

TOWN BOARD
MAY 10, 1995

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

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

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. We will begin tonight's meeting with a public hearing. I 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 10th day of May, 1995 at 7:30 p.m. to consider Local Law No. 5 of 1995, Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-29, Schedule III, One Way Streets as follows:

ADD: A one way designation as follows:

Tools Restaurant eastern driveway entrance (ingress) and exit at the western driveway (egress) at the location on Hudson Avenue, 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.

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

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State of New York)
County of Albany)

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 3 day of May 1995.

/s/ Mary A. Ahlstrom

Sworn to before me this 5th day of May 1995.
/s/ Kathryn Olsen
Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on May 3, 1995, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

Public
Hearing
Local Law
No. 5, 1995
One way
designation
Tool's
Restaurant

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
9th day of May 1995.
/s/ Catherine T. Picarazzi
Notary Public

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

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

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SUPERVISOR FULLER: Lieutenant Vanderbilt from the Traffic Safety Committee is not able to be with us and Mr. Charles Herr is here. If you would stand and explain the recommendations of the Traffic Safety Committee has made to the Town Board.

MR. HERR: Yes. We have been looking at the driveway access to Tool's Restaurant for several years and we sort of tried to get some volunteer cooperation from Tool's. We did meet with them and they said they would do it but so far they really haven't done what we tried to do. The problem stems from people exiting from the east driveway at Tool's across Hudson Avenue and waiting to turn either left or right and while they are waiting in Hudson Avenue to make that turn, people going westbound on Delaware Avenue to go into to Hudson Avenue are blocked by this traffic waiting to turn out of Tool's. Tool's has marked their driveways one way in on the east side and one way out on the west side for a number of years but there is nothing official about it so there is nothing that can be done about enforcing the regulation. Therefore, the Committee, after looking at this a number of times, and talking with the Department of Transportation about the situation, have finally decided to recommend to the Town Board to make this an official one way regulation in for the easterly driveway and out for the westerly driveway.

SUPERVISOR FULLER: Thank you. Any questions?

COUNCILMAN WEBSTER: Mr. Herr, the non-compliance was only with regard to the signs?

MR. HERR: Well, there is nothing official about it so people come out at will even though Tool's has painted maybe arrows on the pavement, they disregard that. And, they still come out. Some people do it the way we would like them to do. Then others are still coming out..

COUNCILMAN WEBSTER: Well, I think in all fairness to the owner, I do know that he installed signs there because I personally saw them. As a matter of fact, I stopped there on my way home this evening and the sign posts that the signs were attached to are still there but the signs have been stolen. So, I think in all fairness to the owner, I don't think he was in total non-compliance with the Traffic Safety Committee suggestion.

MR. HERR: We know he has tried, I don't know how far he has gone. But...

COUNCILMAN WEBSTER: True, true.

MR. HERR: But, it has been ineffective and there is no way to enforce it with the private signs.

COUNCILMAN WEBSTER: I wonder if the Traffic Safety Committee also had looked at how he is going to get his commercial traffic in and out of there. How is he going to get his deliveries done?

MR. HERR: Well, the westerly driveway seems to be wide enough to commercial traffic.

COUNCILMAN WEBSTER: I personally saw a Colonie school bus stuck in that driveway because it couldn't make the turn this past week. It was wedged against the side of the building and couldn't make the turn and get the bus out of there. How he does it with tractor trailers I don't know.

MR. HERR: Sounds like maybe the bus driver didn't allow enough room to make the turn. I don't know.

COUNCILMAN WEBSTER: Yes, but it also sounds like a fairly narrow driveway to for the tractor trailers to move in and out of.

MR. HERR: It is but the normal with the vehicles is only 8 feet and the driveway is probably 9 to 10, I didn't measure it. But, if they would start far enough in the back parking lot, I would think they can make the turn.

COUNCILWOMAN DAVIS: What would happen during the winter with snow removal problems? What will happen then? How will cars get through if we have heavy snows and the snow becomes a problem?

MR. HERR: Somebody will have to plow the snow. I don't know... that's...

SUPERVISOR FULLER: Yes.

MR. DEITZ: I would like to know...

SUPERVISOR FULLER: Would you please identify yourself? We need you to come up here for the public hearing and identify yourself.

MR. DEITZ: Yes, my question is have they ever had a... where a patron of the restaurant was cited for an accident coming out of the driveway?

SUPERVISOR FULLER: I don't know. Mr. Herr, do you have any reports of this from the Police records?

MR. HERR: I don't have accident reports in front of me, so I can't answer that specifically but we don't cite people for having accidents. They have them and they settle with their insurance company or what.

MR. DEITZ: But, isn't your argument that accidents are caused because people are coming out of that driveway?

MR. HERR: Our information is the cause to interfere with people going to Hudson Avenue, in fact I have a complaint letter here that was written by somebody on Pineridge Place back in 1991.

MR. DEITZ: Well, wasn't the restaurant there a long time before Pineridge Place?

MR. HERR: It has been there for many, many years.

MR. DEITZ: Yes, I have been out here 50 years and it has been there.

MR. HERR: That is true.

MR. DEITZ: But, if I could say something -- what have you done about the people who...

SUPERVISOR FULLER: Would you do me a favor and please identify yourself for the record?

MR. DEITZ: I am Bob Deitz.

SUPERVISOR FULLER: Thank you.

MR. DEITZ: But, I have lived out here for 50 years.

SUPERVISOR FULLER: Sure, and we need you to speak into the microphone so it can be recorded, thank you.

MR. DEITZ: I am not used to speaking into a mike. I find that people, when I try to come out of the restaurant, and I do use the front entrance occasionally. I now have started to use the one on the side, I find that people going into Hudson Avenue don't use their directionals, just about 90 percent of the time. Many times as I come out of the very narrow driveway on the west side of the building, you just about have to take your life into your hands because you have to come way out to look around the building. So, that creates a hazard there and I agree with Fred that no tractor trailer could get out of there. Freihofer comes in with a big truck, I know that, and I just think that Tool's has been singled out without a lot of investigation in other areas to correct the problem.

SUPERVISOR FULLER: The Department of Transportation has been out here and they also came out because I had written a letter asking about a traffic light -- was it possible to have installed there. They have also made the recommendation that the signs be posted at the Tool's driveway there to help enforce the ingress and egress of the property.

MR. DEITZ: I haven't seen anything on that. Also, I was wondering as you come out of that driveway, it seems as though the whole thing is a road right up to almost the front of the building, right up to the shrubs. If it was built out again, so that Hudson Avenue sort of made a turn into Delaware Avenue and that was corrected, then people would be coming out straight, these people would be going... there would be an island like on the right hand side of the driveway coming out and they could make that turn and they wouldn't be crossing... those people come off of Delaware Avenue awfully fast. It is a 40 mile per hour zone and I don't think anybody really hits the speed limit. I think it is wrong that they are allowed to and... Vanderbilt says he has been sitting there at times and I have been eating there for about 11 years now, and I have seen it and it doesn't seem to improve at all, it just gets worse. And, they come sailing off of there and right up Hudson Avenue without any directional.

SUPERVISOR FULLER: Thank you, Mr. Deitz. Any other questions?

MR. TSOKANIS: Good evening. I am Mr. Tsokanis, I am the owner of Tool's restaurant. I am going to start addressing the council by thanking them making an issue out of this because it has to be resolved sooner or later. Let me start first of all a little background. I did have a conversation with Lt. Vanderbilt last year at which time there was an entrance sign already there. There was an exit sign, one way signs showing going around and exit sign on the west side of the building. So, there were 3 signs. There was talk, there was a police report pertaining to that and it was done twice. Anyway, we did do the parking lot and we put arrows explicitly pointing the ingress and egress of the building. Now, there are 2 problems. The compliance of the clients to do so and number 2, as Mr. Bob said, who happens to be a client but also he is very objective about the whole thing because we have been talking a lot and the he said to my clients -- it is very important to me -- that is why when Spotlight put out the accident issue, it became a very emotional issue, it did not become... became a matter of record and a matter of credibility. An accident never has happened in my 11... almost 12 years of cooperation because of a car exiting Tool's, ever. There have been accidents on Delaware Avenue, there was one in front of the dental office without having anything to do with me. However, being in the proximity of Tool's restaurant it identifies with the restaurant. There has been an accident on account of making a left into the dentist's office but because of the proximity also. We share almost same parking lot, identified with it. There has been 4 accidents with no prejudice in the corner where CVS and... what do they call it... Boston Chicken and so on and so forth.

SUPERVISOR FULLER: Elsmere Avenue.

MR. TSOKANIS: These are documented accidents but itself, an accident has never occurred in front of Tool's restaurant even though it is a

hard intersection to enter one way out. I made sure before I made that statement that I knew that I was fully recommended and fully in truth of my say. Now, I will be more than willing as an owner to comply with whatever accommodation the panel, decides to do. I want to make the life of my clients easier. I want to make the Town happy. I am here 12 years, at one time I was also own some property now I don't. And I want to make my business have a natural flow without any limitation attached to it -- in other words, I don't any stigma attached whether it is hard going in and out. I don't want it to be published. I don't want another public hearing done so. I think my initial... when I spoke to Vanderbilt... Lt. Vanderbilt, my first reaction was to put a light there. I think a light is warranted. I don't think any other solution will ever solve the problem. This Town is growing and thank God it is growing because we have the elements to make it grow for a good tax base... well, you know about that so I don't have to go into detail. We are going to grow. Eventually, that area is going to be developed. So, sooner or later a light has to be done there. I see what happened on Central Avenue when the light was warranted it was put up. As a matter of fact, there was one put next to each other... they put one in and 2 feet next to it they put another light just to accommodate Pizza Hut. At one time, someone wanted to buy it and I went... and I didn't sell it because I wanted to stay in this Town. And, I got a very, very attractive offer for it. Secondly, you go below where Price Chopper is on Central Avenue and you see the same situation, one light here and right next to it is another one and there are other ones the same. I think that would be the ultimate solution and I think it should be the purpose of the panel and the Town Board to try to entice the Department of Transportation to put a light there eventually.

SUPERVISOR FULLER: I have written to the Department of Transportation.

MR. TSOKANIS: And, I think we should keep doing it until we get the solution that it is the permanent solution and the right solution there. That is the right solution. There is remedies now that are patch work. I will comply with whatever, as I said, as long as the compliance that you are going to ask me to do does not interfere with my business as a business, okay. As the concept was introduced to me back last spring, with an in and out signs, it was a perfect... actually is what you people are talking about now except we have the little... precaution to it. But, other than that the whole... you know, we had thought of it. Without you asking me, I am installing 2 big flood lights on the back west side of the building. They are being installed if not today, I think, they were to be installed this week anyway which are going to light the west exit completely. So, there is going to be full light so there will be no infringement anybody hitting the sides or anything of my building and so on and so forth. The problem will come in the winter. We do plow diligently and the local gentleman plows... I am under contract and he plows even... whenever there are over 2 inches of snow the parking lot is completely plowed and it is plowed toward the end... it is costing me clients because it is part of the end of the building, towards the landfill all of it to leave ample drive in and out. I could have done it the cheap way and just push it to one side but I don't. I am just pushing all the way down but no matter how you look at it, there is some snow that stays there. And, it is going to be tough for the trailer trucks, Mr. Deitz brought the fact that Freihofer's but I have Sysco which is a trailer truck. A trailer truck talking about 20-30 footer, I don't how to count them but it is a trailer truck. It will have difficulty. I will ask the panel to allow me... but the deliveries are done on non-heavy business hours. They are done between 10 and 11 in the morning and I have forced that for business reasons. I don't want deliveries done during my lunch or dinner hours. So, I can make a specific arrangement but I cannot guarantee, of course, that this will be kept at precisely at the time table that I am going to recommend to the companies but I will demand that deliveries are done between 9 and 11 o'clock where most of the traffic is already lightened up, or between 2 and 5. I already have enforced the morning deliveries, it is the afternoon deliveries sometimes I have. I don't have that many but I have the daily delivery, at least one truck pulls into the store every day, sometimes 2.

SUPERVISOR FULLER: And, what time is that?

MR. TSOKANIS: Well, as I said, they are doing it between 9 and 11.

SUPERVISOR FULLER: The afternoon ones?

MR. TSOKANIS: In the afternoon, I do not get that many in the afternoon. I usually get my deliveries in the morning. In the afternoon I may get some straggler who could not make it for other reasons -- had a broken down truck, because he can't if his truck breaks down, he has to make a delivery to me, he cannot say well I have to pick up my truck I will go to Tool's now, you know, things don't happen that way. So, I like to make an allowance for the truck to use proper care, of course, with normally that if they don't somehow an enforcement, legal enforcement will take place and I will talk to the owners of the company -- I know them personally, most of them -- that this has been implemented. Another thing that was brought up is the speed of the people traveling and I will ask the cooperation of the people here, traveling on Hudson Avenue. This is.. that is an issue that I have violated myself, the law myself many, many times and I have never been reprimanded for it. There is no 35 miles per hour, nobody does 35 miles per hour unless walking or jogging, you know. But, everybody should... very, very few people do use the right... single making it into west side... going into the west side of the street. So, I think with a little enforcement from your part, I don't... and, of course, I shouldn't even talk about it but with a little enforcement and the fact that you use your discretion and not, you know, make it completely uncomfortable for people to come in, it will be beneficial for the Town and Tool's will not suffer. And, I don't feel like I am singled out but we do have other measures, problems coming along Delaware Avenue to mostly any commercial establishment in the Town. I mean, no matter how you look at it, how you come out of Friendly's and crossing to west bound into Delaware at 5 or 6 o'clock in the afternoon. The same problem, I mean there is nothing different.

SUPERVISOR FULLER: It is the location of Delaware Avenue going into Hudson Avenue.

MR. TSOKANIS: Yes, exactly, so, I think we are talking about something that is already a dangerous situation. We already have a malignancy... I wouldn't call it that but we do have a major problem there and it is for everybody, not just Tool's restaurant, it is for every commercial... restaurants because they have very, very often in and out. It is not like a doctor's office you go and stay for an hour. So anyway, to recapitulate, I will comply with it, we can put the signs. You are going to put the same identical signs I got to put there. Now, you have to every time they are stolen, you have to come and replace them, I will tell you that much. So, and I will...

SUPERVISOR FULLER: Are they stolen very often?

MR. TSOKANIS: Every time I put them, they are gone. As a matter of fact, I have one bill here for the matter of record, it cost me \$170. for the last time and the fellow came in the next day to see how his signs are and he said where your signs, it is gone. It lasted one day. So, that was it. So, I have... I gave Vanderbilt that, he knows all about it. So, okay. We can put the signs. You have to maintain them there and I will provide the lighting and I will ask my suppliers to come in between 9 and 11 and use the exit, I will appreciate it. The exit as is from the main entrance of Tool's with extreme care. If they do operate tractor trailers or anything larger than a van. Will that be okay with you?

SUPERVISOR FULLER: Yes.

MR. TSOKANIS: You know, we can make it an accommodation. That is my point of view and thank you very much.

SUPERVISOR FULLER: Okay. Thank you very much.

COUNCILWOMAN DAVIS: I have a question. Would you be willing to put a sign maybe as you come out the door so that let people who are

there, your customers or clients are there? A gentle one, a gentle one.

MR. TSOKANIS: I will be willing to, Mrs. Davis. I was anticipating that eventually this would come to a head. I was planning of making a few flyers and explaining in a very subdued way, you know without offending myself... that this is a procedure and I would appreciate if people that patronize me respect that...

COUNCILWOMAN DAVIS: I would not recommend that you do something that offends any of the people who come to your restaurant.

MR. TSOKANIS: No, no, I don't mean offend.

COUNCILWOMAN DAVIS: I wouldn't want to do that.

MR. TSOKANIS: No, I would say I would not like to in any way direct the driving habits, you know, I like to... I would state what it is commendable and say what Tool's would like its clients to do. Like one thing is keep coming. Okay.

SUPERVISOR FULLER: Thank you. Is there anyone who would like to speak in favor of a placing the signs entrance and exit? There were none. Is there anyone who would like to speak in opposition? There were none. Okay.

ATTORNEY KAPLOWITZ: I would like the record to show that I did not participate in this evening's discussion of this matter nor before tonight nor will I hereafter because Mr. Tsokanis has been a client of mine on occasion so I am neither advising the Town Board nor him in any respect in regard to this matter.

SUPERVISOR FULLER: Thank you. Motion to close the public hearing.

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

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

Noes: None.


Town Clerk

The Supervisor convened the regular meeting following the close of the public hearing. She asked if the Board wished to take action on the previous proposed Local Law. Councilman Lenhardt expressed concern about the truck exiting and noted he wished to discuss this with the Police Department. Supervisor Fuller said the discussion must also be held with the Police Department regarding the accident history at this intersection. Councilwoman Davis noted maybe some of the alternative measures need to be used before a decision is rendered. Supervisor Fuller thanked everyone.

HEARING BEGAN: 7:55 p.m.

SUPERVISOR FULLER: The next public hearing to consider Local Law No. 5 amending the vehicle and traffic stop intersection at Ridge Road and West Poplar Drive, Elsmere. I 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 10th day of May, 1995 at 7:45 p.m. to consider Local Law No. 6 of 1995, Amending the Code of the Town of Bethlehem as follows:

Public Hearing Local Law No. 6, 1995 Stop Intersections Ridge Road W. Poplar Dr.	<p>AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-33, Schedule VII, Stop Intersection as follows:</p> <p>ADD: A stop sign intersection as follows: Ridge Road, north at the intersection of West Poplar Drive.</p> <p>All interested persons and citizens will have an opportunity to be heard at the said hearing.</p> <p>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.</p>
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BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk
TOWN CLERK

- - -

State of New York)
County of Albany)

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 3 day of May 1995.

/s/ Mary A. Ahlstrom

Sworn to before me this 5th day of May 1995.
/s/ Kathryn Olsen
Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on May 3, 1995, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
9th day of May 1995.
/s/ Catherine T. Picarazzi
Notary Public

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

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SUPERVISOR FULLER: Mr. Herr.

MR. HERR: The Traffic Committee has been looking at the problems on West and East Poplar Drive at the request of some of the people that live along the newly opened East Poplar Drive. The complaint has been for speeding along East Poplar Drive and the Committee has looked at several possibilities of putting some stop signs at some of the intersections leading onto East Poplar Drive and as an auxiliary thing, West Poplar Drive come into the picture -- it used to be just Poplar Drive, now it is West Poplar Drive and the Committee has not really decided what to do in the whole area except they decided to recommend a stop sign on Ridge Road because that used to be almost a 'T' intersection because Poplar Drive didn't go further to the east from there and now there is traffic coming from both directions on what is now West Poplar Drive so the Committee recommended a stop sign on Ridge Road as an interim item while they studied the rest of the area.

SUPERVISOR FULLER: Okay. Thank you. This is a meeting with the Traffic Safety that you attended and I had attended as well, where the residents have come in and requested the stop sign because of the increased traffic in their area. Are there any other questions?

COUNCILWOMAN DAVIS: Significantly increased.

COUNCILMAN WEBSTER: Did Gregg look at the obstruction there? I had mentioned it to him, better not, better forget it.

SUPERVISOR FULLER: Yes, Gregg was asked to go down and Mr. Schmidt, Peter Schmidt.

COUNCILMAN WEBSTER: Yes, oh he did, okay fine.

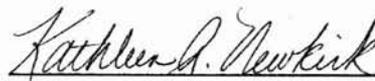
SUPERVISOR FULLER: Yes, he did, he is on the Traffic Safety Committee.

COUNCILMAN WEBSTER: Fine.

SUPERVISOR FULLER: Anyone wishing to speak in favor of erecting the stop sign at Ridge Road and West Poplar? No one spoke. 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. Lenhardt and seconded by Mrs. Davis to close the public hearing at 7:58 p.m. The motion was passed by the following vote:

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


Town Clerk

The Supervisor reconvened the regular meeting following the close of the public hearing.

Adopt L.L.
No. 5, 1995
Stop
Intersections
Ridge Road
W. Poplar Dr.

The motion was made by Mr. Webster and seconded by Mrs. Davis to adopt Local Law No. 5 of 1995 regarding a Stop Intersection at the intersection of Ridge Road and West Poplar Drive, Delmar. The motion was passed by the following vote:

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

The next item was a recommendation from Engineering Division, Department of Public Works, for award of bid for Iron Castings; Precast Concrete Manhole Block; and Precast Reinforced Concrete Manhole Sections.

Award Bid
Iron Castings
Precast Concrete
Manhole Blocks
Precast
Reinforced
Concrete
Manhole
Sections

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the award of bids as follows at the prices stated in the bid documents:

IRON CASTINGS: Vellano Brothers, Inc., Latham, NY;
PRECAST CONCRETE MANHOLE BLOCK: V. Zappalo & Co., Inc., Rensselaer, NY; and

PRECAST REINFORCED CONCRETE MANHOLE SECTIONS: Fort Miller Co., Inc., Schuylerville, NY.

The motion was passed by the following vote:

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

Seminar
Deputy
Receiver
of Taxes

The next item was a request from Receiver of Taxes and Assessment for approval of attendance of Deputy Receiver of Taxes at the 1995 Seminar for Tax Collecting Officers at Lake George, NY to be held June 12 and 13, 1995.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the attendance of Deputy Receiver of Taxes, Nancy Karins, at the 1995 Seminar for Tax Collecting Officers at Lake George, NY to be held June 12 and 13, 1995. The motion was passed by the following vote:

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

Acknowledge
Receipt
Quart. Cable
Franchise Fee
A-R Cable Serv.
Jan-March 1995

The following item was to acknowledge receipt of Quarterly Cable Television Franchise Fees from A-R Cable Services, Inc. in the amount of \$30,058. for the quarter January-March, 1995.

Approval
hiring
Intern
Planning
Dept.

The next item was a request from the Town Planner for approval of appointment of Intern to work in the Planning Department at a rate of \$8.19 per hour. The Supervisor indicated Mr. Lipnicky sent a memorandum to the Town Board noting notices for internships were sent to SUNY Albany, Rensselaer Polytechnic Institute and Union College.

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the appointment of Ms. Laura Orlando, 120 Benson Street, Albany, NY to the position of Intern for the Planning Department at a rate of \$8.19 per hour as per the recommendation of Jeff Lipnicky, Town Planner. The motion was passed by the following vote:

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

The next item was a request from Administrator, Parks & Recreation Department, for approval of Supervisor to sign agreement for the concession stand at the Elm Avenue Park, Delmar, NY for the summer of 1995.

The motion was made by Mr. Webster and seconded by Mr. Putney to authorize the Supervisor to sign an agreement for the concession stand at the Elm Avenue Park, Delmar, NY for the summer of 1995 with James and Kim Sheldon, doing business as Jim's Tastee Freez. The motion was passed by the following vote:

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

Authorize
Supervisor
to sign
Concession
Stand
Agreement
Elm Ave. Park

The next item was a request from Highway Superintendent for approval of disposal of vehicles at auction held at Northway Auto Exchange, Inc., Clifton Park, NY.

The motion was by Mr. Lenhardt and seconded by Mrs. Davis to approve the sale of 1 Dodge Dump Truck, 1 Cushman Mower and 1 Plymouth Reliant at auction to be held by Northway Auto Exchange, Inc. of Clifton Park, NY as recommended by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

Dispose of
Vehicles at
Auction
Highway Dept.

The following item was a request from Gregg Sagendorph, Highway Superintendent, for approval of purchase of liquid bituminous materials (road oil) and plant mixed bituminous concrete (blacktop) from Albany County contracts for the year 1995.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the purchase of liquid bituminous materials (road oil) and plant mixed bituminous concrete (blacktop) from Albany County contracts for the year 1995 as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

Approve
purchase of
liquid
bituminous
materials
and mixed
bituminous
concrete
Highway Dept.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one boom mower attachment, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 17th day of May, 1995 and that bids be received up to 2:00 p.m. on the 30th day of May, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Resolution
Boom Mower
Attachment

Approve
Seasonal
Personnel

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

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the appointment of seasonal personnel as request by David Austin, Administrator, Parks & Recreation Department, as listed on the Memorandum dated May 10, 1995 at the titles and rates indicated. The motion was passed by the following vote:

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

Supervisor Fuller next announced an item not on the agenda and read the following letter:

To The Town Board:
Annually, the New York State Town Clerks Association honors one of its members who has exhibited a high degree of professionalism in her/his office and who has contributed toward the purpose of the NYSTCA - "... the educational and Professional development of Town Clerks."

Town Clerk
honored
by NYS
Town Clerks
Association

It is with great pride that we announce to you that your Town Clerk was among the nominees considered for this prestigious award. As you know, the Town Clerk's office is the focal point of Town Government, and the Town Clerk is not only responsible for the management of all town records, for issuing Conservation and dog licenses, and in many cases, for recording births and deaths in the towns, but the Town Clerk is also the chief public relations officer of government to the people. Kathleen has been recognized for her longstanding service to your town and its constituents, as shown by the complimentary observations of all who supported her for the nomination.

The task of narrowing the selection is next to impossible and even though Kathleen was not NEW YORK STATE clerk of the year, we are positive that she reigns as your perpetual CLERK OF THE YEAR. We, the New York State Town Clerks Association, salute you on having a Town Clerk who holds such high admiration and qualifications.

Sincerely,
/s/ Beverley Snell
NYSTCA Nominating Chairman

Supervisor Fuller congratulated Town Clerk Newkirk. She noted it was a surprise to the Town Board, as well, because it was hard to insert an item without the Town Clerk seeing it. Town Clerk Newkirk thanked everyone indicating this certainly was a surprise. (applause)

Supervisor Fuller asked if anyone else wished to speak.

Discussion
Representatives
of Clearwater
For Bethlehem

MRS. SHIRK: My name is Margaret Shirk and I am speaking as a representative for Clearwater for Bethlehem tonight and I just would like to have the statement read into the minutes please.

Supervisor Fuller in a recent Times Union article you stated that the new Hudson River water system could be separated from the existing system. For you to say that publicly is a major reversal of the public position you have been maintaining for the last year. We have come here tonight to urge you to reach an agreement with Albany, to assure the residents that they will not have to drink the water from the Hudson River. In addition, we need a commitment from you that you will do whatever is necessary to separate the 2 systems.

SUPERVISOR FULLER: I wasn't sure if you were through. Margaret, as you well know, for the last year, the documentation is available and has been that I have been negotiating with the Mayor of the City of Albany. I have not had a response from the City of Albany yet.

MRS. SHIRK: Will you give your commitment, Mrs. Fuller, that once you have an agreement you will separate the 2 systems as stated in the Times Union article?

SUPERVISOR FULLER: We will have the Creble Road valve off to go just to industry and we will have the Vly Creek and the Albany water to go to our residents, provided we have a contract with the City of Albany. It is not purchasing a million gallons and it is not paying high rates.

MRS. SHIRK: So, the system won't change then, you will just have a valve in there. There will be no design changes?

SUPERVISOR FULLER: No there will not be.

MRS. SHIRK: So, it won't be 2 separate systems?

SUPERVISOR FULLER: No, it will not be.

MRS. SHIRK: It will still be 1 system.

SUPERVISOR FULLER: It can be separated...

MRS. SHIRK: Will there be written documentation that the Town is assuring the residents that this system will not intermix? That at no time we will be drinking Hudson River water.

SUPERVISOR FULLER: The time will intermix if the City of Albany... if the pipeline breaks, something like this. We do not have it coming in from the other end, then it will be intermixed. Other than that there is no need for the water to ever be mixed.

MRS. SHIRK: Okay. So, it won't be as it was stated in the newspaper that the water system will be a separate system. There will be 1 system but we are trying to keep the waters apart in this system.

SUPERVISOR FULLER: The water will be separated. It can be valved off so that it is only for the industrial area which is what was said... what was in the paper, I don't base a lot on but I can tell you I myself said it -- that is part of our minutes here of our meeting 2 weeks ago. It can be separated.

MRS. SHIRK: We can only know what the paper...

SUPERVISOR FULLER: That is right. We all know that.

MRS. SHIRK: Thank you.

SUPERVISOR FULLER: Thank you.

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The Supervisor asked if anyone else wished to address the Board.

MRS. ROYO: My name is Frances Royo and I am also speaking for Clearwater for Bethlehem. Just like to invite everyone who is here tonight to attend an event that Clearwater is holding this Saturday, May 13th, and we are inviting everyone to join a water-cade to go to visit the Hudson River site and the Alcove Reservoir so you can see for yourself which water you would prefer to drink and really have an idea of where the water is coming from. It is at 1 o'clock this Saturday and we will be meeting at the CDTA parking lot at the end of the Bypass at Elm Avenue. So, you are all invited to join us and take a look at the water supply.

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Supervisor Fuller next acknowledged a gentleman in the back of the room.

MR. SAMSEL: Bob Samsel, Beaver Dam Road, Selkirk. I am sick to death to this water being referred to as Hudson River water. There is an aquifer. By dictionary definition, an aquifer filters. Now, if it doesn't filter to your desires... They are building a modern

filtration plant up on Clapper Road. The one that makes this so called pure Albany water is 60 years old up on Aqueduct Road and I am sure the one we are building is going to be a lot better than that 60 year old one. But, let's cut the hysteria on it. The third reason preamble of the Constitution says domestic tranquility -- let's have a little. Let's not talk about the water issue until the next election. Your people have said you are going to decide it at the ballot box. Do it but for God's sake let's keep quiet about it in the mean time. (applause)

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Executive
Session

The motion was made by Mr. Webster and seconded by Mr. Lenhardt to meet in Executive Session following the regular meeting to discuss negotiations. The motion was passed by the following vote:

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

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The motion was made by Mr. Lenhardt and seconded by Mr. Putney to adjourn the regular meeting at 8:10 p.m. The motion was passed by the following vote:

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

Kathleen A. Newlick
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.