

TOWN BOARD  
MAY 8, 1996

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  
Freeman T. Putney, Councilman  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Robert C. Johnson, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, CMC, Town Clerk

SUPERVISOR FULLER: Good evening, welcome students. Some of you were here yesterday for Youth in Government, would you like to come here and be the Town Board Members again tonight for a real meeting? Okay. The first item on tonight's agenda is a public hearing. I would ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

Public Hearing  
on Stop Sign  
at Bethlehem  
Court at  
Normanskill  
Boulevard

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, Albany County, New York on the 8th day of May, 1996 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue Delmar, NY to consider Local Law No. 7 of 1996, Amending Vehicle and Traffic, Chapter 119-33, Article VI, Stop Intersection at Bethlehem Court and Normanskill Boulevard, Elsmere.

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, 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 24 day of April 1996.  
/s/ Mary A. Ahlstrom

Sworn to before me this 29 day of April 1996.  
/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 April 24, 1996, 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  
2nd day of May 1996.  
/s/ Catherine T. Picarazzi  
Notary Public

- - -

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

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

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SUPERVISOR FULLER: Lt. Vanderbilt.

LT. VANDERBILT: Good evening. It was brought to the attention of the Traffic Safety Committee that the stop sign that is presently in place at the intersection of Bethlehem Court at Normanskill Boulevard was never enacted by the Town Board and apparently was placed there by the developer when those roads were built and thus it is not a legal sign. So, the reason thus for is for the motion before the Town Board tonight. The recommendation that we do make this sign legal since this intersection is one that needs some intersectional control. There are 2 nursery schools located right there and there is a need for control at that intersection. Thank you.

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

The motion was made by Mr. Putney and seconded by Mr. Johnson to close the public hearing at 7:35 p.m. The motion was passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

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The Supervisor convened the regular Town Board meeting following the close of the public hearing.

Adopt local law No. 8 Stop Intersections Normanskill Boulevard at Bethlehem Court

Supervisor Fuller asked for a motion to adopt Local Law No. 8 of 1996. The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adopt Local Law No. 8 of 1996 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Section 119-33, Stop Intersections, by adding a stop sign at Normanskill Boulevard at Bethlehem Court. The motion was passed by the following vote:

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

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The next item was to adopt a Proclamation regarding Municipal Clerks Week, May 5 through 11, 1996.

Proclamation regarding Municipal Clerks Week May 5 thru 11, 1996

The following Proclamation was presented regarding Municipal Clerks Week, May 5 through 11, 1996:

PROCLAMATION  
MUNICIPAL CLERKS' WEEK  
May 5 through May 11, 1996

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and  
WHEREAS, The Office of the Municipal Clerk is the oldest among public servants, and  
WHEREAS, The Office of Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels, and  
WHEREAS, The Municipal Clerk has pledged to be ever mindful of their neutrally and impartiality, rendering equal service to all.  
WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community,  
WHEREAS, The Municipal Clerk continually strives to improve the administration of the affairs of the office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.  
WHEREAS, it is most appropriate that we recognize the accomplishments of the office of Municipal Clerk.  
NOW, THEREFORE, I, Sheila Fuller, Supervisor of the Town of Bethlehem, do recognize the week of May 5 through May 11, 1996, as Municipal Clerks' Week, and further extend appreciation to our Municipal Clerk, Kathleen A. Newkirk, CMC and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 8th day of May 1996.

/s/ SHEILA FULLER  
Supervisor

The motion was made by Mr. Johnson and seconded by Mr. Putney to adopt the foregoing Proclamation regarding Municipal Clerks Week. The motion was passed by the following vote:

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

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Councilman Johnson asked if there was anything special planned this year. Town Clerk Newkirk noted there was nothing planned this year due to her return from the Annual New York State Town Clerks Conference in Saratoga Springs.

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The following item was to adopt a Proclamation for Homes for the Aging Week, May 12 through 18, 1996. The following proclamation was presented for adoption:

PROCLAMATION  
TOWN OF BETHLEHEM  
OFFICE OF THE SUPERVISOR

Proclamation  
Home for the  
aging  
week May 12-18

WHEREAS, The week of May 12-18, 1996 has been designated nationally as "Homes for the Aging Week"; and,  
WHEREAS, The Town of Bethlehem recognizes and appreciates the many contributions and dedication of the many employees, volunteers and residents of nursing homes and senior housing developments who help to improve the everyday quality of life for the elderly; and,  
WHEREAS, The Good Samaritan Homes have chosen "Where Friends are Family: A Celebration of Age" as its theme for Homes for the Aging Week"; and,  
WHEREAS, The Good Samaritan Homes are dedicated to the development of care and services for senior citizens and are committed to helping elderly people live as fully and independently as possible;

AND, NOW, THEREFORE: I, Sheila Fuller, Supervisor of the Town of Bethlehem hereby proclaim the week of May 12-18, 1996 to be "Homes for the Aging Week" in the Town of Bethlehem, and urge all residents to honor and support this special occasion.

Dated: May 12, 1996 /s/ Sheila Fuller  
Supervisor

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The motion was made by Mr. Putney and seconded by Mr. Lenhardt to adopt the foregoing Proclamation regarding Homes for the Aging Week, May 12 through 18, 1996. The motion was passed by the following vote:

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

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The following item was to acknowledge receipt of the Quarterly Franchise Fees for January through March, 1996 from Cablevision in the amount of \$36,384.

Quarterly  
Franchise fee  
from Cablevisi

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

Seasonal  
personnel  
Parks and  
Recreation

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as requested by David Austin, Administrator, Parks & Recreation Department, at the titles and rates indicated in his Memorandum dated May 8, 1996. The motion was passed by the following vote:

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

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The following item was a recommendation from John Flanigan, Building Inspector, for approval of renewal of a dumping permit for property located on Route 144, 749 River Road, Glenmont.

Renewal  
dumpint permit  
749 River Rd

Councilman Johnson asked if this approval will contain the information provided by Mr. Flanigan. Supervisor Fuller said the conditions are a part of the approval of the permit. Councilwoman Davis noted an updated map was requested last year and it is not accompanying the application. Councilman Lenhardt said the map

attached is the same. Mrs. Davis asked how this is stipulated. Town Clerk Newkirk said the Memorandum from Mr. Flanigan is attached to the actual dumping permit. Councilman Putney said he spoke with Mr. Flanigan and he assured him that the dumping permit will not be issued until all of the requirements have been met.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the renewal of dumping permit for property located on Route 144, 749 River Road, Glenmont, owned by F.J. Zeronda, Inc., Albany, NY. The motion was passed by the following vote:

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

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Dump permit  
for 506  
Russell Road

The following item was a request from John Flanigan, Building Inspector, for approval of a dumping permit for 506 Russell Road, North Bethlehem to extend the permit to September 1996.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the issuance of a dumping permit for 506 Russell Road, North Bethlehem, NY, owned by Robert Mosall. The motion was passed by the following vote:

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

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

The Supervisor noted a couple of events upcoming, Bike Day on May 11, 1996 from 10 a.m. to 2 p.m. and the following Saturday is the Household Hazardous Waste Day at the Highway Department garage from 8 a.m. to 1 p.m., as well as, Bethlehem First has a cleanup group from 9 a.m. to 12 noon. Councilwoman Davis also noted Bethlefest is at the high school and continues later in the day. Supervisor Fuller said it is also the junior prom.

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Hearing began: 7:45 p.m.

SUPERVISOR FULLER: I will ask the Clerk to read the call of the hearing, please.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, Albany County, New York on the 8th day of May, 1996 at 7:45 p.m. at the Town Hall, 445 Delaware Avenue Delmar, NY to consider Local Law No. 8 of 1996, Amending Vehicle and Traffic, by adding Chapter 119-20, Angle Parking and adding Schedule XVI, Angle Parking.

Public Hearing  
Local Law No.  
8 Angle Parking

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, 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 24 day of April 1996.

/s/ Mary A. Ahlstrom

Sworn to before me this 29 day of April 1996.

/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 April 24, 1996, 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

2nd day of May 1996.  
/s/ Catherine T. Picarazzi  
Notary Public

- - -

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

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

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SUPERVISOR FULLER: Lt. Vanderbilt.

LT. VANDERBILT: It came to the attention of the Traffic Safety Committee probably about a year ago that angle parking had never been authorized by the Town Board for any location in the Town. And, as we all know, Normanskill Boulevard has quite a quantity of angle parking spots. We sent the Engineering Department and the Highway Department down there to do some measurements and we determined that the right-of-way was wide enough to accommodate angle parking on both sides on the back end or the north end of Normanskill Boulevard. We in the same situation as previously, believe that the developer is the one that actually put the spots in there. At that time nobody realized that it was not authorized by law to be that way unless adopted by the Board. In conjunction with the Highway Department and the Engineering Department, we drew up the plan for diagonal parking that was submitted to the Board and the description of the footage from Delaware Avenue where it can begin and where it must end is listed in the motion that we sent to the Board. We believe that we improved the layout a little bit by adding a couple handicap spots with the design that we are proposing and also we deleted 2 or 3 spots adjacent to intersections of side intersecting streets where there were previously some problems with sight view where people coming out of side streets or the side driveways. That is not anything that needs to be acted on the Board. The only thing the Board has to do is legalize the fact that there is diagonal parking there, allowed from a certain point to a certain point on Normanskill Boulevard. And, then the Highway Department will proceed to paint the stripes for the plan that was devised by engineering and highway. Any questions?

COUNCILMAN JOHNSON: I think those diagonal markings where there is no parking are going to be great. In driving down through there you can see where the parking started to infringe a little bit into that area where they shouldn't be parking. So, I think that is going to be really great and be an improvement down there.

LT. VANDERBILT: Presently the entrances from those driveways are only about 1 car wide so that it appears that another parked car is there and all of a sudden it is moving in front of some approaching traffic and creating a hazard. Thank you.

SUPERVISOR FULLER: And, this is the only Normanskill Boulevard area that is on tonight's public hearing.

LT. VANDERBILT: Yes, it is, ma'am.

SUPERVISOR FULLER: Anyone wishing to speak in favor? I think I will start selecting students to speak in favor of it and in opposition, and debate it here. Anyone wishing to speak in opposition?

MR. DUNN: I don't know whether you can all hear me or do I have to come up to the mike.

SUPERVISOR FULLER: We need you to come to the mike, please.

ATTORNEY KAPLOWITZ: The microphone records what you are saying.

MR. DUNN: My name is Fred Dunn and I think I have a couple questions about this proposal. Off the surface, I do not have any objections to parking on Normanskill Boulevard. My question is, what does the rest of this local law entail? It states provisions for Schedule whatever for additional diagonal parking in other areas. How many areas are there, currently, diagonal parking in the Town?

LT. VANDERBILT: None.

ATTORNEY KAPLOWITZ: Mr. Dunn, there are none and in order to change that, we would have to have another hearing each time just as tonight.

MR. DUNN: Okay, I will rephrase it. Not permitted but in practice.

LT. VANDERBILT: One other that I am aware of.

MR. DUNN: Does this law take that into account?

SUPERVISOR FULLER: No, this law does not cover that and that was exactly why I asked the question -- was it only for Normanskill Boulevard. The other area would have to come the same route as this, the public hearing.

MR. DUNN: Okay, what about the other -- that is what is included in the other schedule?

LT. VANDERBILT: That could be included at a later date if an additional motion was made to the Board to include that.

ATTORNEY KAPLOWITZ: It hasn't been considered.

SUPERVISOR FULLER: The Town Board would have to hold a public hearing for the particular location that you are...

MR. DUNN: So, what I would read into this if this law is approved, that Normanskill Boulevard would be a legal diagonal parking area.

COUNCILMAN LENHARDT: Yes.

MR. DUNN: But, the other area would not be?

COUNCILMAN LENHARDT: Correct.

ATTORNEY KAPLOWITZ: Correct.

MR. DUNN: And, would be subject to tickets or whatever.

SUPERVISOR FULLER: Yes, not until the Board takes action on it.

ATTORNEY KAPLOWITZ: You mean if there are people improperly parked now?

MR. DUNN: Yes.

ATTORNEY KAPLOWITZ: They would be subject to tickets, yes.

MR. DUNN: I would think that probably that area should be considered also as a blanket or a grandfather situation rather than taking 1 and say yes and the other one and say we will look at you at a different time. The other thing that I would be opposed to would be the Town okaying or whatever the word would be, diagonal parking on any of our other existing streets in Town. 1. Because I doubt that any of them are wide enough and 2. I am sure Officer Vanderbilt and most of you are... not most, all of you are aware the unsafeness of backing out into traffic. Today with smaller cars, the visibility is much less than it was, not... I think most of us probably drove through the City of Albany, particularly Central Avenue, when diagonal parking had been permitted which is a very wide street and many years ago the City eliminated it. And, I think mostly for the safety standpoint and I think that that is something that our Town should look at. I think Normanskill Boulevard... my trips up and down there while there is traffic there, I think that probably the parking is sufficiently out of the flow of traffic. I agree with you that the people coming from between the buildings onto Normanskill Boulevard... I have been down there and I have watched... that seems to be more of a hazard than the people backing out from what I have seen because of the visibility and I am glad that steps will be taken to open up a couple parking spots for the visibility but as I say, my main concern is that I would be opposed to parking being permitted on any other Town streets in the future... diagonal parking.

ATTORNEY KAPLOWITZ: There is nothing in this tonight that would allow that.

MR. DUNN: No, there is nothing in that that would other than the clause of the schedule to getting it on the book and that it could be permitted under some other circumstances.

ATTORNEY KAPLOWITZ: In order to permit it in the future, there would have to be additional hearings like tonight. Somebody would have to come and express those concerns.

SUPERVISOR FULLER: Another public hearing.

ATTORNEY KAPLOWITZ: And, the Board would be concerned with the same issues you are raising, I am sure, whether the road would be wide enough, how the visibility is, the sight distance and all those things.

MR. DUNN: And, I say the other thing is, I think that the other area where diagonal parking occurs, I think that that should probably have been looked at with this rather than take 1 group and say yes, you can do it and the other group is going to sit there in limbo and who knows what is going to happen to them. That's my comments.

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

MR. DRAKE: I arrived a little late. I am not sure if I am in opposition but I did call to find out if they were going to be addressing the horizontal parking versus parallel parking.

SUPERVISOR FULLER: Mr. Drake, someone from your office did call me this afternoon and said they had spoken with Lt. Vanderbilt for clarification. This evening is Normanskill Boulevard only that the public hearing is on.

MR. DRAKE: The question I have, is is the criteria for evaluating horizontal parking based on incidence of traffic accidents or something? Some criteria like that. When a particular street is being evaluated like Normanskill or like the interest I have is in Becker Terrace, is it as a result of accidents or incidents that take place or is it done on a haphazard basis?

SUPERVISOR FULLER: Lt. Vanderbilt.

LT. VANDERBILT: It mostly is based on engineering data such as width of driving lane and length... required length for parking spots based on the Manual of Traffic Control Devices. They prescribe so much length and width for a parking spot. So much width for a driving lane and then you figure the width of the road and what can be accommodated.

MR. DRAKE: So, regardless of whether there is incidents, if it doesn't meet that it would be evaluated based on that.

LT. VANDERBILT: That is what the recommendations would be based on.

MR. DRAKE: Okay, all right. How about Normanskill? Is that being evaluated based on that?

LT. VANDERBILT: Yes.

MR. DRAKE: Okay. I am not necessarily in opposition to the situation at Normanskill, other than I would think that since there are only 2 streets in the Town that I know of where there is horizontal versus parallel parking, that maybe they should have been evaluated together based on similar criteria and so forth. And, that would be my only statement.

SUPERVISOR FULLER: Normanskill Boulevard is the only one that has been done.

MR. DRAKE: Being evaluated tonight.

SUPERVISOR FULLER: It is the one that the public hearing is for tonight so we can't add another one.

MR. DRAKE: Okay, all right. Thank you.

SUPERVISOR FULLER: Okay. Is there anyone else wishing to address the Board in favor or in opposition? May I have a motion to close the public hearing.

The motion was made by Mr. Putney and seconded by Mr. Johnson to close the public hearing at 7:53 p.m. The motion was passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

The Supervisor convened the regular meeting of the Town Board following the close of the public hearing.

Supervisor Fuller asked for a motion to approve the adoption of Local Law No. 9 of 1996.

Approval  
of Local  
Law No.  
9 Angle  
Parking  
was passed

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the adoption of Local Law No. 9 of 1996 amending the Code of the Town of Bethlehem Vehicle and Traffic, adding a new Section 119-20 Angle Parking and Schedule XVI, Angle Parking adding angle parking on Normanskill Boulevard, Elsmere. The motion was passed by the following vote:

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

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Hearing began: 8:00 p.m.

SUPERVISOR FULLER: I will ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, Albany County, New York on the 8th day of May, 1996 at 8:00 p.m. at the Town Hall, 445 Delaware Avenue Delmar, NY to consider Local Law No. 8 of 1996, Amending Vehicle and Traffic, Chapter 119, Article VI, Schedule 119-35, Vehicles Over a Certain Weight Excluded for Beaver Dam Road, Selkirk.

Public Hearing  
Local Law 8  
Vehicle weight  
for Beaver Dam  
Road

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, 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 24 day of April 1996.

/s/ Mary A. Ahlstrom

Sworn to before me this 26 day of April 1996.

/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 April 24, 1996, 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

2nd day of May 1996.  
/s/ Catherine T. Picarazzi  
Notary Public

- - -

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

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

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SUPERVISOR FULLER: Have a motion to indent the notice of the public hearing.

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

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

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SUPERVISOR FULLER: Lt. Vanderbilt, if you would like to address the weight restrictions on Beaver Dam Road.

LT. VANDERBILT: Busy night for me. The Town Traffic Safety Committee had some concerns brought to their attention by some residents of Beaver Dam Road, Mr. Samsel who is here tonight, about an excessive amount of truck traffic that appeared to be traveling on Beaver Dam Road even including tractor trailers. Beaver Dam Road has always been a pretty rural road but now it is becoming more of a residential road. We have a development being built there now with quite a number of housing units being put in there. We have some apartments on Beaver Dam Road. There is some high density residence and we felt that the effect of truck traffic there could be a hazard. A lot of kids that play in the area. And, basically, the only reason that many of these large trucks seem to use that road is because they want to avoid lights on Route 9W, save 2 or 3 minutes off their trip to wherever they are going to. We looked at the character of the roadway, it is not a real straight roadway, it is a fairly narrow roadway, Town road and we noticed that it was posted for 4 ton weight limit at the present time. Again, it was one of those things that was never adopted by the Town law. Some time in the long distant past, someone had posted a 4 ton weight limit sign on that roadway and it had never been legalized by the Town Board action. The Town Traffic Safety Committee looked at other roadways that were posted for weight limits within the Town, we found that the only weight limit that was set on any roadways in the Town was a 3 ton weight limit which basically excludes everything over say a landscapers small dump truck for example. Of course, any vehicles that have to get into that portion of roadway to do business, to make deliveries or someone that might have a business on that roadway that has a large truck would be permitted to drive that truck there. So, our proposal for exclusion of anything over 3 ton would not affect commerce in the area, it would only affect through traffic that might be avoiding or trying to avoid a little more congestion on State highways. So, we felt that it was appropriate to recommend the 3 ton weight limit for Beaver Dam Road. Are there any questions? Thank you.

SUPERVISOR FULLER: Those wishing to speak in favor.

MR. SAMSEL: Bob Samsel, Selkirk. I approve of this recommendations, it will take care of a part of the problem and, hopefully, later on we can take care of the whole problem. Thank you.

SUPERVISOR FULLER: Thank you. Anyone wishing to speak in opposition? There were none.

May I have a motion to close the public hearing. The motion was made by Mr. Putney and seconded by Mr. Johnson to close the public hearing at 8:03 p.m. The motion was passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

The Supervisor convened the regular Town Board meeting following the close of the public hearing.

Supervisor Fuller noted the other concern that Mr. Samsel had mentioned is the speeding on Beaver Dam Road. She had met with Lt. Vanderbilt and Mr. Samsel yesterday and Lt. Vanderbilt has assured them that a Police car on each shift will be in the area for a while to try and slow the traffic. She asked for a motion to approve Local Law No. 10 for Weight Exclusion on Beaver Dam Road.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the adoption of Local Law No. 10 of 1996 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Chapter 119, Article VI, Schedule 119-35, Vehicles Over a Certain Weight Excluded for Beaver Dam Road, Selkirk for its entire length. The motion was passed by the following vote:

Adopt Local Law No. 10 Weight Limit on Beaver Dam Road

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

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Supervisor Fuller asked if there was anyone who came in late that wished to address the Board. There were none.

Supervisor Fuller asked for a motion to meet in Executive Session following the regular Town Board meeting to discuss personnel matters. The motion was made by Mrs. Davis and seconded by Mr. Putney to meet in Executive Session to discuss personnel matters following the close of the regular Town Board meeting. The motion was passed by the following vote:

Meeting Adjourn to executive session. No action taken

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

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The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 8:05 p.m. The motion was passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.