet in Executive Session following the close of the regular Town Board meeting to discuss negotiations. The motion was passed by the following vote:

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

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 9:15 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.