

TOWN BOARD  
NOVEMBER 26, 1996

A regular meeting 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, Town Clerk

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Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board.

The first item of business was a request from David Austin, Administrator, Parks & Recreation Department, for approval to go to bid for one (1) aluminum dock system. Supervisor Fuller explained this is the dock system for the boat launch at the Henry Hudson Park, Cedar Hill. Could advertise December 4, 1996 and open bids on December 20, 1996 at 2:00 p.m.

Parks and  
Recreation  
approve bid  
for aluminum  
dock

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

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) aluminum dock system, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 4th day of December, 1996 and that bids be received up to 2:00 p.m. on the 20th day of December, 1996 at which time the bids will be publicly opened and read.

The resolution was adopted 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 request from David Austin, Administrator, Parks & Recreation Dept., for approval of seasonal personnel.

Parks and  
Recreation  
approval seasonal  
personnel

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

Senior Lifeguard at a rate of \$7.20 per hour.

Gregory J. Teresi  
43 Winne Road  
Delmar, NY 12054.

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 a request from Bruce Secor, Commissioner of Public Works, to go to bid for repair of clarifiers at the Vly Creek Water Purification Plant, New Salem, NY. Could advertise December 4, 1996 and open bids on January 7, 1997 at 2:00 p.m.

Public Works  
go to bid for  
repair of  
clarifiers

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

WHEREAS, the Town desires to advertise for bids for the repair of clarifiers at the Vly Creek Water Purification Plant, New Salem, NY, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 4th day of December, 1996 and that bids be received up to 2:00 p.m. on the 7th day of January, 1997 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The following request was from Richard Vanderbilt, Chairman, Traffic Safety Committee, to set public hearing for proposed local law regarding installation of stop sign on Erie Drive at its intersection with Googas Road. Could advertise December 25, 1996 and hold public hearing January 8, 1997 at 7:30 p.m.

Traffic  
Safety  
set Public  
Hearing Stop  
sign Erie Dr  
Public Hear-  
ing 1/8/97

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to set a public hearing for January 8, 1996 at 7:30 p.m. to consider Local Law regarding installation of stop sign on Erie Drive at its intersection with Googas Road. The motion was passed by the following vote:

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

The following item was a request from Chairman, Richard Vanderbilt, Traffic Safety Committee, to set public hearing for proposed local law regarding installation of stop sign on Gladwish Road with its intersection with Montrose Drive. Could advertise December 25, 1996 and hold public hearing January 8, 1997 at 7:40 p.m.

Traffic Safety  
Public Hearing  
Local Law  
stop sign  
Gladwish Rd  
Public Hearing  
1/8/97

The motion was made by Mrs. Davis and seconded by Mr. Johnson to set a public hearing for January 8, 1997 at 7:40 p.m. to consider a Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, regarding installation of stop sign on Gladwish Road with its intersection with Montrose Drive. The motion was passed by the following vote:

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

The next item was to acknowledge receipt of Conditional Approval of Final Plat for the Haswell Farms Subdivision, Feura Bush Road at Murray Avenue, Delmar from the Planning Board for information purposes.

Receipt of  
conditional  
approval of  
Final plat for  
Haswell Farms

The next item was a request from Richard LaChappelle, Chief of Police, for appointment of Gregory L. Anderson, East Berne, NY to the position of Telecommunicator, effective November 29, 1996 at an annual salary of \$23,045.

Chief of  
Police request  
appointment  
Telecommunicator

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the appointment of Gregory L. Anderson, East Berne, NY to the position of Telecommunicator, effective November 29, 1996 at an annual salary of \$23,045. 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 a request from Chief of Police, Richard LaChappelle, for appointment of Adam N. Hornick, Clarksville, NY to the position of Telecommunicator effective November 29, 1996 at an annual salary of \$23,045.

Chief of Police  
appoints  
Telecommunicator

The motion was made by Mr. Johnson and seconded Mr. Putney to approve the appointment of Adam N. Hornick, Clarksville, NY to the position of Telecommunicator effective November 29, 1996 at an annual salary of \$23,045. 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 a request from Richard LaChappelle, Chief of Police, for appointment of George W. Grandy, Delmar, NY to the position of per-diem Telecommunicator effective November 29, 1996 at an hourly rate of \$11.08.

Chief of Police  
appoints per-die  
Telecommunicator

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the appointment of George W. Grandy, Delmar, NY to the position of per-diem Telecommunicator effective November 29, 1996 at an hourly rate of \$11.08. 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 a request from Richard LaChappelle, Chief of Police, for appointment of William P. Fennell, Albany, NY to the position of per-diem Telecommunicator effective November 29, 1996 at an hourly rate of \$11.08.

Chief of Police  
appoints per-die  
Telecommunicator

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the appointment of William P. Fennell, Albany, NY to the position of per-diem Telecommunicator effective November 29, 1996 at an hourly rate of \$11.08. 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 a request from Chief of Police, Richard LaChappelle for appointment of Christopher A. Hughes, Delmar, NY to the position of Police Officer at an annual salary of \$29,556., effective December 1, 1996.

Chief of Police  
appoints Police  
officer

Questions were raised regarding the position of Police Officer including budgeting, grant monies received, timing and future budgeting necessary for the continuance of the position, as well as, inquiry regarding replacement of possible retirements within the Police Department.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the position of Police Officer and to appoint Christopher A. Hughes, Delmar, NY to the position at an annual salary of \$29,556. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Putney, Mrs. Davis.  
Noes: Mr. Johnson.

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Supervisor Fuller asked if anyone wished to address the Board. Mrs. Capone said she thought Chief LaChappelle does an excellent job and complimented the Bethlehem Police Department.

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Discussion on  
Lead Agency  
Mrs. Morice

Following a resident addressed the Board regarding the lead agency status issue of Spurlock Adhesives, Inc. Mrs. Morice asked if the Board Members had received her letter and asked that it be made a part of the record. (See letter following minutes.)

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Chardwick  
Square  
Town code  
regarding  
barb wire

A resident of Chadwick Square addressed the Board in regard to the new amendment to the Town Code regarding fencing. He asked that the Supervisor follow-up with the Building Department regarding a dangerous amount of barbed wire on lands adjacent to Chadwick Square, indicating he thought some of the fencing was on a Town easement.

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Borthwick  
resident  
regarding lead  
agency Spurlock  
Adhesives

Another resident of Borthwick Avenue asked that the Board be very vigilant in regard to the lead agency status pertaining to Spurlock Adhesives and, in particular, in regard to the deadlines that must be met.

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Resident  
Consider  
Plan Review  
industrial areas  
of the Town

A resident asked the Board to consider a law pertaining to site plan review for industrial areas of the Town. She felt this is an omission since the Code addresses residential and commercial proposals at this time. Supervisor Fuller noted the Board has discussed this item.

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Supervisor Fuller wished everyone a happy Thanksgiving.

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Adjourn to  
Executive  
Session

Supervisor Fuller asked for a motion to adjourn to Executive Session following the close of the regular meeting to discuss a personnel matter.

There was  
no formal  
action taken.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to meet in Executive Session following the close of the regular meeting to discuss a personnel matter. 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 motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 8:15 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.

# Bethlehem Citizens for Clean Air

November 26, 1996

Sheila Fuller  
Supervisor  
Town of Bethlehem  
445 Delaware Avenue  
Delmar, NY 12054

Dear Sheila,

While you were on vacation our group learned that the Town Board did not address all issues presented in the DEC's *Lead Agency Coordination Request* re: Spurlock Adhesives Inc. proposed formaldehyde plant. You apparently simply stated your interest in assuming lead agency (item #2 of the coordination request), but didn't make a case for the town's jurisdiction in the action (item #1) or the issues of concern the town believes should be evaluated (item #3).

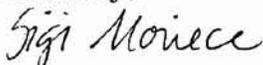
Therefore, to assist you in your proposal for lead agency status, Bethlehem Citizens for Clean Air has compiled arguments for the town's jurisdiction and some preliminary issues of concern.

Bethlehem Citizens for Clean Air will be presenting the attached at tonight's town board meeting; but since you only have one day, time being of the essence, we thought it would be helpful for you and the other town board members to review this before tonight's meeting.

Please send us a copy of the letter you send to DEC outlining your case for lead agency and your issues of concern.

Thank you for considering our input.

Sincerely,



Sigi Moriece  
Spokesperson  
21 Oldox Road  
Delmar, NY 12054  
475-9459

cc: Town Board members  
Spotlight  
Times Union

The Town of Bethlehem should be designated lead agency for the proposed Spurlock Adhesives, Inc. formaldehyde plant for many reasons. The first reason is clearly stated in 6 NYCRR PART 617.6 (effective 1/1/96)

(b) Establishing lead agency,

(5) Actions for which lead agency cannot be agreed upon,

(v) The commissioner will use the following criteria, in order of importance, to designate lead agency:

('a') whether the anticipated impacts of the action being considered are primarily of statewide, regional, or local significance (i.e., if such impacts are of primarily local significance, **all other considerations being equal, the local agency involved will be lead agency**);

('b') which agency has the broadest governmental powers for investigation of the impact(s) of the proposed action; and

('c') which agency has the greatest capability for providing the most thorough environmental assessment of the proposed action.

Clearly, the anticipated impacts of the proposed project are primarily of local significance. Although it is true that the air emissions will impact a regional area, it is primarily the town that will bear the burden of the health, safety (fire, EMS, evacuation) and economic (property devaluation) risks associated with this facility. Additionally, the quality of the brownfield clean-up is also primarily of local significance as is the issue of the facility's waste water (sewer).

The town has equal power to the DEC for investigation of the impact(s). Since the town is able to call upon the expertise of the DEC in areas for which it is well qualified, as well as objective experts in (a) areas where the DEC lacks expertise, i.e. ramifications on health and safety and (b) to corroborate the DEC's findings, the town actually has the greatest capability of providing the most thorough environmental assessment of the proposed project.

The key word in the above argument is "objective", because there are well publicized reasons to believe that the DEC will not be entirely objective in the review process.

Furthermore, most major DEC decisions are not based on defined legal limits, but rather are the result of negotiations based only on guidelines. Therefore, the DEC should not be allowed to make judgment decisions that primarily affect the Town of Bethlehem.

Specifically, the traffic impact, the adequacy of emergency response plans, odor, surface and ground water contamination, sewage and waste water, hazardous waste disposal, and chemical transportation on the river are only some of the important areas where the adequacy of the application is a judgment call. Even the projected stack emissions that convey an element of objectivity only have guidelines for their interpretation.

Since the environmental impact of Spurlock Adhesives's proposals are very subjective and open to valid, critical analysis, it is the Bethlehem Town Board that will hold Spurlock to the standards most acceptable to the residents of Bethlehem as well as the region and the state, and it is the Bethlehem Town Board that is best qualified to make the final determinations regarding this facility.

It is for these reasons that Commissioner Zagata should designate the Bethlehem Town Board lead agency, or at the very least, co-lead agency for the Spurlock Adhesives, Inc. proposal.

### **Issues of Concern**

On October 16, 1996, Spurlock Adhesives, Inc. submitted to NYS DEC the State Environmental Quality Review (SEQR) Full Environmental Assessment Form (EAF). The following are community concerns that should be addressed via an Environmental Impact Statement (EIS) prepared under the direction of our elected officials:

1. Waste water generated at the site will be discharged to the local municipal wastewater treatment plant. (EAF-B-13). The Bethlehem sewer ordinance prohibits discharge of industrial wastes to the sewer system.
2. The discharge of industrial wastewater either directly to the Hudson River or via the Bethlehem sewer treatment plant will be within 1/4 to 1 mile above Bethlehem's new water supply. Similarly, if methanol were released into the river during unloading, it will be within the same distance of the new water supply.
3. The project will generate 5 tons of solid waste per month of which one ton will be hazardous wastes. (EAF-B-16)
4. The project will not produce odors (more than one hour per day). (EAF-B-19)
5. Approvals required by State Agencies include a NYDEC Facility Air Permit. (EAF-B-25) This permit only considers exposure from inhalation. The

health impact of multiple sources, a mixture of hazardous airborne contaminants and plume depositions should be evaluated.

6. Local community services can meet the project demands. (EAF-C-11) Have local officials been consulted? Will a maximum credible accident create the need for offsite evacuation of the population? Will the Fire Department's budget cover such a catastrophe? Is the Town prepared to cope with a worst case scenario?

7. Less than one ton of natural material will be removed from the site. (EAF-B-2) Will the brownfield really be remediated or will there be a bare minimum sub-standard clean-up? Residents could be cheated out of a maximum standard clean-up they already deserve were DEC to enforce current laws with Niagara Mohawk and Texaco.

8. Although the entire site could be developed under the present zoning. Spurlock currently proposes to develop only within already disturbed areas. (EAF-C-3) Are there any future protections for the site's wetlands once Spurlock is sited? How much expansion or additional facilities could be erected at this site in the future?

9. The proposed action will not generate traffic significantly above present levels. (EAF-D-12) Will local input be considered since local interpretation of this matter differs from Spurlock's assertion?

10. The site is not located in an agricultural district. (EAF-A-18) The agricultural areas in southern Albany and Rensselaer counties may be impacted from plume washout of formaldehyde. Formaldehyde is used as a soil sterilant.

11. The site is not over a "sole source aquifer." (EAF-A-9) It is likely that upon application to the USEPA that Bethlehem's new infiltration gallery would be considered a sole source aquifer similar to the Schnectady Municipalwater supply on the Mohawk River.

12. Will Spurlock be called upon to use Maximum Available Control Technology, whatever the cost, to assure the least amount of air emissions?

13. Since Spurlock Industries, Inc. has less than \$60,000 cash assets as stated in their 9/30/96 financial statement, they should be required to post a bond to cover (a) the cost of a clean-up and (b) the costs incurred in the case of a maximum credible accident.