

TOWN BOARD  
NOVEMBER 12, 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  
Kathleen A. Newkirk, Town Clerk

ABSENT: Bernard Kaplowitz, Esq., Town Attorney

SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Ask you to join us in the pledge of allegiance.

First item on tonight's agenda is a public hearing to consider local law providing stop signs on Wakefield Court at Grantwood Road. I would 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 12th day of November, 1998 at 7:30 p.m. to consider a proposed Local Law, Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-33, Schedule VII, Stop Intersections as follows:

ADD: Wakefield Court - stop signs at Grantwood for both north and southbound traffic on Wakefield Court.

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, CMC  
TOWN CLERK

- - -

State of New York)  
County of Albany )

JAIMIE WILLIAMS of the Town of Bethlehem, being duly sworn, says that she is the Office Assistant 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 28 day of October 1998.

/s/ Jaimie Williams

Sworn to before me this 29th day of October 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 November 4, 1998, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town

Public Hearing  
Local Law  
providing stop  
signs on Wake-  
field Court  
at Grantwood  
Road

maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this  
4th day of November 1998.  
/s/ Catherine T. Picarazzi  
Notary Public

- - -

The motion was made by Mr. Lenhardt 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,  
Ms. Burns.  
Noes: None.

- - -

SUPERVISOR FULLER: Mr. Eck is here, Lt. Bebe is here. If you have any questions from the Traffic Safety Committee on the recommendation to add the stop signs on Wakefield Court at Grantwood Road for both north and south bound traffic on Wakefield Court.

Anyone wishing to speak in favor?

MR. ECK: Well, my name is Walter Eck, Jr. representing the Town of Bethlehem Traffic Safety Committee. Basically, I would just like to make a clarification for everyone's benefit. If you drive through the area, one could argue that Wakefield Court is the through street in this area. And, that truly is the case, however, upon review by the Traffic Safety Committee members and by the Bethlehem Police Traffic Safety units, the major flow of traffic is on Grantwood versus Wakefield. And, if you go through the area no matter which way you come through the intersection any of the 4 ways, you will see that it is almost a blind intersection from Grantwood, whereas from Wakefield you have advanced notice of the intersection coming up from both sides. So, therefore, we felt the best recommendation was to go with the Wakefield Court versus installation on Grantwood.

SUPERVISOR FULLER: Thank you. Anyone else wishing to speak in favor? Anyone wishing to speak in opposition? May I have a motion to close the public hearing?

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

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

*Kathleen A. Newkirk*  
Town Clerk

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

The Supervisor asked for a motion to adopt Local Law No. 12 of 1998 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Article VI, Section 119-33, Schedule VII, Stop Intersections to add on Wakefield Court, stop signs at Grantwood Road for both north and south bound traffic on Wakefield Court.

Local Law  
No. 12 stop  
signs at  
Wakefield Cou  
at Grantwood  
adopted

The motion was made by Mrs. Davis and seconded by Mr. Johnson to adopt Local Law No. 12 of 1998 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Article VI, Section 119-33, Schedule VII, Stop Intersections to add on Wakefield Court, stop signs at Grantwood Road for both north and south bound traffic on Wakefield Court. The motion was passed by the following vote:

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

Noes: None.

-----

The next item was a request from Gregg Sagendorph, Superintendent of Highways, for approval of transfer of funds from Personal Services General Road Repair to Contractual General Road Repair to cover cost of road materials.

Highway Super-  
intendent  
approval trans-  
of funds from  
Personal Servis  
General Road  
Repair

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the transfer of funds from Personal Services General Road Repair to Contractual General Road Repair to cover cost of road materials as listed in the Memorandum from Superintendent of Highways, Gregg Sagendorph, dated November 5, 1998. The motion was passed by the following vote:

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

Noes: None.

-----

The following item is to consider proposed Local Law No. 11 of 1998 concerning rezoning of property from C General Commercial District to Light Industrial District for lands located on the west side of Route 9W. Supervisor Fuller noted approximately 6 weeks ago or maybe a little less, a public hearing was held on the rezoning and it was originally the Flach site formerly known as the Wickes site. The parcel contained 25.3 acres. The Town Board suggested consideration be given to rezoning the entire commercial acreage which was about 266 acres. After looking through the issues involved in the Flach property and what would be required for the other 240 acres, Supervisor Fuller said it was a recommendation tonight that approval be given only to the Flach site and go back to the other 240 acres at another time. Note was also made that Counsel to the Planning Board advised that this could be separated and look at the Flach site only. She asked if there were any questions or comments from the Board.

Consider  
proposed Local  
Law C General  
Commercial  
District to  
Light Industri  
District  
located on wes  
side of Route  
9W

Councilman Lenhardt asked Town Planner, Jeff Lipnicky, regarding the Memorandum about the entire property, if he could elaborate on the number of issues involved that still have to be addressed. Mr. Lipnicky said the major issue is the segmentation issue under SEQR with the larger parcel. Mr. Lipnicky said the SEQR law says you not only have to consider your immediate action but subsequent actions which might follow from that. He said when you look at the larger parcel, there are a wide range of issues associated with rezoning 266 acres. Those issues range from potential traffic generation; and, in this particular instance, there is a protected stream along the western boundary; and a couple of properties that are potentially national register eligible in terms of the historic district. He said it is an area of the Town that is archeologically sensitive. He said there are slopes along the ravine on the western portion of the 266 acres which are identified in various sources as susceptible to land slides. He said there is a fairly large range of issues that need to be looked at a bit further and potential mitigation developed

for those issues. Councilman Lenhardt asked if these issues are going to be pursued. Mr. Lipnicky said in discussion with the Supervisor, it is the Supervisor's intent to do so.

Councilman Johnson said he had a comment regarding having the opportunities for reading and this one was interesting. He said he would be supporting this project that was supported by the Route 9W Corridor Study, supported by LUMAC and everything that he has heard, Flach's has an excellent reputation for maintaining their properties.

Councilman Lenhardt said as a clarification to an article in the Spotlight, as a result of the last public hearing he had requested the public to supply him either in writing or telephone their opposition to the proposal that was there. He said the night of the public hearing there were 3 residents that got up and spoke in opposition. He said since that time he has heard no opposition and for the record, his request that evening was if anyone were to contact him, he would like to hear preferably in writing whether they would be opposed to Flach or the whole piece. He said he is certainly in favor of the proposal for Flach and the remaining lands.

Supervisor Fuller said the residents that were in attendance were contacted and notified that the Board would be breaking this off and doing the Flach property tonight. She said she told them she would be back in touch as to when the rezoning on the remainder of the parcel is done.

The Supervisor said there was a SEQR resolution which needed to be approved declaring a negative declaration.

TOWN BOARD  
TOWN OF BETHLEHEM  
SEQR RESOLUTION  
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION  
ZONING AMENDMENT PER LOCAL LAW NO. 13 OF 1998  
APPLICATION OF FLACH INDUSTRIES, INC.

WHEREAS, the Town of Bethlehem Town Board ("the Town Board") has received an application from Flach Industries, Inc. for the rezoning of 25.3 acres of land from C General Commercial District to Light Industrial District and said land is located on the west side of U.S. Route 9W in the vicinity of the common boundary between the Town of Bethlehem and the Town of Coeymans; and,

WHEREAS, the Town Board has received a full Environmental Assessment Form ("EAF") Part 1 for the project, completed by the applicant, and Part 2 completed by the Town Planning Department; and,

Adopt SEQR  
Resolution and  
Local Law 13  
Flach Industries  
rezoning  
from C General  
commercial to  
Light Industrial

WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA; and,

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District, and,

WHEREAS, 6 NYCRR 617.6(b)(1) indicates that when a single agency is involved, that agency shall be the lead agency when it proposes to undertake, fund or approve a Type I or Unlisted action; and,

WHEREAS, the Town Board has independently considered both the information provided in the EAF and comments on the application provided by the Town of Bethlehem Planning Department,

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board hereby determines that:

- 1) approval of the proposed zoning amendment constitutes an Unlisted action which is subject to SEQRA,
- 2) the proposed action does not involve a federal agency or any other agency,

- 3) the proposed action is not located in an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law,
- 4) a full EAF is adequate for determining the significance of the proposed action; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby declares it is lead agency with respect to SEQRA review of the proposed action; and,

BE IT FURTHER RESOLVED,

that based upon its review of the application for rezoning, the EAF, comments on the rezoning provided by the Town Planning Department, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Town Board hereby finds that approval of the Local Law No. 13 of 1998 constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination is based upon the following facts and conclusions:

1. Approximately, 8.5 acres of the 23.5 acre parcel is currently developed with buildings, parking and delivery area, and access drives. Undeveloped acreage consists primarily of meadow/field and lawn area.
2. Existing development on the site includes seven structures totaling 77,200 square feet in floor area. With the exception of one structure measuring 3,000 square feet in floor area, remaining structures on the parcel are currently unoccupied and vacant.
3. Rezoning of the parcel to Light Industrial District would enhance opportunities for reuse of the now vacant facilities on the site and would also contribute generally to economic development opportunities in the Town.
4. The proposed action is located in the existing public water district. Although the parcel is not served by public sewers, any future proposal for further development of the property would likely require review by the County Health Department and/or the Town with respect to sanitary sewage disposal.
5. Given the limited amount of land area involved in the rezoning and limited potential for significant additional development on the parcel, it is not expected that reuse of the parcel would significantly effect traffic or drainage conditions in the area.
6. The proposed action is not located in or adjacent to an agricultural district or a historic district or structure.
7. The proposed action is located in an archeologically sensitive area. However, no additional development of the property is proposed at this time which might impact such resources.
8. Due to the limited land area available for additional development on the parcel, and the nature of existing structures and the previous land use, the proposed action is not expected to have a significant effect on the character of the area.
9. Review of the site in the field and with available environmental data revealed no environmentally sensitive characteristics of the parcel (such as State designated wetlands, topography, floodplains, threatened or endangered species, etc.) or other areas requiring greater study;

BE IT FURTHER RESOLVED,

that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law, and;

BE IT FURTHER RESOLVED,

that the Supervisor of the Town of Bethlehem is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Mr. Lenhardt, seconded by Ms. Davis, and by a vote of 5 for, 0 against and 0 absent, this RESOLUTION was adopted on November 12, 1998.

The Supervisor asked if there was any further discussion on this item. Councilman Davis said she remembered previously she thought it would be important to go forward with the Flach request. She said that particular parcel is very viable for the kind of development that our Town needs and wishes the Flach family well. She said she hoped that this can be done as quickly as possible.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to adopt Local Law No. 13 of 1998 amending the Code of the Town of Bethlehem for the rezoning of certain property from C General Commercial District to Light Industrial District for lands owned by Flach Industries. The motion was passed by the following vote:

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

- - -

Supervisor Fuller wished Flach Industries good luck and noted they are onto economic development for Bethlehem and she thanked them. Mr. Flach thanked the Board.

-----

Engineering  
Services  
acceptance  
of easement  
along 43  
The Concourse  
grading  
purposes

The following item was a request from Michael Cirillo, Engineering Division, Department of Public Works, for acceptance of easement along the frontage of 43 The Concourse for grading purposes.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the acceptance of an easement from Mr. and Mrs. Marek Gurin, 43 The Concourse, Delmar, New York along the frontage of 43 The Concourse for grading easement purposes. The motion was passed by the following vote:

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

-----

Public  
Works  
reduction  
of bonding  
for Fisher  
Hollow sub-  
division

The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, Department of Public Works, for reduction of bonding for Fisher Hollow Subdivision.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the reduction of bonding for Fisher Hollow Subdivision, Phases 1-3 remaining cost of work \$74,500 and Phase 4 remaining cost of work \$12,500 for a new total bond amount of \$87,000. The motion was passed by the following vote:

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

-----

Local Law  
amending  
Building  
Construction  
and Fire  
Prevention  
Permit Fees  
to set Public  
Hearing 12/9/98

The next item was a request from John Flanigan, Building Inspector, concerning a proposed Local Law amending the Code of the Town of Bethlehem, Chapter 53, Building Construction and Fire Prevention Administration regarding Building Permit Fees. Could set public hearing for December 9, 1998 at 7:30 p.m. Supervisor Fuller explained this is as a result of the budget discussions at the work sessions. She said they wish to increase building permit fees and in order to do this, it has to be done by Local Law and, thus, there is a public hearing required. The Supervisor noted the fees will be available the night of the public hearing.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to set a public hearing for December 9, 1998 at 7:30 p.m. to consider a proposed Local Law to amend the Code of the Town of Bethlehem, Chapter 53, Building Construction and Fire Prevention Administration regarding building permit fees.

The motion was passed by the following vote:

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

Noes: None.

- - -

Councilman Davis asked if she could go back to the previous item on Fisher Hollow. She said she does not have a question regarding the reduction of bonding but that issue makes her think about some of the things that are happening out on Fisher Boulevard. She said she just wanted to mention that she knew several new families that have moved into the development and the new bike path/pedestrian path on Fisher Boulevard that the Town Highway Department worked so hard on this summer is really an asset to the people who live there. She said it also benefits the people who live in the center of Town because they can now get out there and use their bikes. She said there is a lot more traffic on that road and noted the Highway Department did a great job again. She said she knows residents who have mentioned that they appreciate having that there.

-----

The next item was a request from David Austin, Administrator, Parks & Recreation Department, for acceptance of donation from The General Electric Elfun Society for landscaping at the Selkirk Park. Supervisor Fuller noted this was for the cost of trees and landscaping materials that they put in the Selkirk Park for the Town.

Parks and  
Recreation  
accept  
donation from  
General Electric  
Elfun Society  
for Landscaping  
at Selkirk Park

The motion was made by Mr. Johnson and seconded by Ms. Burns to accept a donation in the amount of \$2,736.29 for landscaping at the Selkirk Park from the General Electric Elfun Society. The motion was passed by the following vote:

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

Noes: None.

- - -

Supervisor Fuller asked if there was any discussion. Councilman Johnson said the people were marvelous. They were enthusiastic and worked hard and were productive. He said this was a beautiful, beautiful project to watch and they are all to be congratulated. Supervisor Fuller said they were indeed and she will send a letter to them thanking them. She said she enjoyed watching them work together.

-----

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

Parks and  
Recreation  
approval  
season  
personnel

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as recommended by David Austin, Administrator, Parks & Recreation Department as follows:

Recreation Instructor I at \$4.90 per hour.

Kathleen Shaffer  
16 Pasture Gate Lane  
Delmar, NY 12054.

The motion was passed by the following vote:

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

Noes: None.

-----

The following item was a request from Richard LaChappelle, Chief of Police, for approval of transfer of funds from the Collision Recovery Account to the Police Account for repair of a police vehicle.

Request from  
Chief of  
Police approval  
transfer of  
funds repair  
police vehicle

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the transfer of funds in the total amount of \$6,447.12 from the Collision Recovery Account to the Police Account for repair of a police vehicle as requested by Chief Richard LaChappelle in his Memorandum dated November 2, 1998. The motion was passed by the following vote:

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

Engineering  
Division to  
approve  
road names  
in Glenmont

-----

The next item was a recommendation from Terrence Ritz, Engineering Division, Department of Public Works, to approve private road names in Glenmont, Selkirk, Elsmere and Delmar. Supervisor Fuller noted this is a result of the Town of Bethlehem once again being in the leadership role regarding the 911 system before Albany County set their guidelines. She said in the beginning the Town did not recognize or name these private roads. The houses on the private roads were numbered on the nearest Town, County or State road, according to Supervisor Fuller. She said the County guidelines allow the naming of private roads. Two streets, Pioneer Drive and Peltz Road are being used as cross streets in the 911 system.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the assignment of Pioneer Drive, Elsmere and Peltz Road, Selkirk as private road names for the emergency services. The motion was passed by the following vote:

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

-----

Councilman Davis said she assumes there will be a subsequent memorandum regarding the other names. Supervisor Fuller said so far the others have not been an issue. She noted she asked if they could all be done but they have not created a need.

Receipt of  
Quarterly  
Franchise fee  
from A-R Cable  
Services

-----

The next item was to acknowledge receipt of the Quarterly Franchise fee from A-R Cable Services, Inc. in the amount of \$45,349. She said this is the third quarter payment.

Final Plat  
approval for  
Adams Woods  
Section 2 Subdivision

-----

The next item was to acknowledge receipt of Final Plat Approval for Adams Woods, Section 2 Subdivision, from the Planning Board for information purposes.

Approval for  
appointment  
of Assessment  
Clerk

-----

The following item was a request from David Leafer, Assessor, for approval of appointment of an Assessment Clerk to fill a vacancy due to retirement. Supervisor Fuller said the Board has 5 pages of background information and a resume. She said the request is to appoint Nancy DeLaCruz as Assessment Clerk for the Town of Bethlehem.

Councilman Davis thanked Mr. Leafer for the thorough Memorandum and noted it anticipated questions that might come up. Mr. Leafer said a special thank you goes to Comptroller Kehoe for her help and guidance through the process.

Councilman Burns said she also appreciates the information coming to her and providing that resume and background. She thanked Mr. Leafer.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of Nancy DeLaCruz, Voorheesville, New York to the position of Assessment Clerk at an annual salary of \$23,261.

The motion was passed by the following vote:

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

Noes: None.

- - -

The Board welcomed Ms. DeLaCruz to the Town of Bethlehem, who was in attendance at the meeting. Councilman Davis noted she will be working in a great office.

-----

The next item was to approve the Town Board minutes of October 14, 1998 and October 28, 1998.

The motion was made by Mrs. Davis and Mr. Johnson to approve with one correction on page 6, the Town Board minutes of October 14, 1998. The motion was passed by the following vote:

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

Noes: None.

- - -

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the Town Board minutes of October 28, 1998 as submitted. The motion was passed by the following vote:

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

Noes: None.

-----

Councilman Burns had a question going back to the Cable fee. She wondered what the status was in regard to the transfer. Cable Administrator Kehoe said the transfer has happened. It is official, however, they have not made official notification to the subscribers. She said the information was out there 2 weeks ago regarding the transfer. It was in the Bethlehem Report and the newspapers and additionally many phone calls have been received. She noted the calls have been of a happy nature. Councilman Burns asked if we were officially Time Warner. Mrs. Kehoe said we are Time Warner now. Supervisor Fuller said her bill is not changed over yet.

Cablevision  
transferred to  
Time Warner

Councilman Lenhardt asked if this fee was for the company in the southern part of Town. Mrs. Kehoe said it was for Cablevision. The southern one is a once a year fee, Mid-Hudson Cable. Mrs. Kehoe said it is a considerably smaller fee.

- - -

Supervisor Fuller asked if there was anyone who wished to address the Board. Mr. William Kelleher presented a statement (see following minutes) and made comments regarding it. He said he gives Town Counsel, Robert Alessi, 100 percent support. He said there should be no second guessing the attorney. He said in terms of politics, that can come in after the law suit is settled.

Mr. Kelleher  
presented a  
statement on  
water

Mr. Kelleher said this was really not what he was at the meeting for. He noted he felt the engineering report of O'Brien and Gere is very misleading. He said he knew this from the beginning, noting siltation is not a problem.

Mr. Kelleher made further statements regarding the water project. Mr. Kelleher asked if there were any questions. There were none. Supervisor Fuller thanked Mr. Kelleher.

Mr. Kelleher asked Supervisor Fuller if anyone in the Town is looking at this electric power generating station proposed for Athens. Supervisor Fuller said yes. He said this would have tremendous impact on the Niagara Mohawk proposal. Supervisor Fuller thanked Mr. Kelleher.

Hearing began: 8:00 p.m.

SUPERVISOR FULLER: Back to the public hearing on the 1999 Bethlehem Sewer District assessment rolls. Ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

TOWN OF BETHLEHEM

WHEREAS, 1999 assessment rolls have been prepared for the Bethlehem Sewer District and it is necessary to hold a public hearing with reference thereto,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hold a public hearing with reference thereto, at 8:00 p.m., on the 12th day of November 1998, at the Bethlehem Town Hall, and,

BE IT FURTHER RESOLVED, that the Town Clerk be, and she hereby is authorized and directed to publish a notice of such hearing in THE SPOTLIGHT, a newspaper published in Albany County and having a circulation within the Town of Bethlehem, on the 28th day of October 1998.

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.

The foregoing resolution was presented for adoption by Mrs. Davis, seconded by Mr. Johnson and was duly adopted by the following votes:

AYES: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson  
Ms. Burns.

NOES: None.

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

Public  
Hearing  
1999  
assessment  
rolls

State of New York)  
County of Albany )

JAIMIE WILLIAMS of the Town of Bethlehem, being duly sworn, says that she is the Office Assistant 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 28 day of October 1998.

/s/ Jaimie Williams

Sworn to before me this 29th day of October 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 November 4, 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  
4th day of November 1998.  
/s/ Catherine T. Picarazzi  
Notary Public

- - -

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to indent the Notice of Public Hearing, Affidavit of Publication and

Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

Noes: None.

SUPERVISOR FULLER: Mr. Secor.

MR. SECOR: Just wanted to cover a couple of points. The assessment rolls are actually prepared by the Assessor's office and they are over there. The budget that I proposed to the Town Board and this is the same budget sheet that came with the original Town Board documents. In the 1999 budget, we are including funds to continue our repair, rehabilitation and replacement of sewer lines. We are continuing our trenchless technology movement, trying to get away from the open trench methods which are much more expensive and much more destructive and also take a lot longer to do.

To date, the program has saved us about \$25,000 on Beacon Road and about \$300,000 on the trunk sewer that runs between Kenwood Avenue and Delaware Avenue. We are going to move forward with that. We are also moving forward with a program on all of our pumping stations. A lot of our pumping stations were built in the early 1970s. They are more than 20 years old. Some of the pumps have to be replaced. Some of the motors have to be replaced with new energy efficient motors and we are moving forward on that. By taking advantage of the cost savings as afforded by the changes in technology and through our work with the American Public Works Association and the Trenchless Technology Society, we are able to do more and really just hold the tax rate at what it is. So, what I proposed in the 1999 budget is no increase in the sewer tax rate and about a 2 percent increase in the water use surcharge which is the charge for treating the wastewater.

And, to put that in perspective, an average... I will start with the senior citizens, this whole rate was set up on a user charge basis to try to save the senior citizens money for people who consume less and it would cost them less. For a senior citizen who uses the minimum amount of water, the water use surcharge for an entire year is about \$52. So, the proposed increase of 2 percent is about \$1.05 over an entire year for the base rate. For an average consumer which might use around 10,000 cubic feet per year, their sewer charge bill on their January tax bill will be about \$124., about \$2 or \$2.50 increase for them over an entire year. So, it's a minor increase but we have to make allowances for increase in electric charges and the costs of parts and replacing equipment.

So, we are moving forward where we can. We're trying to hold our budget and keep the increases to a minimum.

I don't know if there are any questions I can answer.

SUPERVISOR FULLER: Thank you. Is there anyone wishing to speak in favor of the Sewer District Assessment Rolls? Anyone wishing to speak in opposition? May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to close the public hearing at 8:07 p.m. The motion was passed by the following vote:

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

Noes: None.

*Kathleen R. Newkirk*  
Town Clerk

Supervisor Fuller reconvened the regular Town Board meeting following the close of the public hearing.

Supervisor Fuller asked for a motion to approve the 1999 Sewer District Assessment Rolls. The following resolution was presented.

WHEREAS, assessment rolls for the year 1999 have been prepared by the Town Board for and in connection with the Bethlehem Sewer District, the Special Sewer District No. 1 and the South Albany Sewer District, which said rolls were completed and filed with the Town Clerk of said Town, and

WHEREAS, due notice of the completion of the assessment rolls and of the time and place when and where this Board would meet to hear and consider any objections that might be made to said rolls and for the purpose of reviewing, correcting and amending the same, was duly given by the Town Clerk by publication of due notice in THE SPOTLIGHT, a newspaper published in the County of Albany and the Town Board met at the time and place specified, and the hearing was duly had upon said assessment rolls,

NOW, THEREFORE, BE IT RESOLVED, that said assessment rolls be and they hereby are approved, affirmed and adopted by the Town Board as filed.

The foregoing resolution was presented for adoption by Ms. Burns, was seconded by Mr. Lenhardt and was duly adopted by the following vote:

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

Noes: None.

Absent: None.

-----

The next item on the agenda was to consider adoption of the 1999 Town of Bethlehem budget. Supervisor Fuller said a quick overview, the budget process started with 2 public work sessions -- October 7 and October 8. A public hearing was held on the Town budget October 28 and tonight was the Board's opportunity to vote on the budget. The Supervisor noted the Board Members have had their say on through these public sessions. She said 3 percent raise is for all employees, the overall increase in the General Fund is 5 percent. Highway, Sewer and Water are staying the same as they were in 1998. Supervisor Fuller said combining all the funds together, the tax increase for the Town of Bethlehem is less than 1 percent. The following resolution was presented for adoption.

Adoption  
of 1999  
Town of  
Bethlehem  
Budget

WHEREAS, the Town Board has met at the time and place specified in the Notice of Public Hearing on the Preliminary Budget and heard all persons desiring to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, that the Preliminary Budget be and it hereby is adopted as the Annual Budget of this Town for the fiscal year beginning on the 1st day of January, 1999, and that such Budget as so adopted be entered in detail in the minutes of the proceedings of this Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of this Town shall prepare and certify, in duplicate, copies of said Annual Budget adopted by this Town Board, together with the assessment rolls for benefit improvements, if any, adopted pursuant to Section 202-a, of the Town Law, and deliver two copies thereof to the Supervisor of the Town to be presented to the Albany County Legislature.

The foregoing resolution was presented for adoption by Mr. Johnson, and seconded by Mr. Lenhardt.

Supervisor Fuller asked if there was any discussion. Councilman Burns said she had a statement to read.

Councilman Burns said these are challenging times for all local governments throughout the State. Towns like the Town of Bethlehem continue to face significant fiscal constraints. There are increased demands and dwindling resources that make providing governmental services increasingly difficult. We need to become more efficient by finding ways to enhance non-real property tax revenues and to contain

or reduce expenditures while still providing necessary government services. Tonight we will pass a 22 million dollar budget for next year that increases taxes by slightly less than 1 percent and keeps Town services at the level our residents have come to expect. However, what is missing is a coordinated strategy or plan for the funding of a major initiative for economic development in the Town of Bethlehem. The time is now to become pro-active and expand our commercial/industrial base or an annual tax increase could become a trend. That is why during the next year, the upcoming year, she will be committed to economic revitalization in the Town of Bethlehem. Through partnerships, coordination and planning with others, she will propose next year an initiative that will include the creation of an Office of Economic Development. She looks forward to the challenge. This vision is Bethlehem's future. Thank you.

Supervisor Fuller asked if there were any other comments. Councilman Davis noted an exception to Councilman Burns, saying she appreciates what was said, but Councilman Burns has voted against a number of opportunities to expand our economic development community and Councilman Davis said she thinks we need to remember that too.

Supervisor Fuller asked for the vote on the budget.

The motion was passed by the following vote:

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

-----

Supervisor Fuller had a couple of comments to make on the sales tax issue that she was sure everyone was reading about. She said the County Executive was looking to repeal the sales tax on clothing and footwear up to \$110. She said she goes on record as being opposed to this cut. She said it is a concern that she has. It is a loss of revenue for the Town of Bethlehem and Supervisor Fuller said this is something that they will be looking at next year in the budget if it is approved by the Albany County Legislature. She said we need to keep in mind that sales tax is a significant revenue for the Town of Bethlehem.

Supervisor Fuller had comments in regard to repealing the sales tax and the affect it would have on increasing property tax

Supervisor Fuller said we need to also know that 35 percent of the revenue generated in Albany County is from other areas of our State. Supervisor Fuller said we also need to be concerned about those that are on fixed income; those that are senior citizens; those that choose not to be out shopping for new attire or expensive attire. She said either way with the tax increase that may have to be looked at as a result of this suggested repeal of the sales tax, it will be called property tax next year in our budget and she alerts everyone at this point that it's something we need to take a serious look at.

Supervisor Fuller said we need to look at where our priorities are, noting certainly increasing taxes in the Town of Bethlehem, that her record shows this is the first time we have seen an increase. She said she does not like it any more than anyone else. Each of the attendees are property owners, each pays taxes but this is very serious and noted Councilman Burn's comment on economic development is certainly very well appreciated and it is something that she started 5 years ago in this community. She further noted the only way she disagrees with Councilman Burns's concern is just adding money for economic development. She said she thinks we're working very hard at bringing business here for free. She said there is no need for another layer of government or another title employed for economic development. She said we have a very active IDA here. She said Judi Kehoe serves as Treasurer of the IDA and noted Mike Tucker is the Chairman. She said we are constantly working to bring business to the Town and have a lot of businesses coming.

Supervisor Fuller noted Flach's is a good example. She said the rezoning issue for the southern end of Town is very important for

industrial development. She said these are all things that we can be looking at to increase our tax base.

Supervisor Fuller noted this afternoon she was at General Electric, serving on a citizens advisory panel, and they discussed the importance of industry in the Town and GE and Owens Corning generate a lot of taxes for our community. They are wondering how to get that message out. Supervisor Fuller said she told them these are the things that are most important for a community environmental concerns, smoke stacks. She said these industries never would be here if it were today. She said we need to show this community that all industrial development is not smoke stacks. We need to bring in industry, manufacturing. She said in this day and age, you are not finding the environmental concerns that have been there years ago.

Supervisor Fuller thanked everyone for their attention. Councilman Burns said she looks forward to continued discussion on economic development within the next year.

Councilman Johnson said he supports Supervisor Fuller's statement on sales tax also. He said he was with her, 100 percent. Supervisor Fuller thanked Councilman Johnson.

Supervisor Fuller noticed in today's Spotlight County Executive Breslin has his viewpoint in and she will be asking for equal time for next week's Spotlight.

- - -

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

Town Board  
meeting  
was  
adjourned

The motion was made by Mrs. Davis and seconded by Ms. Burns to adjourn the regular Town Board meeting at 8:15 p.m. The motion was passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

Provided at Town Board meeting November 12, 1998.

STATEMENT SUBMITTED TO THE TOWN BOARD ON  
NOVEMBER 12, 1998  
**IS IT REALLY HUDSON RIVER WATER ?**

By  
William J. Kelleher

Data obtained from the dredging and the test well can be used to establish how much Hudson river water is infiltrating into the horizontal well and how much ground water from the land side is flowing into the well. Another study that should be made is to locate the source of organic nitrogen compounds found in the well water. If the source of organic nitrogen can be eliminated it will be possible to produce a good quality drinking water.

The concentrations of ammonia and organic nitrogen compounds in the well water are 10 times higher than those in the Hudson river. There are no significant septic sludge deposits on the bottom of the Hudson river to account for the above. Therefore it is impossible for 90 percent of the water to originate as infiltration through an area of 1000 by 100 feet as claimed by the engineering firm of O'Brien & Gere. A one time dredging done before freezing weather this year, with proper evaluation of the data, should establish if dredging does any good at all.

A 1978 study by Rust (Dunn) shows there is a sand-gravel aquifer on the land side which follows the old river bed. In 1978 the engineering firm of Myrick and Chevalier rejected its use because of the cost of treatment to remove iron. In 1992 Fraser and Rust attempted to overcome the iron problem by proposing a one sided infiltration gallery as close to the river as possible. A 1000 foot clay wall barrier was built to reduce ground water flow from the land side.

An experienced engineer would have made a flow net analysis and would have known that the clay wall barrier would not work. Also a flow net analysis would have shown how much water was infiltrating from the river and the effects of the sea wall and depth to bedrock on the well yield. The hardness in the well water indicates that 50 to 80 percent of the well yield originates from the land side aquifer. The concentration of ammonia indicates that less than 20 percent of the well yield comes as a result of direct infiltration from the Hudson river.

Fraser and Rust now realize that the clay wall barrier reduced the well yield and have constructed a test well on the land side to determine the safe reliable yield of the aquifer underneath the land. It should be noted that water obtained from drilled wells 50 or more feet from the river should not be called Hudson river water.

If the source of the organic nitrogen found in the well water can be found and eliminated it will be possible to produce a good quality drinking water. If organic nitrogen can be eliminated it may also be possible to use the useless \$650,000 ozone equipment. The only logical explanation I can come up with for the high ammonia and organic nitrogen found in the well water is leakage underneath the Town's sewage treatment plant which sits directly over the sand-gravel aquifer.