

TOWN BOARD  
OCTOBER 13, 1999

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  
Bernard Kaplowitz, Esq., Town Attorney  
- - -

SUPERVISOR FULLER: Welcome to a meeting of the Bethlehem Town Board. I would ask all of you to join me in the pledge of allegiance.

The first item on tonight's agenda is the public hearing to consider proposed Local Law amending the Code of the Town of Bethlehem for a stop sign on Sylvan Avenue with its intersection of Wellington Road in the northerly direction. 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 13th day of October, 1999 at 7:30 p.m. to consider Local Law 6, 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 stop sign on the following street entering Wellington Road: Sylvan Avenue at Wellington Road from the northerly direction.

All interested persons and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

Public Hearing  
Stop sign  
Sylvan Ave.  
at Wellington  
Road

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

State of New York)  
County of Albany )

CHRISTINE BREEDEN of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for 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 29 day of September 1999.

/s/ Christine Breeden

Sworn to before me this 29th day of September 1999.  
/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 September 29, 1999, 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  
12th day of October 1999.  
/s/ Catherine T. Picarazzi  
Notary Public

- - -

The motion was made by Mr. Lenhardt and seconded by Ms. Burns 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.

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SUPERVISOR FULLER: Is there anyone here from the Traffic Safety Committee who has made this recommendation? Okay, the Traffic Safety Committee has received citizen concerns over the traffic issues mentioned at Sylvan and Wellington Road. I will now ask those wishing to speak in favor to come forward or in opposition. When you come to the mike, please identify yourself.

MR. CRAFT: My name is Randy Craft. I live on 10 Wellington Road. I will be quick as I can, Erin. The... we are in opposition of the stop sign alone. We're a third of the way there but our initial request that I submitted to the Traffic Safety Committee back in the end of May was for 3 stop signs. One at the corner of Sylvan, as well as, on north and south side... or north and end of Wellington and Sylvan. The traffic increase on this street since stop signs were in place on Fernbank have increased dramatically, as well as, the speed. With approximately 22 children now living on that block alone, as well as, one blind child, 17 of those children being of grade school age or less, and already 1 accident being recorded there, it's getting to the point where we want to avert a tragedy as quickly as we possibly can.

Unfortunately, what the Traffic Safety Committee has proposed for 1 stop sign on Sylvan, like I said, just isn't going to get it done. Maybe 6 cars a day travel on that end of Sylvan so it's really not going to take care of the problem that we are after. Thank you.

MR. HOEG: Stand up kids, stand up. My name is Tom Hoeg. I live 17 Wellington Road, I am a neighbor of Randy's. I like to see my kids healthy. There are people come through speeding, excuse me... there are people who come through great speeds that we stand out and yell, car, car. And, they go running. I don't want to come here on a much sadder occasion ever. I like them the way they are now. So, I'd ask please you consider... enforcement is not going to do it alone. People do listen to stop signs and I, too, have been in an accident on another intersection because of someone failing to stop but without stop signs these guys are at risk and I really like... I love them like they are. Thanks.

Mrs. Jariri: I'm Barbara Jariri. I live at 2 Wellington Road and I have a letter I will leave with you but I would like to read it.

To the Bethlehem Town Board,

I join with my neighbors in requesting stop signs on Wellington Road at the corner of Sylvan in addition to the placement of a stop sign on Sylvan as recommended by your Traffic Safety Committee. Wellington Road is a street not a thoroughfare in a neighborhood. There are many young children on this block in addition to numerous joggers and walkers. The speed which cars travel on that short block of Wellington between Elsmere Avenue and Sylvan is incredible. I am sure you will agree that we don't want a tragedy to occur before the Town acts. Anything you can do to slow down these cars is necessary and warranted. However, a stop sign on Sylvan will not rectify the

problem which is speed on Wellington Road. It is my understanding that an electronic sign reflecting the cars speed has been suggested. My reaction to this is so what, the driver will see that he is going 40 miles an hour and continue on his way. A more forceful permanent solution is warranted. Stop signs, speed bumps, a police presence during certain hours of the day and evening. Your immediate and thoughtful attention to this matter is greatly appreciated.

SUPERVISOR FULLER: Thank you.

MRS. COOPER: My name is Laura Cooper. I'm at 14 Wellington Road. Our family has lived at 14 Wellington Road since 1991 and over the course of the 8 years I've noticed greater increase in both amount of cars that go down Wellington and the speed with which they go. These cars have their last stop sign at the corner of Wellington and Delmar Place. And, up until the end when they get to Elsmere, there is nothing to keep them back. And, as they approach Elsmere Avenue and get more and more excited about making that turn, you can see them get faster. So, I'm in support of the additional stop signs for our children. For people like myself who use the road for running and jogging, for our overall safety, I would urge the Board to act and act quickly so that we can avert a tragedy on our street. Thank you.

SUPERVISOR FULLER: Thank you.

MRS. CAPONE: The Traffic Safety Committee studied very carefully all that is brought up to us. At this moment, we felt that 1 was sufficient. The electronic trailer will be put at different places in Town. There is a large request for it. It can be reviewed at a later date but for the time being we felt that 1 was sufficient.

SUPERVISOR FULLER: Thank you. Mrs. Capone is a Member of the Traffic Safety Committee. She is the neighborhood resident so she is the only Member here and I am sure all of you heard what she said. What was discussed at the time of the meeting. Is there anyone else who would like to address the Board?

MRS. JERBAIS: Hi, my name is Kammy Jerbais. I live at 15 Wellington with my husband and 2 children -- a 16 year old and a 3 year old toddler. At that age, it is very hard to try to keep children out of the road but we are doing our best. When we are outside playing, raking leaves, shoveling snow, whatever, it doesn't matter what time of day or what weather you are having, cars do come through very quickly, more than the speed limit. We appreciate the suggestion of a stop sign at the end of Sylvan but we don't think that's going to help the problem at all. The problem is on Wellington where people are in a straight away and continue to speed. So, we appreciate anything that you can do to help us.

SUPERVISOR FULLER: Thank you.

MR. BAUMGRAS: Good evening, I am Gregory Baumgras. I live at 12 Wellington Road. My wife, my son Andrew 6 years old. I have a 1 year old and another one on the way. So, the neighborhood is even growing as we speak. It's nothing more than a safety issue. I've had a recent occurrence with my own vehicle just trying to pull into my own driveway. The vehicle approaching me was traveling at such a rate of speed they were not able to stop in time for me and then ended up traveling on my lawn in order to avoid me. Vehicles are traveling down there at such high rates of speed that it is impossible... it would be absolutely impossible under the greatest of conditions for a vehicle to stop if a child or any pedestrian got in the way of his vehicle. People have said 30, 40 miles per hour, I have seen vehicles go down there at such high rates of speed you can't even focus on the driver. Okay and we are only talking of probably about 150 yard stretch from Sylvan to the end of Wellington. A stop sign, as far as, I am concerned is the only solution to get the rate of speed down and to let people know that they are just traveling at too high a rates of speed. Thank you very much.

SUPERVISOR FULLER: Thank you. Is there anyone else?

MRS. CAPONE: A stop sign will not resolve your problem. Your problem, you have to address the Town Board, you don't have enough Police Officers to enforce your stop sign. What is a stop sign going to give you if nobody...

MR. CRAFT: It's going to slow people... there is a half mile stretch from Delmar Place to Elsmere Avenue which people pick up speed. Now, I've lived on this road since 1962. In that time, I've watched drag races take place from Hawthorne to Delmar Place with people have their flagman at these intersections. This road has just been a nightmare ever since I've been a child. But, to see these cars, I don't know where exactly you live but to see these cars come down... I'm sorry.

MRS. CAPONE: On Delaware, across the street. We have put many stop signs on Jefferson Road at the request of the neighborhood. A year later we went and we look into it, the speed had increased by 3 miles per hour.

MR. CRAFT: Well, if that's the case, then...

MRS. CAPONE: This is what they do between the stop signs they pick up.

GENTLEMAN: How about giving us the stop sign and then you can review it in a year and we'll let you know how it works out.

SUPERVISOR FULLER: Are there any questions from the Board Members?

MRS. CAPONE: Get more Police Officers, that's what you need.

MRS. HOEG: My name is Patti Hoeg and I also live at 17 Wellington. A stop sign would give our kids a second or 2 to get out of the way, that's all.

MR. CRAFT: That's right, exactly, buying time. This is also, not to... I'm... just to reiterate a few points, we might be beating a dead horse but this is probably in one of the worst roads in Delmar as far as sun is concerned in the morning when you are driving to work for people going out. Then I've seen people driving down the road and I'm not exaggerating at 50 miles an hour like this...

ATTORNEY KAPLOWITZ: Wellington you're talking about?

MR. CRAFT: Yes on Wellington.

COUNCILMAN LENHARDT: Especially this time of year.

MR. CRAFT: Going to work at that hour, as well as, coming home that night, it's a pretty brutal road. The stop sign isn't going to be a cure-all, it's going to need police support and it's also, as Mrs. Hoeg just indicated, that this will at least slow these people down to give these kids a chance. When we all literally have to get out of our houses when our kids are out riding the streets, they should be able to ride their bikes on the streets without a major situation ensuing every time they are out there. It's constant, we're constantly car, everybody is yelling car and the kids have got this drilled into them to try to get out of the way. As Greg indicated, he has a new one coming, it's going to be a constant learning process for all these kids and this will be a... unfortunately, I don't get a warm fuzzy feeling about this down the road. Something is going to happen and it's got to be averted and it's got to be averted now. This road has changed regardless of what Traffic Safety has implied here, this road was 2 separate roads in the beginning of time, as far as, Wellington Road was concerned. You can see the stop signs literally from Forest, Rowland, Winne, Hawthorne, Delmar Place and then boom a half mile stretch where everybody can go like a cat shot in the can until they down to Elsmere and it's just... it's ludicrous. I don't mean to use any metaphors but it's getting out of hand and it needs to be addressed. Thanks.

SUPERVISOR FULLER: Thank you. Is there anyone else who would like to address the Board?

MISS CRAFT: My name is Jaime Craft and when I ride my bike down the street when they yell car, we have to get on... we have to ride our bikes onto someone's lawn and we're just lucky because then here comes a car come zooming by.

SUPERVISOR FULLER: Thank you.

MRS. COOPER: Laura Cooper. I'd like to just address the Board as to the feasibility of the suggestion by the Traffic Commission representative that we have an increased police presence. In all practicality, I don't think that's what any of us are after. What we are after is something that will give our kids a few seconds of time, give us as parents the ability to make sure that our children are safe. We'd all love more Police Officers but personally, I would like them to make sure that homes and businesses are not being stolen from rather than parked on a corner making sure that cars are being traffic. So, I and I am pretty sure I speak for most of my neighbors, would completely reject the thought of maybe having an increased police presence at that corner. It's just not feasible.

SUPERVISOR FULLER: Are there any questions from the Board Members?

COUNCILMAN BURNS: I have a question. The original request was for 3 stop signs.

MR. CRAFT: Yes.

COUNCILMAN BURNS: And, apparently the Traffic Safety Committee thought that 1 was sufficient, I guess.

MR. CRAFT: Right. I didn't... I didn't hear the Traffic Safety's...

COUNCILMAN BURNS: Right and since no one is here other than Marie...

MR. CRAFT: ...meeting at the time, I was...

COUNCILMAN BURNS: I don't know what their rational was for the... for saying 1 was sufficient. I actually don't so...

MR. CRAFT: Well, to be honest with you I think Traffic Safety is using a manual and they go by a manual that was probably written a long time ago. And, I am not familiar with this and I hate to even speak on this at all. I surveyed in this Town, laid out many roads from 1985 to probably '92 in this Town with new subdivisions with Lindsey Boutelle here in Town. I now presently work for Design Services Bureau for New York State DOT which obviously, we are well aware of traffic and safety situation. This road just does not fall in the criteria of a thoroughfare which ... this road is a road within a subdivision basically and in this particular area it needs to be controlled. The speed just has gotten way out of hand.

COUNCILMAN BURNS: And, there aren't any sidewalks on your street.

MR. CRAFT: No, no sidewalks.

COUNCILMAN BURNS: Thank you.

MR. CRAFT: Yup.

COUNCILMAN DAVIS: I live in a neighborhood where we have a new subdivision and in... one of the reasons I am on the Town Board was because I was involved in discussing the traffic in that proposed subdivision and it's a very similar problem and we are seeing some of the same problems that you are seeing in your neighborhood as a result of the design. And, one of the things that we had requested was stop signs in an attempt to change the traffic pattern. The traffic still goes faster than I think many people think that it should. I think it's one of those inherent problems in society today that people go faster than they should. We're all in a hurry, everyone's rushing.

MR. CRAFT: Well, I am in full agreement there... the cars are more capable of...

COUNCILMAN DAVIS: And, unfortunately, most of the people who are going fast are from the neighborhood and probably some of these are your neighbors.

MR. CRAFT: Not our immediate neighbors. There are a lot of familiar cars but I'll speak for everybody here, that nobody at least on our street... and I understand this fully that probably they do police checks on these areas and they will find somebody within that area that's doing speeding and there is going to be one. There's always going to be a few bad apples in the cart.

COUNCILMAN DAVIS: But... I mean, it's just that I think that's one of the problems in the whole community. We are seeing that everywhere, it's not just Wellington, it's my neighborhood and I have been very concerned and I have asked...

MR. CRAFT: Well, it's been the way they have designed a lot of these new... I'm sorry...

COUNCILMAN DAVIS: I've asked for the stop sign... I asked for stop signs in the same exact situation that you, so I understand what you are saying. I mean, I'm hearing you. I've seen it. It's not something that I'm unfamiliar with. In fact, Bill Vincent who lives in your neighborhood, had spoken to me and asked me to present this particular stop sign.

MR. CRAFT: Right, right because I initially...

COUNCILMAN DAVIS: This particular stop sign to the Traffic Safety Committee and I did because I bike on Wellington Road. I walk on Wellington Road and I've seen exactly what you are saying. One of my concerns tonight is that I think it would be helpful to maybe have some of the other members of the Traffic Safety Committee discuss this at a meeting. Maybe the Chair, Mr. Eck, who is a very helpful and very reasonable and I think would be helpful in explaining and discussing with you some of the reasons why the Traffic Safety did what it did. I don't know if you would feel better about that but I think I would feel better about that.

MR. CRAFT: I would have liked to have had the opportunity, as I was talking to Sheila before the meeting, that I would have had that opportunity if I had known about the Traffic Safety meeting to at least voice my opinion and have a discussion on this. And, would have been more than willing to bring people in from the DOT to back me up on some of the aspects of traffic safety.

SUPERVISOR FULLER: That's what... first of all, I think what we need to do tonight is close this public hearing. So, may I have a motion to close the public hearing. We'll still discuss it, George, but the public portion of this...

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to close the public hearing at 8:50 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. She said closing the public hearing does not prevent the Board from speaking to this issue. Questions were raised by Board Member Lenhardt to Highway Superintendent Gregg Sagendorph in regard to speed bumps or stop signs. Mr. Sagendorph gave information he was aware of in regard to a test in the Town of Colonie with these bumps. He noted the people have since requested the speed bumps be removed. The legal issue was also mentioned, as well as, people going around the bump and onto someone's lawn.

Supervisor Fuller requested the Board approve tabling the proposed Local Law for a stop sign on Sylvan Avenue at Wellington Road and ask the Traffic Safety Committee to schedule another meeting. She noted if this returns to the Board, a public hearing would have to be scheduled. Further discussion was held between the Board Members and Mr. Craft.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to table this item on the Sylvan stop sign. The motion was passed by the following vote:

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

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Supervisor Fuller thanked everyone.

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The next item was the presentation of a throw from the Bethlehem Business Women's Club. President Leslie Trosset and Chairman Nancy Mendick unveiled the throw designed by the Bethlehem Business Women's Club. The Club was formed in 1951 and has over 80 Members. The Club provides 2 scholarships to graduating seniors of the Town of Bethlehem for higher education endeavors, as well as, many other community service activities. Members of the Committee that worked with Mrs. Mendick introduced themselves. Mrs. Mendick mentioned those members who were unable to attend the meeting. Mention was made that the custom throw will be available at different locations in Town and on the Internet.

Presentation  
from Bethlehem  
Business Women  
unveiled throw  
provides 2  
scholarships  
to graduating  
students

Supervisor Fuller thanked the committee and the Bethlehem Business Women's Club. Councilman Davis noted she and Town Clerk, Kathleen Newkirk are Members of the Bethlehem Business Women's Club. She attested to the amount of work that has gone into this project on the part of the Committee. She said Nancy Mendick really put herself forward for the project noting it was a big gamble on the part of the club. She said it is a real big effort and everyone deserves a lot of credit, as well as, the club. She said it reflects the amount of spirit and good will for the Town of Bethlehem.

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The following item was a request for a change of zoning to permit a mini storage facility on Route 9W, Glenmont. Mr. Donald Zee, attorney for the land owners of the former Glenmont Post Office building located on Route 9W, said Mr. Walsh has asked for a zone change, but after further review of the Code, what they would like is one of 2 things -- either an amendment to the Zoning Code under the permitted uses in the 'C' General Commercial District which is where this property is zoned. He noted there is a list of 32 uses permitted including something comparable but more intense use and that is cold storage plant. He said this is a refrigerated warehouse and the only one that he knows of is down by Huck Finn in the City of Albany. He said what is proposed is a mini storage facility, noting there are many of them around the area and the country. He said this property is a little unique because it has limited frontage on Route 9W and is triangular in shape with natural buffers.

Request change  
of zoning to  
permit a mini  
storage facility

Mr. Zee said Mr. Walsh has photographs and on the left as you are facing the building is a Niagara Mohawk power line and on the right is a step ravine with a natural buffer.

Mr. Walsh distributed information for the Board's review. Mr. Walsh, for background, gave information that he has been involved in design, construction and maintenance of the operation of self-storage for about the last 15 years. He currently manages a site in Saratoga Springs. He said this site is desirable because there is an existing building on the site and they would put the office for the self-storage in the right rear corner. He said they would renovate the remainder of the building for leasing. He said the entire storage area can be controlled from this area and little or nothing will be seen from the highway. He exhibited photographs of the area.

Mr. Walsh addressed the normal operations of a business of this nature. He noted assessment will bring in additional revenue to the Town in taxes. He said these are clean, secure facilities. He said there is very little advertising for this type of business.

Supervisor Fuller clarified the fact that the original request was for a change in zoning, however, that has changed. Mr. Walsh said that was correct. He said he was under the impression that this would be a change in zoning. He said when Mr. Zee met with his client, they felt an interpretation was a more accurate way to go. Mr. Walsh said his contract with the owners is binding if he gets the right to submit plans for approval of this use. Mr. Zee said the parcel is 10 acres in size and since there is no mini-storage use allowed in the 'C' zone in the Code, they feel an amendment to the uses permitted was more appropriate. He said either defining of the term cold storage facility or addition of mini-storage facility would be appropriate. He said in other districts, particularly industrial, warehouse and freight trucking are permitted uses. These are a much more intense use according to Mr. Zee with larger vehicles going in and out.

Discussion ensued as to the permitted uses within the existing zone at this time. Mention was made that substantial vehicular traffic results from many of the uses permitted, noting this use will have less traffic. Special Exception uses were also mentioned noting this would be permitted adjacent to a residential area also.

Questions were raised regarding what the procedure would be to accomplish this use. Building Inspector, John Flanigan, said there are 2 choices, one being a change in the Code which would be referred to the Planning Board and the other would be the interpretation of the definition of cold storage plant and that would be the Board of Appeals. Additional questions were raised regarding the item listed in the application.

Additionally a question was raised with regard to the outside storage of vehicles. Mr. Walsh noted these are trailers, jet skis, cars, boats and Winnebagos. It is storage of recreational equipment in most instances, he said. The outside storage is only for wheeled and totally moveable vehicles. He said he uses the word vehicle but it includes camping trailers, boats, etc.

Mr. Walsh said 80 percent of the storage is in residential household goods. The rest he said is business records and jet ski storage inside during the winter and motorcycles. Question was raised if they have oversight of what is stored in the areas. Mr. Walsh said they do and there is a manager on site and no one can move in without the management being there. He said no one can rent unless they get a copy of their driver's license, sign a lease agreement and the agreement states that there is no hazardous waste and if there is anything in the area, the renter is liable for it.

Discussion followed regarding the distances from the storage area to the residential area. Mr. Walsh said it is approximately 50 feet for a buffer and a wooded area. Question was raised as to the height of the buildings. It was stated to be approximately 9 foot 4 inches. Mr. Walsh also noted all units are handicap accessible. Question was raised as to whether other sites were researched that would not need an amendment or any changes. Mr. Walsh said other sites were looked at, however, this site is large enough to have space to provide for the fencing and gates needed to secure the area. He said this site allows for an enclosed area of 6 acres, with maintenance of 57 percent of the site in green space plus all

buildings are away from the road. He said it is going to be hard to see the buildings from the road.

Questions were raised regarding the lighting on the site. Mr. Walsh said there will be lighting to show between the buildings with no lighting projecting off site.

Question was asked if there were any wetlands on the site. Mr. Walsh said there may be down in the ravine area but none where the buildings are proposed.

Supervisor Fuller asked the Building Inspector the procedure. Mr. Flanigan said they must decide which way they want to proceed and then make a resubmission to the Town Board.

Mr. Zee said they would like to come back to the Board with a request for an amendment to the Code to permit mini-storage in the 'C' General Code. He said this would require a reapplication and hopefully a referral to the Planning Board.

Supervisor Fuller asked that Mr. Zee and Mr. Walsh contact her when they have made a decision and it will be put back on the agenda. Messrs. Walsh and Zee thanked the Supervisor. The Supervisor thanked them for their presentation.

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The next item was a request from Chief of Police, Richard LaChappelle, for approval of appointment of a Police Officer at an annual salary of \$31,356, effective October 30, 1999. Supervisor Fuller explained this appointment fills the vacancy created by the retirement of Lieutenant Colin Clark.

Chief of Police  
appoint police  
officer

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the appointment of George Travis, Delmar, New York to the position of Police Officer at an annual salary of \$31,356 effective October 30, 1999 as requested by Chief of Police, Richard LaChappelle.

Councilman Burns asked if this gentleman was reachable on the list for this position. Chief LaChappelle explained he is currently permanent in his Civil Service status as a Deputy and it is a lateral transfer to Police Officer in Bethlehem. Councilman Burns asked in this case if it is required to go to a test. Chief LaChappelle said he has already passed the test and has established himself in a permanent status with Civil Service. He said therefore, this is a lateral transfer.

The motion was passed by the following vote:

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

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The next item was a request from David Austin, Administrator, Parks & Recreation Department, for approval of seasonal personnel. Supervisor Fuller noted there are 5 individuals to be appointed.

Parks and  
Recreation  
appoint seasonal  
personnel

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as requested by David Austin, Administrator, Parks and Recreation Department, at the titles and salaries listed in his Memorandum dated October 13, 1999. The motion was passed by the following vote:

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

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The next item was a recommendation from David Austin, Administrator, Parks & Recreation Department, for acceptance of a

Parks and  
Recreation  
accept donation  
of lounge chairs

donation of lounge chairs for the Middle School Pit from Mr. and Mrs. Ron D'Ambrosi of 51 Brockley Drive, Delmar, NY.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to accept the donation of two (2) lounge chairs from Mr. and Mrs. Ron D'Ambrosi, 51 Brockley Drive, Delmar, NY for use in the Middle School Pit. The motion was passed by the following vote:

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

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Supervisor Fuller indicated she will send a letter of thanks on behalf of the Town Board for their generous donation. She said she is sure the students will be appreciative of the chairs also.

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Public Works  
set Grievance  
Day for year  
2000 Sewer tax  
Rolls Nov. 10,  
1999

The following item was a request from Bruce Secor, Commissioner of Public Works, to hold Grievance Day for the year 2000 Sewer Tax Rolls. Could advertise Oct. 27, 1999 and hold hearing 7:30 p.m., Nov. 10, 1999.

The following resolution was presented for adoption:

WHEREAS, 2000 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 7:30 p.m., on the 10th day of November 1999, 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 27th day of October 1999.

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

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

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Engineering  
Service  
approval  
reduction  
of bonding  
Colonial  
Woodlands

The following item was a recommendation from Engineering Services Administrator, Michael Cirillo, for approval of reduction in bonding for Colonial Woodlands.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the reduction in bonding for Colonial Woodlands to a new amount of \$4,900 to cover the remainder of the work. The motion was passed by the following vote:

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

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Public Works  
acceptance of  
deeds and bonding  
PRD Delmar  
Village

The next item was a recommendation from Bruce Secor, Commissioner of Public Works, for acceptance of deeds and bonding for PRD Delmar Village.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the acceptance of deeds and bonding for PRD Delmar Village, as recommended by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

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

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The next item was a request from Supervisor Fuller to change the meeting scheduled for November 24, 1999 to November 23, 1999 and cancel the meeting of December 22, 1999.

Request  
Supervisor  
change meeting  
November '24  
to November 23  
and cancel  
meeting of  
December 22  
1999

The motion was made by Mr. Johnson and seconded by Mrs. Davis to change the meeting schedule to permit the meeting of November 24, 1999 to be held Tuesday, November 23, 1999 and to cancel the meeting of December 22, 1999. The motion was passed by the following vote:

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

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The following item was a recommendation from the Traffic Safety Committee for amendment to the Town Code to permit a stop sign on Hawley Court at Greenleaf Drive. Could advertise October 27, 1999 and hold public hearing November 10, 1999 at 7:35 p.m.

Traffic Safety  
hold public hearin  
November 10, 1999  
at 7:35 PM  
stop sign on Hawley  
Court at Greenleaf  
Drive

The motion was made by Mrs. Davis and seconded by Ms. Burns to set a public hearing for November 10, 1999 at 7:35 p.m. to consider a proposed local law amending the Code of the Town of Bethlehem to permit a stop sign on Hawley Court at Greenleaf Drive, Delmar. The motion was passed by the following vote:

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

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The next item was a recommendation from the Traffic Safety Committee for an amendment to Town Code to add Tractor Trailers Excluded, Wemple Road from Route 9W to Route 144. Could advertise October 27, 1999 and hold public hearing November 10, 1999 at 7:40 p.m.

Traffic Safety  
Committee Public  
Hearing Nov. 10,  
1999 at 7:40  
Tractor Trailers  
excluded Wemple  
Road

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to set a public hearing for November 10, 1999 at 7:40 p.m. regarding a proposed local law amending the Code of the Town of Bethlehem to permit addition of Tractor Trailers Excluded for Wemple Road, Glenmont from Route 9W to Route 144, River Road. The motion was passed by the following vote:

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

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The following item was a recommendation from the Traffic Safety Committee for amendment to the Town Code, Through Street to add a stop sign on Jordan Boulevard at Winne Road. Could advertise October 27, 1999 and hold public hearing November 10, 1999 at 7:45 p.m.

Traffic Safety  
Stop Sign on  
Jordan Boulevard  
at Winnie Road  
Public Hearing  
November 10, 1999  
at 7:45

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to set a public hearing for November 10, 1999 at 7:45 p.m. to consider a local law amending the Code of the Town of Bethlehem to permit addition of a stop sign on Jordan Boulevard at Winne Road, Delmar. The motion was passed by the following vote:

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

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Supervisor Fuller noted a resident of Winne Road came to her office the other day and handed a petition to her. She noted the resident would like stop signs placed on Jordan Boulevard and indicated she will speak with the Traffic Safety Committee and see if this could be combined. Mention was made that a representative of Traffic Safety Committee should be in attendance. Supervisor Fuller said this was the first time there has not been one but said she would request someone be in attendance.

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The next item was to acknowledge receipt of Conditional Approval of Final Plat for the Apple Landing Subdivision for information purposes from the Planning Board.

Receipt of  
Final Plat  
Apple Landing  
Subdivision

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The following item was to approve the Town Board minutes of September 8, 1999 and September 22, 1999.

Approve Town  
Board Minutes  
September 8 and  
22, 1999

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the Town Board minutes of September 8 and 22, 1999 as submitted. The motion was passed by the following vote:

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

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Supervisor Fuller asked if anyone wished to address the Board.

Bill Kelleher  
on Water Issue

MR. KELLEHER: Bill Kelleher. Anyone who can go down to the County Clerk's office and find out what the status of the law suit is but I wouldn't advise it unless you're an engineer who knows what it means. I am very satisfied with the way the law suit is going. The trial won't be until the year 2001 but that's the way it is in these kind of malpractice cases.

I had no intention of being here today except when I saw the operating reports. The monthly operating report that is submitted to Albany County Health Department. That indicates that the well has failed. Now, how many people here on the Town Board are aware that the well has failed? When I say failure, the flow from the well is less than 1/2 million gallons a day. Which means that the cost of the operator, the electricity, the chemicals and so forth, it would require at least a yield of 5 million... .5 million gallons per day to pay for that cost. So, operating this system... we're spending more money than we're receiving just to operate it. That's to say nothing about retiring the bonds. That's a separate issue to be decided by the law suit.

Let me explain what happened. For the first 16 days the yield of the well was 1.44 million gallons per day. Then hurricane Floyd... the rains from hurricane Floyd came along and the last 14 days of September the yield is only 0.15 million gallons per day. That's the average daily yield. And, that's why I say the well has failed. Now, maybe Mr. Secor has some other reason why it has failed... maybe the pumps went or something else but they did pump at .5 a couple days so that doesn't appear to be the case.

We had to purchase an extra 1.37 million gallons per day for the last 16 days in September or last 14 days, pardon me from the City of Albany. Now, the budget is coming up. Has that been included in the budget? Perhaps Mr. Secor can explain what is happening here.

MR. SECOR: I would be happy to explain, Bill, because you've made a real effort to completely disregard the truth in talking to the Board which is a real disappointment. The wells have not failed. With the high water of hurricane Floyd coming up, not only did the wells fill up but our usage went way down. The wells were shut off because their storage reservoir was full and we didn't have the customers to sell the water to. So, it is a simple situation of... it would be

like you get a cold day and everybody shuts off their air conditioner. If you don't have the sales, you don't sell the water.

It's unfortunate that you take the opportunity to simply sit here and speak mistruths to the Board. We have produced the system, the system is continuing to produce approximately the same volume it has. It is not producing what we expected, the law suit continues. We are progressing. Any additional water that we're forced to buy from the City of Albany which has been publicly stated to the Board is part of our claim. We are intending to recoup that as part of our damages under the law suit.

I really don't want to get into a debate. Our attorneys have advised us not to litigate this in public but the facts are... the well system has not failed. It is not working the way it is supposed to but it has continued to work in the fashion what it has over and been reported to the Board.

In the budget session that is coming up, the estimates for purchase from Albany have been changed based on our our experience. The budget estimates that are put before the Board are based on average seasons or averages going on. When the 1999 budget was prepared I did not predict that we would have the driest April this century. I did not predict that we would have one of the driest draughts that we've had in a decade. The reservoirs levels have recouped with hurricane Floyd. I'm waiting for the State of New York to give us official notice but some of the water sheds they are looking at, I guess, have not recovered as well as ours has. But, we are waiting for official notice from the Department of Environmental Conservation and Health Department that they have removed the draught watch from Albany County and I am expecting we will get that shortly.

The sky is not falling. It's unfortunate that you feel the necessity to stand up here and say that but the truth of the situation is, we are moving forward. We're moving forward in a very businesslike fashion as the Board has authorized.

SUPERVISOR FULLER: Thank you.

MR. KELLEHER: I think you can understand why I am here tonight because Mr. Secor from the very beginning of this project, and Mrs. Fuller you know very well, he has refused to supply data. And, here again, if he supplied the draw down in the well which I have been asking for from day 1, maybe I wouldn't be here today. If he included that in his operating reports. I still ask the question, how come when hurricane Floyd came along... how come when hurricane Floyd came along, and we had no... no sprinkling... we had lots of rain, how come we had to buy an extra 1.37 million gallons of water per day for the last 16 days... or last 14 days, pardon me, from the City of Albany, how come?

MR. SECOR: It's a contractual obligation and we've fulfilled our contractual obligation with the City of Albany. There is no mystery here, Bill, you just don't seem to want to deal with the truth or the facts.

MR. KELLEHER: Mr. Secor, I've been trying to get the truth out of you for a long time. Give me the draw downs in the well and you can shut me up.

MR. SECOR: You asked for copies of draw downs and I gave you 150 pages with all the draw downs for all of the years. You have not asked for any draw downs for this year. If you want them, why...

MR. KELLEHER: That's an absolute lie and you know it. Under the Freedom of Information Act, I asked for the draw downs in the well for the first 25 days of operation and you said you didn't have them which was a lie period.

MR. SECOR: They don't exist. I gave you copies of everything we have and I got to the point where I have to keep copies of the copies I give you because you stand up here and say things to the Town Board which are untrue. It's unfortunate.

SUPERVISOR FULLER: Mr. Kelleher, certainly for the record, you know very well that you have never been denied information from my office. You have come with appeals and it has been presented to you if he didn't receive it.

MR. KELLEHER: But, Mrs. Fuller, I have... I could have sued the Town... I was advised to sue the Town. I'm going to sue my own Town? Under the Freedom of Information Act, you can ask Mr. Freeman about this.

SUPERVISOR FULLER: I speak with him often.

MR. KELLEHER: I talked to him and I'm telling you, you did not tell the truth when I filed official...

SUPERVISOR FULLER: Mr. Kelleher, have you just told me I do not tell the truth?

MR. KELLEHER: Yes.

SUPERVISOR FULLER: For the record, I would like that included please. Thank you.

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

Meeting adjourned  
to executive  
session.

The Supervisor asked for a motion to meet in Executive Session to discuss police negotiations and potential litigation following the close of the regular meeting.

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

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

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The motion to adjourn the regular Town Board meeting was made by Mrs. Davis and seconded by Mr. Johnson at 9:00 p.m. The motion was passed by the following vote:

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

*Kathleen J. Newkirk*  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.