

TOWN BOARD
JANUARY 23, 1991

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: Kenneth J. Ringler, Supervisor
 Frederick C. Webster, Councilman
 Robert J. Burns, Councilman
 M. Sheila Galvin, Councilwoman
 Charles Gunner, Councilman
 Bernard Kaplowitz, Esq., Town Attorney
 Fred Holligan, Lieutenant, Police Dept.
 Dan Santola, Esq.
 Bruce Secor, Commissioner, Dept. of Public Works
 Philip Maher, Comptroller
 Edward Kleinke
 Gerald Wright, Wright Disposal Co.
 Gregg Sagendorph
 Sharon Fisher, Recycling Coordinator
 Craig Duncan, Beverwyck
 Liz McCoy
 Suzanne Capone
 John Cert
 Elayne Cross, Progress Club
 Bob Bangert
 Evelyn Herr
 Charles Herr
 Barbara Hayden, Times Union Representative
 Michael Larabee, The Spotlight Representative
 Kathy Keenan, News Herald Representative
 Carolyn M. Lyons, Town Clerk

Public
 Hearing -
 Amend
 Traffic
 Ordinance -
 Stop Signs,
 Longwood Drive
 and
 Village Drive,
 Mosher Road
 and
 Tierney Drive
 and
 Wexford Road
 and
 Tierney Drive

Supervisor Ringler called the meeting to order at 7:30 p.m. indicating this was a regular meeting of the Town Board and he would like to welcome everyone. The first item on our agenda is a public hearing to consider amending the Traffic Ordinance of the Town of Bethlehem for Stop intersections at Longwood Drive and Village Drive, Mosher Road and Tierney Drive and Wexford Road and Tierney Drive. He asked the Town Clerk to read the call of the hearing.

NOTICE OF
 PUBLIC HEARING
 ON PROPOSED AMENDMENT
 TO THE TRAFFIC ORDINANCE
 OF THE TOWN
 OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, at the Town Hall, 445 Delaware Avenue, Delmar, N.Y. on the 23rd day of January, 1991 at 7:30 p.m. to consider amending the Traffic Ordinance of the Town of Bethlehem in the following respect:

1. Amend ARTICLE 1, STOP INTERSECTIONS, by adding three new paragraphs cccc, dddd and eeee to read as follows:

(cccc) The intersection of Longwood Drive and Village Drive is hereby designated as a Stop Intersection with a Stop Sign to be erected on Longwood Drive.

(dddd) The intersection of Mosher Road and Tierney Drive is hereby designated as a Stop Intersection with a Stop Sign to be erected on Mosher Road.

(eeee) The intersection of Wexford Road and Tierney Drive is hereby designated as a Stop Intersection with a Stop Sign to be erected on Wexford Road.

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

BY ORDER OF THE TOWN BOARD
 TOWN OF BETHLEHEM
 CAROLYN M. LYONS

TOWN CLERK

STATE OF NEW YORK)
 COUNTY OF ALBANY)

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper 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 one week consecutively, commencing on the 9th day of January, 1991.

/s/ Kathryn Olsen

Sworn to before me this 9th
 day of January, 1991

/s/ Bruce A. Neyerlin
 Notary Public, Albany County

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

CAROLYN M. LYONS, 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 January 9, 1991, 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/ Carolyn M. Lyons

Sworn to before me this
 22nd day of January, 1991

/s/ Kathleen A. Newkirk
 Notary Public, Albany County

The Supervisor thanked the Town Clerk and asked for a motion to indent.

The motion was made by Ms. Galvin and seconded by Mr. Webster that the Notice of Hearing, Affidavit of Posting and Affidavit of Publication be indented on the minutes of the public hearing. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
 Noes: None.

The Supervisor announced that this evening's public hearing will be conducted in the following manner; we will ask the Chairman of our Traffic Safety Committee to give an overview of the background on this particular request, and then we will open it to any questions that anyone might have from the floor and then anyone who would like to speak in favor may do so and anyone who would like to speak in opposition may do so. He asked when you do speak, all we ask is that you stand, our microphones in this room can pick you up from where you are, you do not have to come to the front of the room and we do ask that you identify yourself for the record and make any statement that you might have. He asked Frederick Holligan, Chairman of the Traffic Safety Committee to give everyone a background as to what has happened at these various intersections as this is the second time this has been before us for a public hearing.

Frederick Holligan indicated as you know, this was before the Board on November 14, 1990 for the purpose of a public hearing, and at that time the Traffic Safety Committee asked that the matter be referred back to them again for further consideration because of additional information they had received from the time of their initial recommendation and the time of the first public hearing. Since that time the Committee has done a lot more study on the request and initially they had recommended three Yield Signs at the different intersections in that particular neighborhood and after further study they changed their recommendation to Stop Signs and the only intersection that is different is initially they had recommended a

Yield Sign on Village Drive at Longwood and their recommendation now is for a Stop Sign on Longwood Drive at Village.

Supervisor Ringler asked if there were any questions of the Town Board?

Councilwoman, M. Sheila Galvin, asked if the vegetation growth problem has been corrected? Supervisor Ringler indicated that it will be and Frederick Holligan stated that they had a meeting of the Traffic Safety Committee last Wednesday morning and he spoke to Gregg Sagendorph about that and they are going to mark off the Town right-of-way and then go over and cut the vegetation. Supervisor Ringler added that he had also contacted them on that and Gregg has been in contact with the owner of the property and they expect to remove the vegetation starting this weekend.

The Supervisor asked if there were any questions from anyone in the audience? No questions were asked.

Supervisor Ringler asked if there was anyone who wished to speak in favor of this proposal? Daniel Santola of 46 Longwood Drive spoke indicating a few weeks ago he retained the services of a professional engineer, Mr. John Cert and he has come to the area and looked at some maps, took some measurements and he would like to have him provide the Town Board with some information that he has gathered and would request that he defer to him.

Mr. John Cert displayed a map of the area so that he could talk about it easier. He indicated that he thought what they should realize is before you go out there to do the signing, either Stops or Yields on whatever intersection you are going to put them at or which streets you want to control, you should have a basic understanding of what you want these roads to accomplish, what the roads are in there for and basically these are subdivision roads, they are roads that were put in with angles to them, bends in them to keep the traffic volume down as well as the traffic speeds. You have the arterials, the collector roads in the form of your Elm Avenue, Route 52 and your Delaware Avenue, and he thought that one of the concerns of the people who are living in this development, is that they are finding that these streets are being used as a short-cut to get the traffic off Delaware Avenue and your Elm Avenue and the subdivision streets should not be used as the collector street as the feed streets or as the main arterials and that is actually what is happening. Now there are many ways that you can accomplish a traffic pattern to discourage people from using Village Drive and Tierney Drive out in this direction, indicating on the map, going out to Delaware or the State highways or coming in as he understands it from Mosher Road, Tierney and back out Village Drive. What you are doing is you are overloading a section through here with a very bad geometry, a piece of what he believed we were calling either Village Drive or Tierney Drive and he was not sure just what the name of this little leg in here is, but that pavement is narrower than Tierney and narrower than Longwood and was not built, and was not originally designed to be used as your collector or your arterial streets and the geometry through here you can see there is a jog in the center lines as they have been drawn in your subdivision. If you go out there and actually look at it you will find that this is very close to a tee intersection, that the main width streets the paving favors the Longwood - Tierney approach and this actually is coming in like a tee intersection and that does not mean that that is what the traffic is doing, but that is what your geometry is doing out there and if you want to develop this as the main street to bring your traffic from Delaware down to Elm Avenue as a short-cut then of course what you want to do is put Stop Signs up at each road that intersects Tierney and Village Drive and you have increased the flow of traffic, increased the speed of traffic, and basically increased the safety of the traffic.

Mr. Cert continued that he was not sure that this was what the Town Board wants and he was almost positive that was not what the residents want of this area. What he was going to suggest to them is that rather than giving the freedom of movement to Tierney, is that you can by judicious use of Stop Signs discourage this type of traffic, discourage it and slow it down. You have children playing in here, you have mothers out with their baby carriages in the summer and you should not basically be encouraging your traffic to go through the

subdivision. So what has been suggested is that a Stop Sign for instance be erected on Longwood Drive to give preference from Village Drive into Tierney the geometry of it there would really suggest that the Stop Sign should be placed here, with any through traffic from Village coming through, that they would have to stop and yield, and he realized that this was not where your volume of traffic is, but the question is what do you really want to do with your patterns out there, do you want to encourage the traffic coming through there, and by putting the Stop Sign here, and perhaps by placing another one at some intersections down here, not every one, you will have a discouraging effect on through traffic and he thought that this was perhaps what the Board really should be considering. Do you want to use this as your main line, if you do you really should be talking about widening the pavement in here, pulling it up to the full width, and he thought that and he apologized as he did not have his notes with him, but he believed that this was about thirty foot wide pavement, this is thirty four wide pavement and this is twenty-four and if you want this as the through way, let's get out there repave and set it up so that it is in fact the straight shot, and do you want that. Supervisor Ringler indicated that it currently is the straight shot, what do the traffic counts indicate at this point in time, is it a serious problem, are people using it as a short-cut, do the traffic counts indicated this. Chairman Holligan indicated that he felt that Mosher Road is used as a short cut coming in. Mr. Cert asked coming North, coming in and then of course this one right now you have already done, you have made this one way and the purpose really is to discourage the traffic because if anything the traffic coming through here, the straight shot, you are not crossing over, not making any left turns, people coming out do have to make left turns so if anything it should have been the shot going in and not out, but you have done it here already, you have put it here a one-way section to discourage using this as a through street. Supervisor Ringler indicated OK so we have done it in that direction and asked does this put a Stop sign at Mosher and Tierney? Mr. Cert indicated that there was doing it here on this intersection, and Supervisor Ringler asked then what you are telling me now that that is where the general traffic short-cut is, and asked by what we are doing are we not discouraging that? Mr. Cert indicated in coming in on the north bound that is true, and he has no fault to find there, but he was also suggesting that rather than giving the through shot in through here, the main line traffic, to consider using the Stop Sign on Longwood, that you put it up there on the Tierney extension, and he asked how do you refer to this little jog here - and Chairman Holligan responded Village Drive, and Mr. Cert indicated OK Village Drive, put it on Village Drive to stop the Village Drive traffic, give them just one more impediment and you would be surprised it has happened up in his neighborhood, and he was from Clifton Park by the way, and he realized that you have traffic problems down here, but they have some up there too, and he has seen it used in the City of Albany along the bypass area to discourage traffic going into the residential neighborhoods, the through traffic, judicious use of one-way streets, Stop Signs so that you just make it inconvenient for people to go through here and he thought that Mr. Herr has told you, and he would agree with him, that just putting Stop Signs up to control the speed is not very effective all they do is just speed up in between, but there is a psychological advantage that if you make it inconvenient, if you make them stop and they have a legitimate alternate route, which is your County and State highway system, that you will take the traffic out of the residential areas where it is not desirable, the volumes and leave this as a residential area, no question.

Councilman, Charles A. Gunner, indicated maybe between the two you and Mr. Herr and Chairman Holligan you can work it out. He asked what other traffic counts going in off Elm Avenue down Longwood - Mr. Cert indicated that they were very minor and Chairman Holligan indicated that they had not even done a count as it was very minor. Councilman Gunner asked even in the morning - early morning and Chairman Holligan indicated that they had a count but it was very minor. Councilman Gunner stated that he saw a lot, he traveled that road for years and he saw a lot of people go in there to try to avoid the light and he did not count or anything obviously he was just traveling through. Mr. Cert indicated that he would expect that during the peak hours, if it starts backing up here, you might be dogging through it. Councilman Gunner stated that this was it it was usually between 7:30 and 8:30 a.m.

Mr. Charles Herr, of the Traffic Safety Committee, indicated that it shows that the - and Supervisor Ringler asked if he would point Longwood out on the sketch on display and Mr. Herr did so, this would be Longwood in here, so what we are really looking at is this intersection here and this branching intersection here. Mr. Herr indicated that if he was reading this right it was about 28 in the morning going out and 16 - going Longwood to Tierney we have 28 in the morning peak hour and 16 in the afternoon peak hour here, very very low volumes. Mr. Cert asked by comparison please show what the other intersections are. Mr. Herr indicated now coming down this piece of Tierney we have 85 in the morning and 73 in the afternoon that is four times the traffic, coming this way in Village Drive we have 77 and 47 going this way and only 10 and 4 going down Longwood and again this is by far the major peak hour movement and likewise Mosher Road to Tierney and Village Drive is by far the heavier movement in the morning and Tierney because of that one-way street up there has on average morning it has got 6 going this way and 2 going up Mosher and none of them go back out at Wexford. Mr. Herr continued we also took a twenty-four hour count on Tierney and a twenty-four hour count on Mosher and approaching the intersection on Tierney an average of five days, there is an average of 30 per day, that is the whole day's traffic coming on Tierney where on Mosher it is something like 612, considerably more traffic on Mosher that goes through this way. Mr. Herr continued that the sight distance that is out there which is going to be improved somewhat, it will not get good because most of the vegetation is on private right-of-way and will stay there, the sight distance is very poor on this quadrant and on this quadrant and over here. Geometrically this looks like the straight through movement, here there is no straight through movement here even though the pavement looks like the curve is here, you have curvature in all directions here and it would be much better if this were cut straight through for the movement geometrically. The other thing that John said is that the streets are a different width; that is not true. They all measure about twenty-three feet all of them and Mr. Cert indicated OK he thought that there was a difference out there. Mr. Herr indicated that they went out and measured, they measured not only the intersections and the streets, they took sight distance measurements based on the traffic manual for Stop Signs versus Yield Signs and the sight distance was such that it called for the Stop Signs as opposed to the Yield Signs. Mr. Cert stated that he did not have any argument with the Stop Sign on the other side. Mr. Herr continued that with a Yield Sign you would really have to cut back the vegetation to improve the sight distance and you could not do that, the Committee looked at all of these volumes and looked out there and the Committee came up with their recommendations for the Stop Sign on Mosher and a Stop Sign on Wexford and that would partly take care of your discouragement feature for Mosher in this direction but it would not go in here, but that is a matter of philosophy, it is not his philosophy, but to discourage the use of streets with Stop Signs. Supervisor Ringler indicated that we have two traffic engineers with different thoughts. Mr. Herr indicated and if we had a third one here we would get a third opinion. Laughter. Mr. Herr continued that the recommendation that the Committee came up with was not his recommendation, his recommendation was to put a Stop Sign on Tierney because of the low volume and on this piece of Tierney because it was opposite this piece of Tierney and because this is the worst part as far as sight distance both in here and in here and to make this turn you have to really come out here to make it safely because of that sight distance and this is not good sight distance either but the movement is very minor, the measure is maybe 14 or 15 a day here.

Councilwoman Galvin asked in the past two years how many accidents have occurred in that particular area? Mr. Herr responded two and none of them were involved with intersection problems. Chairman Holligan indicated that one was a DWI drunk driver and the other was an inexperienced driver - and Mr. Herr indicated the inability to make this turn coming down a little too fast and ending up on the far side there. An accident problem really doesn't exist and we know of no accident problems on the streets either even though it is used as a cut through and people will use it as a cut through and if you take this street away as a cut through they are going to use somebody else's street as the cut through and you will transfer the problem from this street to this street in fact that is perhaps may be coming down Longwood now is because traffic can't get through here, they have

also been transferred to Wexford and Longwood but the whole traffic pattern coming this way is very very moderate and in his opinion volume is not really the problem in here, the highest speeds probably occur on Mosher and we have had speeds of up to fifty-five and sixty and we get some occasional speeds of up to fifty - fifty-five, but most of them are down thirty or forty and eighty-five percent speed was about thirty-five he thought or thirty-eight. He was not concerned about speeds on Mosher as he has lived on Mosher for thirty-two years and if anybody was going to complain about the volume on Mosher Road maybe he would, but he doesn't because you have to be realistic too in what you deal with.

Supervisor Ringler asked let me just clarify this for his own mind - Charlie you recommended that the Committee attempt to have the through traffic be able to continue without interference on the roads with the highest volume at this point in time and Mr. Cert is contending that we should try to discourage that by putting Stop Signs up at the corner of Village and Longwood and where else would he put them. Mr. Herr indicated well let me put it this way, he would put one here and also keep this one here. He would interfere with Mosher Road. Supervisor Ringler continued so what the Committee has come up with is somewhat in between what you two are suggesting - Laughter - and Mr. Herr indicated that this was right. Chairman Holligan indicated that the Committee did not look at this from the point of view of discouraging traffic through the neighborhood. Supervisor Ringler indicated that the original problem was a concern with those intersections and the neighbors were concerned with and Chairman Holligan indicated exactly and we did not propose Stop Signs for the purpose of speed control it designates the right-of-way at the intersections. Mr. Herr stated if you really want to discourage traffic make dead end streets, you put a cul de sac at the end and you make everybody go around the corner and if you do it here and you do it on somebody else's street and you do not allow traffic to go anywhere.

Supervisor Ringler asked if there were any questions of the Town Board members. Councilwoman Galvin asked John in terms of the sign at Longwood and Village as proposed it would go on Longwood it is your position that that would encourage the traffic flow that currently exists there. Mr. Cert responded that he thinks that it would, yes, he was not sure that it would encourage the traffic flow he thought that that might be almost immaterial, all that he was saying was there is more to the traffic planning than just making sure that the volume of traffic has the right-of-way, he was not disputing Charlie if he was in here to try to get the flow of traffic to flow smoother to flow quicker the answer would be different, and he was saying that there is more to traffic planning than that, there is a sociological problem that you have in here and he did not think that you should be encouraging the traffic to go in here, he thought that you should be discouraging it and how to do that, whether you put it up as he suggested on Village Drive or on any other street is immaterial, all that he was suggesting is that you get into that flow of traffic and put not a Stop Sign at every intersection, but a Stop Sign sufficiently, every other, every third one, so that it becomes inconvenient for the people who are going from here to here to go through the Town subdivision streets. Councilwoman Galvin asked if you were looking at a plan in the best of all worlds where would have located that sign to accomplish your purpose? Mr. Cert responded he thought that the sign here would be appropriate - Councilwoman Galvin asked you wouldn't put it somewhere else? Mr. Cert indicated, No, I think that this is one of the best ones to put in and as far as hitting Mosher Road, putting a Stop Sign here, it is just the opposite of what you would expect on the tee, he was not trying to do anything but make it inconvenient to use this line as the bypass of what you should be using out here on the State and County highway system. You have done it very effectively already by putting a short segment of one-way street in here, a couple of other short segments of one-way streets could work, unfortunately he was called in relatively quickly tonight and he really did not want to come before the Board with a plan, he would be more than happy if they would give him a week or a couple of days to take this map and mark it up for some suggestions, if you wanted to discourage the traffic and what he is suggesting to the Board is don't jump at the idea of making it easier for the high volume traffics on Mosher Road and he thought going out in the morning, there is very little coming in because of the one-way, but there is a

lot coming out on Tierney Drive in the morning because it is one-way down here, but think about what you want to do for your community, do you want the traffic going through the residential streets or do you want the through traffic to detour the way it should and he said that if he wanted the through traffic to go through and you wanted to help it. Chairman Holligan indicated that if you start getting into one-way streets in the different neighborhoods throughout Town, you are going to have Emergency Service Response effected - the Police Patrol would be effected - Fire. Mr. Cert indicated that he has not made that suggestion, he would not want to do this and he does not have the answer as he has not had the time to study it under these circumstances, all he was suggesting to the Board is what do you want to use these streets for, residential streets where the kids are safe on their bikes or where people can walk, or do you want to encourage it to take pressure off of Elm Avenue, and that is what you are doing with these Stop Signs. Councilman Frederick C. Webster asked what the traffic counts were on Village Drive again? Mr. Herr indicated on this piece of Village down here - and Councilwoman Webster asked going out onto Delaware Avenue - Mr. Herr replied we have 99 in the morning and 73 in the afternoon. Councilman Webster asked is that really a large traffic count when you look at the size of the development that is feeding out onto Delaware that way? Mr. Herr responded not really and Councilman Webster continued are we saying that there are 99 cars that are using it as a thoroughfare, what about the people that live in there. Mr. Herr indicated that it consists of people that live in here and some of it comes from the local streets, how much of it is coming from the outside we really do not know. Councilman Webster stated that it was a large development. Mr. Herr indicated that they had not made any origin or destination survey so they really did not know the complete origin but obviously some of it is local and some is coming from diversions from Elm Avenue, it is a shorter route it gets away from the traffic signal at Delaware and Elm and there is some of that in there, and if it doesn't short-cut here it may go out through Darroch and come in through Hawthorne which is where it used to go before Mosher was cut through, so as you opened Mosher through traffic diverted from Darroch and came in here. Mr. Cert asked what is the 490 and 612 indicated on the sketch? Mr. Herr indicated that this was an ADT for a four day count, a twenty-four hour ADT based on four days.

Mrs. Elayne Cross asked if she could ask a question and Supervisor Ringler responded, sure - she asked speaking of short-cuts through Delmar when she was with her daughter she goes down Fernbank to get to Elsmere and there are a lot of Stops on Fernbank - is that to deter that as a through street. Supervisor Ringler indicated well they were put in a long time ago and Mrs. Cross indicated that she knew this but was that what you were trying to do here she guessed was her question. Supervisor Ringler indicated that the Town Board was trying to address a request from the residents that asked us to look at the intersections, there was not any discussion regarding discouraging traffic in this original request. Chairman Holligan indicated that they did not consider discouraging traffic as well.

Daniel Santola spoke again indicating that he would like to make just one observation note to the Town Board, he lives on the corner of Longwood and Tierney and Supervisor Ringler indicated that he was going to start cutting the trees this weekend - and Mr. Santola indicated that he promised that he will do - and incidentally those trees were put in by the original owner twenty years ago for the very purpose of blinding that intersection so that the vehicles could not pass through unheeded, because there were no traffic control devices then but at this point there are bus stops where children stand right on the corner of Longwood and Tierney and in the morning he agreed with what Mr. Herr said that there is a large volume of traffic not from the neighborhood, they come from Delaware Avenue and they cut across to Elm Avenue to miss the traffic light and as they come through there as Mr. Cert pointed out it appears to be a tee intersection and if the Stop Sign is placed on Tierney or Village or whatever it is called and Longwood it would cause them to Stop if they are not going to be stopping and traveling straight through, vehicles coming in the opposite direction where the jog is at the end of Longwood, have to make a jog to the left, and whether they are making a left hand turn down Longwood or just appearing to go to the left causes the vehicles coming in the opposite direction to swerve to the right and there,

although there has not been a collision there, it is an area where there is going to be, there are near misses every morning and every night as the vehicles go through that and it would appear to him that if the Stop Sign and he does not mind Stop Signs he would like to have them on every intersection in that area, but if you have the Stop Sign on Longwood placed on Tierney it would at least cause those vehicles to Stop and see whether or not the vehicles are going to turn down Longwood, which we see there is very minimal traffic there according to the counts, or going straight. If you put it on Longwood he did not see where it was achieving anything because you have a very low volume of traffic on Longwood to begin with so why is there a greater need to have them stop as opposed to the vehicles on Village or Tierney. Chairman Holligan responded that generally the roadway with the highest volume of traffic has the right-of-way is the general rule. Mr. Herr indicated that the primary purpose of Yield and Stop Signs is to assign right-of-way at the intersection, so somebody knows who has to Yield to the other person and that is the main tool of Stop Signs and Yield Signs, it is not used or not supposed to be used for the diversion of traffic, there are other ways to divert traffic if you want to do it and as he said before you can close a street off and that applies to everybody and that is the real way to discourage traffic, but the main purpose is to control the right-of-way and usually as the national standards of traffic control devices will tell you that you normally don't control the high volume of traffic, you normally don't control the high speed traffic because that in itself generates rear end accidents and other kinds of problems and by doing it you might end up with far more accidents in the future than you have now, which we really don't want to do as we do not have really any intersection accidents problems now. Mr. Santola indicated in that same line, not trying to control traffic, but what you are trying to do with the Stop Signs then is to designate who has the right-of-way. Mr. Herr indicated that this was the purpose of those devices. Mr. Santola continued well in that vein his question is why should Village or Tierney be designated a right-of-way as opposed to Longwood what was the criteria for designating this - Mr. Herr replied that the criteria of which one you control is which one is the major traffic movement as opposed to the minor traffic movement and the general trend is that you control the minor movement of traffic, you inconvenience the fewer number of vehicles and by controlling the majority you build a disregard for traffic and you won't get the obedience you think you are going to get if you watch people at Stop Signs around Town you will find that they are not stopping, they roll through and they treat them as they think they should use a Yield Sign and the Yield Sign is one of the greatest devices we have but it doesn't work. Mr. Santola indicated what he would like to point out though is in the initial subdivision approvals, preliminary approvals, that stretch of Village and Tierney was straight and thirty-five years ago the Town Board made a decision that they wanted the Weber Brothers to put the jog in there to not designate as a primary street so if the Stop Sign now is put on Longwood, what the Board would be doing is overruling what the Board already decided twenty years ago with the geometry of the intersection. Mr. Herr asked Mr. Santola if he was sure that the Board decided to do that because of the through street or because they wanted to get a little more property on that corner parcel there. Mr. Santola responded that according to the plans that he looked at in the Building Department there was an indication that the traffic pattern should be discouraged by putting the loop in there. Mr. Herr asked if that was in the records as he had not seen the records but it looked more to him like they wanted to get a little more square foot of property in that corner. Supervisor Ringler indicated knowing our developers in Town he was sure that this was the reason - Laughter. Mr. John Cert indicated that what Charlie said is absolutely true for County and State highways as to what the Stop Signs are utilized for, but it is not necessarily true for the subdivisions and your local streets, according to the book and the manual he is absolutely correct - Supervisor Ringler indicated that Mr. Herr wrote it and Mr. Cert indicated that he understood this too but unfortunately or fortunately it has been re-written - Laughter - however they did not change that part of it - but what he was suggesting here was that it is true for your State highway systems for your major County systems, but when you get into the residential areas and now you know what we are talking about is you can actually make one-way streets and as pointed out it is tough to coordinate your emergency vehicles and it is not always a good idea, but the use of Stop Signs in the subdivision areas, and he could point out numerous

cases, where it has discouraged the through traffic, in his own neighborhood, in the City of Albany, and he suspected that he could find other examples, so what do you want to use the street for and that is how you should be signing them and it is not in his estimation a street on which you would want to encourage through traffic.

Supervisor Ringler indicated that he understood and heard what he was saying but he has seen situations in this Town where past Boards have put Stop Signs up in subdivision for whatever reason, the neighbors want to cut down on the traffic and so forth, and to be perfectly frank when they are in places where they should not be or are unexpected in his view they are more dangerous than not having them. He himself will be driving along on Fernbank as you talk and all of a sudden realize my God there is a Stop Sign there and it is an unusual spot to have one. Chairman Holligan indicated that is an application of traffic control devices. Mr. Herr indicated that if he was talking about Fernbank at Palmer that was put in there as a speed control item because he was involved at that point in time. Mr. Cert indicated that he agreed with him about the unexpected but in this particular case one intersection he did bring out it would not be unexpected it is a tee intersection and he had heard enough from him. Supervisor Ringler thanked Mr. Cert and asked if anyone else wished to speak and he did not know whether or not we were speaking in favor or against at this point, but would anyone else like to speak in favor of this proposal. He then asked if anyone would like to speak in opposition and no one spoke.

Councilman Robert J. Burns asked before they close the hearing he would just like to ask - he did not have Clarence Sundram's original letter and was that brief enough that he could just have it read for the hearing, just to see what the original concern of the petitioner was? Chairman Holligan provided the letter and Councilman Burns read it into the record:

Dear Mr. Ringler:

I am writing to request that the Highway Department examine the need for a Stop or Yield Sign at the intersection of Mosher, Village, Wexford and Tierney Drives in Delmar.

There has been a recent increase in the volume of traffic flowing through the intersection which is completely uncontrolled at present. This increased volume is probably reflected by the recent installation of a traffic light at the Murray Avenue exit off of the bypass. As a result, vehicles enter the intersection at high speeds and are unable to see traffic from other streets also leading into the intersection. There have been a number of close calls that I have personally witnessed. In addition to the hazards to the vehicle traffic there are dangers to children who walk and bicycle in the area.

In the interest of safety of residents, I believe that some type of traffic control is needed. Thank you for your attention and consideration.

/s/ Clarence Sundram
28 Tierney Drive

Councilman Burns asked the only other question he has since the issue of use of Stop Signs for other than intersection control and he was talking about volume of traffic or speed control or trying to keep people out of the neighborhood and so on it seems to come up all of time and we have always talked about getting a good study with objective data that we can take a look and see what has happened on Fernbank and when the Stop Sign issue came up in his own neighborhood when he first joined the Board and people wanted Stop Signs on a straight street like Jefferson Road in Bicentennial Woods, people were saying that it would cause more accidents, there would be rear end collisions and things of that nature, and there wasn't any data to really say that in the Town and the area that we could look at was Fernbank, that they had been there at least a number of years and even our Supervisor apparently came to a Stop real fast, but he went and visited people on those intersections and they did not say that, they did not really indicate he got to Palmer and the one up closer to Elsmere do we yet have any data, have there been any rear end

collisions on Jefferson Road on Fernbank. Chairman Holligan stated that they had been looking at Jefferson Road and Willowbrook Avenue in South Bethlehem where the Board put Stop Signs to control speed. Supervisor Ringler indicated that he was under the impression that you had done some studying on Jefferson Road regarding speed and asked what the results were. Chairman Holligan indicated that a while back they had when the requests were first submitted they did speed studies, speed counts on Jefferson Road and they did them on Willowbrook Avenue also and since the Stop Signs have been installed they have gone back and done additional speed studies in a very preliminary review it shows on Jefferson Road about a two mile per hour increase in the average speed of vehicles. Supervisor Ringler repeated increase in speed - and Chairman Holligan continued that he would attribute that to people that are stopping for the Stop Signs are trying to make up for lost time so they accelerate after they pass the Stop Signs to make up for that lost time, so the preliminary review which is not a real thorough review indicates a two mile per hour increase on Jefferson Road, on average speed.

Councilman Burns indicated that he thought that they had done two studies on Jefferson Road since the signs went up, because he remembered the first one he noticed they were out and went over and looked at them and they showed somewhat of a decrease and then you came back and did another study and that must be where the increase of the speed was. He asked about accident rates and asked if he could answer this without having a computer in front of this, did he know this from history have there been accidents, he was not aware of any? Chairman Holligan indicated that just speaking from memory as a Police Officer he thought that we had one accident on Jefferson Road since the signs were put up, but he did not think that we had any before. Councilman Burns asked and with our ten year history or so on Fernbank do we know. Chairman Holligan indicated that they had not gone back to Fernbank. Councilman Burns asked Mrs. Cross if she lived near one of those Stop Signs on Fernbank and he wondered if she knew if there were any accident and Mrs. Cross indicated that she did not live in this area. Chairman Holligan stated that two members of the Traffic Safety Committee were reviewing both of those roads and doing speed studies on both of those roads and we should come up with something more. Mr. Herr indicated that there were a number of studies out about how Stop Signs increase speed away from the Stop Signs, and he observes traffic all over the place and he can't drive without observing it, and you will find that Stop Signs effect the speeds about one hundred to one hundred and fifty feet away from the intersection and that it where they really begin to get the slow down of speed and beyond that they leave aggravated, upset and goodness knows what they do at the next place, so far as accident problems in the Town if you are talking about Fernbank and you are talking about Jefferson the volumes are really so low that the opportunity for rear ends don't exist very readily, he would be afraid of the 600 cars a day on Mosher Road at the peak hours of 73 and 65 the potential for rear ends are greater on Mosher Road than on some of the low volume streets and that does not mean they are going to happen, the potential exists and the more traffic is stopped the greater potential you have for rear ends and the other thing that intersection controls is supposed to prevent is the right angle collision and that is why you assign right-of-way to one street rather than the other to control the potential right angle accident which is usually more serious than a rear end.

Councilwoman Galvin asked what is the average volume down Village - coming down Village away from Delaware toward Elm? Mr. Herr indicated that all that they have is the peak hour counts they do not have the twenty-four hour counts but they have here 51 in the morning and 87 in the afternoon going away from Delaware Avenue and in the morning they had 99 to 73 going toward Delaware Avenue. The morning peak toward Delaware is higher than the return flow, but they do not have the twenty-four hour count. Chairman Holligan indicated that something that probably should be considered in this matter is that there are very few accidents over in that entire area and are we fixing something up that does not need fixing. The Supervisor asked if there were any other comments. No other comments were made.

The motion was made by Ms. Galvin and seconded by Mr. Burns to close the public hearing at 8:11 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
Noes: None.

Carolyn M. Lyons
Town Clerk

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

Supervisor Ringler asked if the Town Board wished to take any action tonight? Councilman Burns indicated that he had planned to as he thought whenever there was full agreement by the Traffic Safety Committee and the neighbors and so on, that was what the neighbors want and our traffic experts agree, and he thought that was going to be the issue tonight and that we could just move ahead and for that reason he did not really go over and take a good look like he normally would have had there been dissension that he was aware of, but we now have a minority opinion from the Traffic Safety Committee and the other engineer's opinion and so on, and he did not want to delay it extensively but usually after a public hearing we wait until the next meeting anyhow, and he would recommend to just give us the two weeks to give us a chance to take another look at some of these counts that have been presented tonight. Supervisor Ringler indicated that he had gone over to have a look at it and did not have a problem with going with it in two weeks, but his initial reaction is that the residents are looking for some sort of traffic device. There are arguments among the professionals as to which is the best way to do this at this point in time. He thought that as he listened to various discussions, the Traffic Safety Committee has come up somewhere in the middle of what we have from the two engineers here and basically have addressed the major concern, and his feeling was going to be to go ahead and do this and then let's re-evaluate it in six months. Let the Committee look at it in six months and see what the experience is with this to make sure that those Stop Signs are in the right area, but if you feel strongly. Councilman Burns indicated that he just realized something else, if we even proposed an additional Stop Sign, we would have to do another public hearing anyway so perhaps move forward with this proposal. Supervisor Ringler indicated we will follow through with this proposal and get these things up and this has been around for quite a while, this has gone back and forth a couple of times and he would like to get some kind of traffic control up there and go ahead and if it does need some further study, let the Committee look back in six months and see how this think is working. He asked if any of the other Town Board members had any other thoughts. Councilman Webster indicated that he agreed as did Councilman Gunner.

At a regular meeting of the Town Board of the Town of Bethlehem, Albany County, NY held on the 23rd day of January, 1991 at the Town Hall, 445 Delaware Avenue, Delmar, NY.

PRESENT: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.

ABSENT: None.

The Town Board of the Town of Bethlehem, Albany County, NY does hereby amend the Traffic Ordinance adopted on the 17th day of July, 1968 and last amended on the 14th day of November, 1990 as follows:

I. Amend ARTICLE I, STOP INTERSECTIONS by adding three new paragraphs cccc, dddd, and eeee to read as follows:

(cccc) The intersection of Longwood Drive and Village Drive is hereby designated as a Stop Intersection with a Stop Sign to be erected on Longwood Drive.

(dddd) The intersection of Mosher Road and Tierney Drive is hereby designated as a Stop Intersection with a Stop Sign to be erected on Mosher Road.

(eeee) The intersection of Wexford Road and Tierney Drive is hereby designated as a Stop Intersection with a Stop Sign to be erected on Wexford Road.

The foregoing amendment to the Traffic Ordinance will take effect ten days after publication.

Adopt
Amendment
To Traffic
Ordinance -
Stop Signs
Longwood Dr.
and
Village Dr.,
Mosher Rd.
and
Tierney Dr.,
Wexford Rd.
and
Tierney Dr.

The foregoing amendment to the Traffic Ordinance was presented for adoption by Mr. Webster was seconded by Mr. Gunner and was duly adopted by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.

Noes: None.

- - -

WHEREAS, the Town Board has adopted an amendment to the Traffic Ordinance of the Town of Bethlehem, and it is necessary that the said amendment be published according to law.

NOW, THEREFORE, BE IT RESOLVED, that the said amendment be published in THE SPOTLIGHT, a newspaper published in the County of Albany and having a circulation in the Town of Bethlehem on the 30th day of January, 1991.

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

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.

Noes: None.

- - -

Supervisor Ringler thanked everyone and Councilman Burns asked Chairman Frederick Holligan for a copy of the counts.

FRD-12
Beverwyck
Adopt
Negative
Declaration
SEQR and
Authorize
Signing of
BPA

The next item was consideration of the Building Project Approval from a recommendation from our Planning Board for the Beverwyck project in North Bethlehem. Mr. Kleinke who has been the staff person that has been working on this project since it was first brought into the Town a year and a half ago, he was going to ask Ed to give a brief overview of what has happened since it has gone to the Planning Board and then we can answer any questions that any of the Board Members might have. The people from Beverwyck are here tonight also in case there are questions that we might have of them.

Mr. Edward F. Kleinke III indicated that the drawings that are on the board here tonight - and Councilman Burns asked you mean the one with all of the holes in it and Mr. Kleinke indicated - yes- and essentially these plans represent the proposed development for Building Project Approval which is now before the Town Board for consideration and these plans, along with a lot of other drawings which provided information about the development were submitted in August and forwarded by the Town Board to the Planning Board. The Planning Board then took them under review, held a public hearing in October and subsequently made a recommendation for their approval which they transmitted back to the Town Board in December. Basically the development that is show on these drawings is the same that you had looked at a year or so ago when you considered establishing this site as Planned Residence District No. 12. The scope of the development is the same, it will consist of 180 living units which are called independent assistive living units, 15 cottage units and approximately seven thousand square foot community services building. All of that has been shown on those drawings at the various locations. What this drawing does represent is a refinement and the delineation of some of the concerns that have been raised along the way and he would walk them through what this drawing shows very quickly as he thought that some of those concerns would come back to everybody's mind.

The drawing on the left is Krumkill Road and the proposal includes an access drive which would be a Town dedicated road intersecting Krumkill Road extending into the site and actually coming across the site from east to west and again this would be a Town dedicated road, it would have inter-connections with Olympian Drive to the east which is existing development and lands which are presently undeveloped that are in the middle of a subdivision approval process on the west, so the main public road would link existing and future public roads to work with a circulation pattern on adjacent properties. Access to the main development area as shown here and the building footprints are in

yellow are the Cottage units and the areas behind that are all of the independent and assistive living units and they will be accessed by a road paralleling the westerly property boundary accessing then by drive, parking areas and the living units themselves, that road would be constructed to Town standards that would be capable of handling any of the emergency vehicles and any of the larger vehicles that presently can go on any Town road. The difference of it from the other road toward the front of the property is that it would not be on dedicated right-of-way or in a sense would be a private road maintained by the owners of the development. This project plan also shows extensive berming and some of the other drawings show extensive landscape planting which would buffer the main development area of the site from future residential development to the west. Originally you may recall the proposed storm drainage system had on it a concept for retention areas on site to be released into drainage ways and that since has been changed and the storm water would be collected in a contained system, catch basin and pipes in the ground and would be channelled through piping through easements to the Krumkill Creek towards Route 85.

Another point on access and one of the concerns was emergency vehicle access being able to have fire fighting equipment and other emergency service vehicles get to any part of this project from any side of it so the plan now shows not only the main access road but the parking area and access that can be used for emergency services on the easterly side so that the whole development is linked by potential vehicular access completely around it. Just as a point of reference the Community Services building is more towards the front of the Krumkill Road side of it and that is show on this drawing in this location on the left hand side of the plan and that would be accessed from the dedicated Town road and it would have outside parking close to it so that it could be used both by residents of the community and also people visiting from outside of the community. The other element that the Planning Board wrestled with and which is included in the written Building Project Approval was parking and on this other drawing you can see some shaded areas labeled future parking - one in the middle and one toward the southerly end - the Planning Board has recommended that at the time of construction the one parking space per dwelling unit be provided and constructed and that in order to meet code which is one point five spaces per dwelling unit that the site be laid out to accommodate that additional half a space per dwelling unit but that it not be constructed right away and that at a future date it be looked at and considered for construction, but either way the site be made available for it and that is what those shaded areas are. As he mentioned these two drawings are part of an extensive set of drawings that include utilities and landscape planting and development of some of the pedestrian courtyards. There are also a lot of architectural drawings that show not only the independent assistive living unit structures, cottage units, but also the community services building and they are all part of a package of drawings that the Town has received and has made a part of this Building Project Approval. The other document that he has provided to the Town Board Members is an Environmental Assessment Report and they may recall that a year ago when the site was designated as a Planned Residence District we went through the SEQR process and an assessment of the potential impact and he had prepared a report for the Board at that time and based on that report the Board had made a Negative Declaration not requiring a Draft Environmental Impact Statement and essentially ending the SEQR process.

Mr. Kleinke continued that because this is a second step in the approval process he thought that it would be best to continue that assessment between a year ago and now there was really only one issue that has come to light that we were not really aware of a year ago and that was the potential archaeological significance of the site and so the Beverwyck people had retained the services of professionals who specialize in archeology and got them involved in looking at the site, did some walk-overs and he guessed because a lot of the site has been used for farming fields the main way that they evaluated the site was to re-plow a lot of those fields do walk through and then make an observation and they did some additional digging on the site and they prepared a report that is included as part of this Environmental Assessment Report and it is called a Stage 1b Archaeological Resource Study. Their recommendation was that there were no significant archeological features that need an additional study or additional on site excavation or dig. So he thought that that particular issue has

been resettled and from his prospective there were no other particular issues that were raised during the last year relating to Environmental Impact and as a result this report recommends that again a Negative Declaration be made that there is not a need for a Draft Environmental Impact Statement on the project.

The other document that everyone received is the Building Project Approval. It is rather lengthy and extensive and the kinds of things that it addresses some of those are typical of all Building Projects and Planned Residence Districts and some of them are particularly related to this project some of the things that he just mentioned in the past couple of minutes with respect to this development are included in the Building Project Approval. We tried to cover all of the bases so to speak in the development of the project and those were written in as part of the Building Project Approval.

Mr. Kleinke indicated that if anyone had any questions he would be happy to try and answer them and the gentlemen are here from the project and certainly they can be addressed, also, if you have any questions of them.

Supervisor Ringler stated that he believed there was one change that some might consider significant since it was first submitted and at one point several sections of this was going to be three stories and it is his understanding now that the maximum height is going to be two stories, is that correct. Mr. Kleinke indicated that this was correct.

Supervisor Ringler asked if there were any questions of the Board?

Councilman Burns asked Mr. Kleinke if he could just explain the emergency access road that is going to be part of the project and how that came to be and how logically it will be set up, that is on the side of Krumkill Manor? Mr. Kleinke indicated that this drawing we have he asked it to be modified to show a clear set up, we originally had a highway link a couple of hundred feet north of this southerly corner and will now connect into the proposed system of roads with the Krumkill Manor Subdivision which has a looping system which eventually gets back out to Krumkill Road. The Planning Board talked about that at length as to what kind of a connection it should be and how it should be made, should it be open to the public, should it be exclusively for emergency vehicles and while they did really talk about it in their recommendation letter to the Board, their discussion ended with it being for emergency, its purpose for emergency vehicle access and how that is controlled is another matter which they kind of left up in the air to the chief of the North Bethlehem Fire Department and also the Town. Councilman Burns asked but just putting up a sign for future emergency vehicles only there is a code that would allow this, it would be on Town highway, right? Supervisor Ringler indicated, No that section is on private road. Councilman Burns indicated that even in the future would not be Town dedicated highway and Mr. Kleinke indicated, No. Supervisor Ringler indicated that there had been some talk as to whether or not there should be a break away gate there or signs or so forth and the discussion led to the fact that lets let the Fire Department Chief work that out and come up with the recommendation, but that is in the area where the roads that are not to be dedicated to the Town.

Supervisor Ringler asked if there were any other questions.

Councilwoman Galvin indicated that she wanted to question earlier and she now has found what it was, it was about the fences on page 17 and 18 we talk about the fence height and we specifically talk about a maximum of four feet measured from the ground surface to the top of the fence or wall - her one concern and this goes back to Zoning Board days is the fence or wall planted neatly on top of a berm? Mr. Kleinke stated that he has always relied on the Building Inspector's interpretation of whether it is or not. Councilwoman Galvin asked from ground level you feel that this adequately covers the subject. Mr. Kleinke indicated that he did not anticipate because of the topography of the site and also he could show them that all of these curve lines are berms and grade changes but the rest of the site is relatively flat and there are no plans at least to his knowledge at the present time around those buildings to do that. Councilwoman Galvin asked the extensive proposed berming on this side is part of what raised her question about whether or not there were other interior berms

anticipated? Mr. Kleinke indicated that one of the designs for these court yards has talked about some berming in and among the walkways, but there has been no proposal for fencing and all of the screening has been for landscape screening that has been proposed. Mr. Kleinke stated unless you are aware of any. An unidentified gentleman from the audience from the Beverwyck project indicated did he understand that the fence would be put four feet on top of the berm and would be obstructing the view? Councilwoman Galvin stated well experience from the Zoning Board of Appeals indicated that one way to obtain a six foot fence is to have a four foot fence on top of two foot berm. The gentleman indicated that they have a vista that you enjoy there now and the berm serves as a separation and they certainly would not want to put a fence on top of that. Another gentleman indicated that they did have landscaping on top of a berm, but no fencing.

Councilwoman Galvin responded that they have never had a problem with trees and shrubs on top of berms, it was walls and fences.

The Supervisor asked if there were any other questions? He thanked Mr. Kleinke and asked if anyone would like to offer first of all the resolution for a Negative Declaration Under SEQR.

WHEREAS, the Town Board of the Town of Bethlehem has received an application for approval of a Building Project within Planned Residence District No. 12; and

WHEREAS, the proposed site encompasses approximately +/- 32.8 acres of land presently zoned Planned Residence District; and

WHEREAS, the Town Board referred said application to the Planning Board of the Town of Bethlehem for review and recommendation; and

WHEREAS, the Planning Board of the Town of Bethlehem has recommended to the Town Board that an application for Building Project Approval within Planned Residence District No. 12 be granted as requested; and

WHEREAS, the Town Board referred said application to the Albany County Planning Board in accordance with Section 239 1-n of the New York State General Municipal Law; and

WHEREAS, 6 NYCRR - Part 617 - State Environmental Quality Review States that "No agency involved in an action shall carry out, fund or approve the action until it has complied with SEQR."

WHEREAS, 6 NYCRR Part 617.6(g)(1) requires that the Lead Agency must determine the significance of any unlisted action in writing in accordance with this section and Part 617.11; and

WHEREAS, the Town Board recognizes that the following requirements have been previously met;

1. a Public Hearing by the Town Board on 14 February 1990 for the establishment of Planned Residence District No. 12;
2. a Negative Declaration by the Town Board on 28 March 1990 with respect to the establishment of Planned District No. 12;
3. the establishment of Planned District No. 12 by the Town Board on 28 March 1990;
4. a Public Hearing by the Planning Board on 16 October 1990 for consideration of a Building Project within Planned Residence District No. 12.

WHEREAS, the Town's Planning Consultant has provided the Town Board, as Lead Agency, a comprehensive Environmental Assessment Report; and

WHEREAS, the Town Board has received a recommendation from its professional Planning Consultant that the proposed project will not have a significant effect on the environment; and

WHEREAS, the Town Board has considered the potential environmental impact of the proposed Building Project within Planned District No. 12 with respect to the criteria outlined in Part 617.11;

NOW, THEREFORE BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that the establishment of a Building Project within Planned Residence District No. 12 is an unlisted Action subject to SEQRA; and

BE IT FURTHER RESOLVED

that based upon its review of the proposed project, public comment concerning the establishment of Building Project in Planned Residential District No. 12, the Environmental Assessment Report prepared for the proposal, the Board's Consultant recommendation, and a review of the project with respect to the criteria outlined in NYCRR Part 617.11, the Town Board of the Town of Bethlehem hereby finds that the establishment of a Building Project within Planned Residence District No. 12 is an action which will not have a significant impact on the environment and will not require the preparation of a Draft Environmental Impact Statement; and

BE IT FURTHER RESOLVED

that this determination of significance shall be considered a Negative Declaration and that a copy shall be filed in the Office of the Town Clerk.

On a motion by Ms. Galvin, seconded by Mr. Gunner, and by a vote of 5 for and 0 against, this RESOLUTION was adopted on January 23, 1991.

The motion was made by Mr. Burns and seconded Mr. Webster that the Supervisor be and he hereby is authorized to sign the Building Project Approval for PRD-12 BEVERWYCK. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
Noes: None.

Supervisor Ringler indicated that this has been a long process but he felt a good process and he thought it was a great project and when where they going to start building. Councilman Webster indicated get your shovels out. The gentlemen from the audience from the BEVERWYCK project thanked the Town Board.

Discussion
Answers
Tipping
Fees and
Approval
of Increase

Supervisor Ringler indicated that the next item on the agenda was discussing pertaining to the ANSWER'S Tipping Fees. This is to go over where we have been up to this point, and as they knew the City of Albany wishes to increase the Answer's tipping fee by approximately \$16.00 a ton. They had wished to do this as of January 1st and after his discussions with Mayor Whalen he has agreed to postpone any decisions on Bethlehem until February 1st and until we are able to look at the proposal and to see if there are any creative alternatives out there. Since he last talked to the Board Mr. Secor and he have met with Mayor Whalen and Mr. Klepak and asked them for further information regarding the costs that they have incurred over and above what they anticipated and has also asked the City to look at the possibility of spreading this increase out over a two year period with the idea of the fact that perhaps next year's tipping fee might go down. Bruce has also talked to the City's accountants, getting further data, which we will get into at this point. He asked Mr. Bruce H. Secor, Commissioner of Public Works, to go over the numbers, if he could.

Mr. Secor indicated that the Board got copies of the Dec. 1990 break-out of costs and in that Exhibit 1 there is a previously reported column and a revised column. Where the previous report really came from is there was a report in July of 1989 where they tried to project tipping rates for two years and that was the basis for our agreement to the \$47.00 a ton which was the averaging of \$62.00 that was shown for

one year and \$26.00 projected for the second year, which would have been 1991. Unfortunately, what had happened there is that they took in July of 1989 they put this together so that we would have budget numbers for 1990, but what they did is they took 1988 costs and rolled those over for both 1990 and 1991 so if you look at the exhibit 1 and exhibit 2 that was put in this December report and you look at the previously reported column, for example under Answer's Operating Costs the first number is shown as \$4,700,000 and if you turn over to the next page for 1991 it still shows \$4,700,000. They took a 1988 number and rolled that over for 1990 and 1991 without really any allowance for cost of living increases. So on Exhibit 1 what they are showing now instead of \$4,700,000 is \$5,300,000 and those are actual numbers that were incurred in 1990 from the sub-contractor who runs the facility which is Energy Answers Corporation, which is a sub-contractor that they have to run the facility.

Mr. Secor continued for the 1991 costs they had to do some estimating, but now they have actually inflated or allowed for some inflation of the 1990 costs and also have been able to incorporate in requirements that came in as a result of the permit that was issued from the DEC for the expansion of the landfill, so some of the increases that occurred that drove the cost which was previously reported at \$26.00 per ton for 1991 and again this was projected back in 1989 based on 1988 costs before the permit process had gone through, they had projected that it would be \$26.49 per ton and they are now looking at that as probably going to be \$57. and some change a ton, so the \$47.50 that we agreed to to spread over two years based on the original projections of \$60.00 one year and \$26.00 the next, have turned out to be \$54.00 and \$57.00, the second year turned out to be higher than the first year rather than cheaper so we are never going to make up any ground at \$47.50 a ton. We also because of the tremendous increase from \$4,700,000 to \$6,200,000 for 1991 projections - we asked for a break down of that - which the Town Board got copies of and what these are are actually invoice numbers that come from the sub-contractor who is running the facility and those are actual invoice costs and they simply added them all up so for example where you see Parent Company Services that went from \$161,874 to \$392,984, that \$200,000 increase is actual dollars it is not a number that the City is making, it is a number that is going to the sub-contractor who is running the facility and that reflects the cost of and you could read it in the newspaper when the Answer's facility gets material in there and it blows up and it is designed to absorb that explosion but it still takes money to get the facility back up on line. Then down under Salaries and Wages for Operations again those are things that are required as they are running the facility. Down at the bottom of the page there has been an increase for Debt Service and for Interest, part of the Debt Service was facilities that were not originally included in the earlier agreement, there were some facilities that were bonded that were not carried properly in the original accounting, they are not back charging this but their failure to account for those in the past, but they are now including those in the recent recalculation and also part of the money that is in there is there when we agreed to pay \$47.50 and it actually cost them \$60.00 per ton, there was a lot of money that had to be borrowed to carry through that first year that was supposedly going to be paid back in the second year, it is just that the second year has turned out to be also in excess of the \$47.50 that the interest is carried over.

Mr. Secor indicated that he felt they have given us a good breakdown and he felt confident that we can go into this now knowing where we are heading.

Councilwoman Galvin asked Bruce a couple of things that we had discussed earlier and she thought that it might be important to point out and one of them is that you have indicated that despite the fact that there is no figure carried for 1991 revised on the material that we have received for insurance, that you have been advised that there is in fact insurance coverage. Mr. Secor replied again this would be insurance costs of the sub-contractor not of the City, so it is just a matter that really had not come through. Councilwoman Galvin continued and also referring to those two figures Parent Company Services - Operations that shows the \$230,000 plus increase, and the Salaries and Wages - Operations that showed in excess of \$550,000 increase, that those were not double dipping that the parent company service

operations was the actual parent company operations charges while the salaried, wages and operations was charges for subs, is that correct? Mr. Secor responded that it was subs on site and again you are comparing when you look in the previous report you are really looking at 1988 dollars that were never brought up properly to 1991. Councilwoman Galvin asked but it is also a point that those increases are not double dipping for the same bodies and Mr. Secor indicated, No.

Councilman Burns asked if there was an explanation for the failure to carry those figures up to allow for cost of living and so forth or was it an error. Mr. Secor replied other than an embarrassment, No, why in this 1989 report they took 1988 numbers and moved them forward without an allowance for increase in cost he did not know, but it is very obvious that that is exactly what happened. They used the same number two years in a row, now he did not know and could not explain it. Councilwoman Galvin asked and is it correct that that \$754,000 down under Interest included primarily the increase for the City ash handling? Mr. Secor responded that that was part of it, part of it was for facilities that had not been properly accounted for before and again the auditor is taking the numbers that are given to him and organizing them, somebody forgets to give him a certain bond that might be part of a consolidated issue, he is not going to know about it without doing a total City audit and that is not what their job, their job is to simply organize numbers that are given to them.

The Supervisor asked if there were any other questions? Councilman Burns asked the Supervisor if he could find out what the other column of almost \$150,000 involved? Mr. Secor asked Councilman Burns what page he was looking at. Councilman Burns indicated that he was looking at the most recent report. Mr. Secor indicated that he had spoken to Mr. Foote who actually prepared this and he said that because of rounding that was his fudge number to make the number at the bottom work out. There was rounding in here because they are not taking the actual dollars out of every invoice that came through, they just did not have the time to do that and that was the way, and last year was a minus number it was minus \$11,000 and this year it is that, but that is a rounding of some of the other things that come in that maybe did not fit into either one of the categories.

Supervisor Ringler asked again if there were any other questions? Councilman Burns asked the Supervisor if he was going to explain the different options. The Supervisor indicated that he was going to give the Board his thoughts on different options. We sat down with the City as he said and the only other municipality that seemed to have any interest in discussing this with the City was the City of Schenectady and Mayor Johnson joined us at this meeting, trying to discuss creative options and possibly spreading this increase over two years or something along those lines. It is something that the City would consider but the problem is the City is not willing to go out and make a projection that the tipping fee will actually go down next year, and although they would not say it, when you are looking at the sighting of the long term landfill and other things, he strongly doubted that that was going to happen, and after listening to them and listening to the idea that if we do this they are going to be looking for some interest added to it, to offset the fact that they are not getting the money this year as they did last year, he was of the sense that we ought to go ahead and do this and bite the bullet now and get it over with, because to coin an expression if you don't pay now we are going to pay later and we may pay more later is what it comes down to. If he had a better sense at that meeting of oh yeah next year we do see this tipping fee going down, he certainly might want to consider that, but he did not get that feeling at all and he thought that Bruce you might agree with me on that. Mr. Secor stated that it has not been projected to be that way and we incur a lot of unknowns. Supervisor Ringler indicated that it was a short in the dark. Councilman Webster indicated that our numbers for next year could be far more dramatic than this if we were not to follow through this year and increase it. Supervisor Ringler indicated conceivably and Mr. Secor added and meanwhile we would have run up a tab. Councilman Webster indicated plus interest we would have incurred a great deal more expense.

Supervisor Ringler continued and after this I am not happy with a thirty-five percent increase, but again as he has said many times, when you look at the fact of what tipping fees are in other communities,

this still is a competitive tipping fee, the City of Troy is about \$110.00 now, or something along those lines, but Colonie has gone up to \$60.00 some dollars a ton and so forth, so as much as you do not like to see the cost go up, we do not have any choices, we don't have anybody out there, we can go out and say would you take our trash for less at this point in time and there just aren't any options available to us right now, and the Solid Waste Task Force is exploring options for us, but there is not anything there right now and the City is going to be looking for this money at some point and his sense is that we ought to agree to amend that contract and make it effective February 1st. He asked the Town Board Members for their thoughts.

Councilwoman Galvin indicated that she was not pleased with the whole proposal of having to go with an increase in an existing contract, however, the City has produced at least some of the documentation that we have requested, and it looks as if we are backed into a corner in terms of how to dispose of our solid waste. The concern that she has is, yes we have gotten some documentation, so far the documentation is frightening in its inaccuracies. One of her requests would be is if in fact there is an audit being done of this project, that we be provided with a copy of that audit report as part of our agreement and that we be provided with at least some form of financials prior to any renewal of the contract, and she did not mean a one page slapped together piece of figures that we have gotten in the past which proved to be highly inaccurate and put us in this embarrassing position that we are in at the present time. She thought that given the fact that they have shown with the documentation that they have provided that the work at least in terms of the accounting and figures was very slipshod, that before we agree to another contract that we may end up eating later, that we be provided with either audited financials or detailed report of their accountants.

Supervisor Ringler stated that the City did indicate that they would be much better at providing information on a much more timely basis this upcoming year. They have promised that this information will be provided to us by August as opposed to having it come in December as it did this year with a January 1st date. Councilwoman Galvin indicated that one of the things that she takes issue with is one of the words you used in there was this information, given this mess she did not want to see that kind of information again. Both he and Bruce have been wonderful in putting up with her nagging and harping about inaccuracies in numbers and have brought back much more information than she was sure anyone else has gotten in this whole thing since they have been the only people who have actively pursuing it, but she did not want to see this same kind of haphazard numbers slap any number on a piece of paper and expect us to swallow it again next year. Supervisor Ringler stated that he head her and when we start fighting with them he hoped we would have some alternatives out there. Councilman Webster indicated and maybe some support and Supervisor Ringler indicated that this was right. The Supervisor asked if there were any other questions. Mr. Gerry Wright indicated just a comment, hasn't that been the nature of the whole history of our agreements with the City of Albany in terms of Sold Waste and it started out many years ago and his father remembers the number but it was down around \$2.00 or \$4.00 a ton and he never brought one ton of garbage in at that rate before it was increased and asked what kind of contracts can we have with the City as they all seem to be open ended. Councilwoman Galvin stated that she would like very much to agree with Mr. Wright because when she is reading these figures she is getting very worried about what we are going to be looking at in terms of water negotiations in the future. Mr. Wright asked if they could be held to the \$28.00 per year under the contract. Supervisor Ringler replied that they could conceivably be held under our contractual arrangement but they are going to be looking for it in our renewal to make up any deficiencies in the cost to them to carry that over for a year. Mr. Wright asked we only have a two year contract and Supervisor Ringler responded from the tipping fee when we renewed our contract they discussed a two year fee structure and it is negotiable after that point in time. Mr. Wright indicated that they were going to get you after two years anyhow so you might as well pay it, as history has shown that when you pay the \$64.00 for another year, it is going to go up again in another year and if it was him he would pay the \$48.00 and worry about another year when it come, because you are going to pay dearly from now until the time that you break that agreement because they are the only show in Town for Bethlehem and you are at their

mercy. Mr. Wright indicated one other comment on their accounting have they ever shown you any numbers for the tonnage of garbage which comes from the City as no revenue is derived from it. Mr. Secor indicated that that tonnage was in the figure for these rates so essentially they are charging themselves. Mr. Wright asked the City is charging itself? Mr. Secor indicated those again, from the numbers that we have seen, those tonnages are in there. Mr. Wright indicated again we can talk about this all day but again you have no choice it is the only show in Town the bottom line. Supervisor Ringler indicated very well said.

Councilman Burns asked if the rate moves to \$64.03 effective February 1st, Gerry had mentioned before what is the impact of January since a month has gone by and the haulers have already - Supervisor Ringler indicated that we really haven't gotten into that, if it comes down to that we will probably have to extend it to next year and make it one month at the end of the year. Mr. Wright indicated that they were going to be billed for \$48.00 in January is what you are saying? Supervisor Ringler indicated that that was all that we are paying the City for, OK and he had told his dad that when he called him, that that was the agreement that the Mayor had made, that he would not make it effective until February 1st. Gerry Wright indicated one other comment and he appreciated that the Town had tried to negotiate and all of that, but it is still a little late coming and they are being billed now for January, and Supervisor Ringler indicated but you also know Gerry that I have talked with both you and your dad that chances were that it would happen and that was one of the reasons. Mr. Wright asked if it would be possible for us to have a months notice it would be appreciated and Supervisor Ringler indicated that it would be on our part also and Mr. Wright indicated that he understood their situation.

Councilman Gunner asked but they have promised us or claimed that we would be notified earlier in the future and Supervisor Ringler indicated that that was what they have promised us. Laughter. Mr. Secor indicated that the first time around they had notified us in July, the first time around we had it in July, but we will move forward from there. Councilman Burns asked that he took it at this point that we were the fourteenth and final community that has agreed to pay this - Supervisor Ringler indicated that everyone is going to pay it and everyone has agreed to it, the City is possibly negotiating with some Cities and saying if you want to pay us, those for example who are paying it municipally, if you want to delay the payments we will then lend you the money but you are going to pay it with interest and Schenectady was one of those and they are still trying to decide what they are going to do because theirs is basically a municipal situation. Gerry Wright asked if that was going to effect the January bills as this would be a case where it would effect the interest but a year later. Supervisor Ringler indicated that he did not know we would cross that bridge when we come to it, he was hoping that they were just going to forget January, and this was off of the record. Laughter.

Councilwoman Galvin asked Bruce you have been talking to the accountant most recently, when do they expect to have the year end financial done for 1990? Mr. Secor indicated that he had not asked them that question, but previously this other breakout that they gave us was a six month audit that they go through with OGS for working out the sale and the reimbursement for the register items and so they would have although that time period ran and he did not bring that down but it seemed like that one was May through August, and maybe they were not a calendar year. Councilwoman Galvin indicated that one of the things that she would request would be regular receipt of those OGS six month audits, copies for our records and for our review and that would give us a better feel for where we are going in the future.

Councilman Burns asked Ken just one final thing. Could someone give him a real quick sketch of how the billing process works with ANSWERS did they tip every day and the next month you will get a bill and is there any copy of that bill or any notification to us. Mr. Secor indicated that the bill comes to us and they never see it and we re-bill them. Councilman Burns indicated then we see it right away and then re-bill them, and that was usually a month later. Mr. Secor stated well we might get the bill on about the 10th or the 11th of the month and we have to turn that bill over so it might be half way through the month before you see the month, right. Mr. Wright indicated yes it was

usually around the 9th or the 10th of the month when they received it and then what they did was they get a slip every day on the tip and depending on where the load comes from it says Town of Bethlehem or it might say Robert Wright and they receive a slip every time and the bill that the Town produces is just a list of all of those slips with a 50 cents per ton surcharge added to the bill.

Supervisor Ringler asked if someone would like to offer a motion that we agree to increase our Tipping Fee by the \$16.53 is that what it is exactly, that the City is asking for.

The motion was made by Mr. Burns and seconded by Mr. Ringler that the Town Board of the Town of Bethlehem agrees to an increase in the tipping fees payable to the City of Albany under our ANSWER'S contract in the amount of \$16.53 effective February 1, 1991. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.

Noes: None.

The Supervisor thanked Mr. Secor.

The next item on the agenda was to consider adoption of the resolution pertaining to the Waste Water Treatment Plant Modifications which Bruce has provided for you. The SEQRA paper work and also a sample resolution on the passage of this. He asked if anyone had any questions? No questions were asked and the Supervisor asked if anyone would like to offer a Negative Declaration.

The motion was made by Ms. Galvin and seconded by Mr. Webster that a Negative Declaration be made for the SEQRA determination covering the Modifications to the Waste Water Treatment Plant. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.

Noes: None.

The Supervisor asked if anyone would like to offer the resolution approving this project.

The Town Board of the Town of Bethlehem has heretofore established the Bethlehem Sewer District which includes a Wastewater Treatment Facility located in the Cedar Hill area, on the west bank of the Hudson River, Town of Bethlehem, County of Albany.

A map, plan and report, entitled "Wastewater Treatment Plant Modification Study", dated June 1990, has been prepared in a manner and detail determined by the Town Board regarding the proposed modifications and refurbishment of the Wastewater treatment plant located in the Cedar Hill area, Town of Bethlehem, County of Albany.

The map, plan and report were prepared by J. Kenneth Fraser and Associates, P.C., competent engineers licensed by the State of New York, and includes, among other things, detail of existing conditions, description of existing wastewater treatment facilities, engineering investigations and recommended plant facilities, as well as estimated costs thereof.

The maximum amount proposed to be expended for the contemplated modifications and refurbishment of the wastewater treatment plant is Three Million One Hundred Thousand Dollars (\$3,100,000.00).

The Town Board of the Town of Bethlehem is desirous of modifying and refurbishing the aforementioned wastewater treatment facility located in the Cedar Hill area and that it is nearing its Phase I (current) designed treatment capacity and additional flows and loads received at the plant will require an additional aeration tank with associated piping and equipment. Service, wear and corrosion on mechanical units operating since 1974 will also require equipment replacement or modifications. The Town Board believes that it is in the public interest to go forward with the modifications and improvements to the wastewater treatment facility as proposed herein.

Wastewater
Treatment
Plant
Modifications
Negative
Declaration
SEQRA and
Adopt
Resolution
and
Order of
Approval

The Town Board has heretofore and on December 12, 1990 adopted a Resolution calling for a Public Hearing to be held at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, New York on the 9th day of January, 1991 at 7:30 p.m. to consider said report and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required or authorized by law.

A notice of such public hearing has been given as required by the Town Law by posting and publishing in the official newspaper of the Town of Bethlehem and circulating in said district.

All persons desiring to be heard in favor of and in opposition to said proposal have been duly heard.

On motion of Mr. Gunner and seconded by Ms. Galvin, it is hereby

RESOLVED AND ORDERED, that it is in the public interest to undertake the project to modify and refurbish the Wastewater Treatment Facility including, but not limited to, providing a power factor correction capacitors, providing another means of sludge thickening, providing separate pump controls for both return and waste activated sludge pump, replacing the sludge storage tank mixing system, providing a new additional final clarifier tank unit, refurbishing the dissolved air flotation thickener and associated equipment, refurbishing the bar screen, constructing a new grit removal and grit loading system and enclosing the new sludge tank, bar screen, grit removal and grit loading facilities and a new headworks building, all to be located within the hereto established Bethlehem Sewer District; and it is further

RESOLVED AND ORDERED that the maximum amount to be expended for said improvements is the sum of Three Million One Hundred Thousand Dollars (\$3,100,000.00).

The adoption of the foregoing Resolution and Order was duly put to a vote, the result of which is set forth opposite the name of each Board member voting thereon.

DATED: January 23, 1991

Kenneth J. Ringler, Supervisor
Frederick C. Webster, Councilman
Robert J. Burns, Councilman
M. Sheila Galvin, Councilwoman
Charles A. Gunner, Councilman

Members of the Town Board
Town of Bethlehem

Councilman Gunner asked before we go on to the next item and not directly related to this but indirectly at some point will we get more information from the Capital Outlay Committee. Supervisor Ringler indicated, yes, there is a meeting scheduled for next week and Councilman Gunner asked but this is outside of that and Supervisor Ringler responded that it was.

Councilman Burns asked Councilman Gunner if he expected his comment on this to become so famous about flushing the toilet. Councilman Gunner stated that why it was unusual the wonderful things he says. Supervisor Ringler indicated that the newspaper reporter was here and Councilman Gunner indicated that his wife indicated that she was embarrassed.

Approval
Reimbursement
Overpayment
of Water
Rents for
December

Supervisor Ringler indicated that next item was a request from Kenneth P. Hahn, Receiver of Taxes & Assessments, for approval of refunds of overpayments of water rents in the amount of \$20.84 for the month of December.

The motion was made by Ms. Galvin and seconded by Mr. Burns that refunds of overpayments of water rents totaling \$20.84 for the month of December, 1990 be made to persons whose names appear on the list furnished by the Receiver of Taxes & Assessments and on file in the office of the Town Clerk. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
Noes: None.

Next was a request from John Flanigan, Building Inspector, for renewal of the Construction Trailer Permit for Niagara Mohawk Power Corporation to be located at the Route 32 Feura Bush intersection. Renewal
Construction
Trailer
Niagara
Mohawk Power
Corporation

The motion was made by Ms. Galvin and seconded by Mr. Gunner that a Trailer Permit be issued to Niagara Mohawk Power Corporation to park three construction trailers on Route 32 at the Feura Bush Road intersection for a period of one year in conjunction with the construction of the new 115 KV electric line. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
Noes: None.

Next was a request from John Flanigan, Building Inspector, for a approval of a construction trailer permit for the Somerset Woods Subdivision located on Wemple Road. Approval
Construction

The motion was made by Ms. Galvin and seconded by Mr. Gunner that a trailer permit be issued to Richard H. List, Inc. for a construction trailer to be located on building lots 4 and 8 in the Somerset Woods Development for a period of one year. The motion was passed by the following vote: Richard H.
List, Inc.

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
Noes: None.

Next was a request from Michael Cirillo, Department of Public Works, for the acceptance of one deed for Storm Drainage at Snowden and Plymouth Avenue from James C. and Margaret E. Ross pending approval of the Town Attorney.

The motion was made by Mr. Webster and seconded by Ms. Galvin that the deed document from James C. and Margaret E. Ross covering a Storm Drainage Easement on Snowden Avenue and Plymouth Avenue, as approved by the Engineering Department of the Department of Public Works, and the Town Attorney be and it hereby is accepted and shall be recorded in the office of the Albany County Clerk. The motion was passed by the following vote: Deed
Acceptance
Plymouth Ave.
and
Snowden Ave. -
Ross

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
Noes: None.

Next the Supervisor asked for a motion to approve the Town Board Minutes of December 12th, December 26th and January 2nd, 1991. Approve
Minutes of
Dec. 12, 1990,
Dec. 26, 1990
and
Jan. 2, 1991

The motion was made by Ms. Galvin and seconded by Mr. Burns that the Town Board Minutes of December 12, 1990, December 26, 1990 and January 2, 1991 be approved as submitted to the Board. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
Noes: None.

Next was a request from Bruce Secor, Commissioner of Public Works, for consideration of Local Law No. 1 of 1991 amending Local Law No. 5 of 1990 imposing a Solid Waste Facility Moratorium. As they could see the Committee is requesting a six month extension on that Moratorium. We would have to have a public hearing to do that and if that is agreeable to the Board he would like to recommend that we do that and

as we have three weeks between now and our next meeting we could do that at the meeting of February 13th at 7:30 p.m.

Public Hearing Set - Local Law No. 1 of 1991 Amending Local Law No 5 of 1990 - Imposing Solid Waste Facilities Moratorium

The motion was made by Ms. Galvin and seconded by Mr. Gunner that a public hearing be set for February 13, 1991 at 7:30 p.m. to consider Local Law No.1 of 1991 Amending Local Law No. 5 of 1990 Imposing a Solid Waste Facility Moratorium Law for an additional six month period of time. The motion was passed by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Burns, Ms.Galvin, Mr.Gunner. Noes: None.

Next they had a request from Lieutenant Vanderbilt of the Bethlehem Police Department to approve the sale of an impounded vehicle.

MEMORANDUM

DATE: January 16, 1991 TO: Town Board, Town of Bethlehem FROM: Lt. R.L. Vanderbilt SUBJECT: Sale of Impounded Vehicle

Request the Town Board's permission to sell the following vehicle at public auction at Northway Motors. The proceeds from the sale are to be applied to the storage and towing bill at Zakens' Garage, Rt. 144, Selkirk, New York.

1985 Ford 4DSD VIN 2FABP22X6FB110798 Color Black

Amount owed Zakens \$2,745.00

Supervisor Ringler indicated that he had some questions of this one and as you might guess when he saw this, the way that this works is these are the bills that were run at Zakens before he informed the Town that this vehicle had not been claimed. We are not responsible for that amount of money. The way this works is this car goes to auction and if we get \$1,000.00 that is all the Mr. Zakens gets, the Town is not responsible for anything beyond that, if there is any proceeds over and above the \$2,745.00 that money does belong to the Town, but when he first saw this today he called the Chief and said why did we leave that car there running up these bills, but we did not, once we were aware that this was now being declared an abandoned vehicle, it was removed and brought to the Highway Garage so no additional fees were run up once it became our responsibility, but we still have to go through this process.

Approve Sale of Impounded Vehicle at Public Auction

The motion was made by Ms. Galvin and seconded by Mr. Burns that the 1985 Ford 4 Door Sedan, Vehicle Identification No. 2FABP22X6FB110798 - Color Black be sold at public auction at Northway Motors and the proceeds from the sale applied to the storage and towing bill at Zakens' Garage, Route 144, Selkirk, NY. The motion was passed by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Burns, Ms.Galvin, Mr.Gunner. Noes: None.

Supervisor Ringler indicated that in all honesty the Highway Department looked at this vehicle to see what kind of condition it was in and whether or not it would be worthwhile, we were considering using it as a Detective vehicle, but our mechanics recommended not. He should not say this before it is auctioned.

Appoint Philip Maher - IDA Member

Next was a request from the Supervisor for the appointment of Philip Maher to the Industrial Development Agency to replace George Mann.

WHEREAS, the Town Board of the Town of Bethlehem, by resolution duly adopted November 14, 1973, established and organized the Bethlehem Industrial Agency and

WHEREAS, there is a need to appoint a new member of such agency, due to the resignation of George Mann, now therefore be it

RESOLVED that Philip Maher be and he hereby is appointed a member of such agency to serve at the pleasure of the Town Board.

The foregoing resolution was presented by Ms. Galvin, was seconded by Mr. Webster and was duly adopted by the following vote:

<u>AYE</u>	<u>NO</u>	<u>ABSENT</u>
Mr. Ringler	None	None
Mr. Webster		
Mr. Burns		
Ms. Galvin		
Mr. Gunner		

Carolyn M. Lyons
Town Clerk, Town of Bethlehem

- - -

Councilman Robert J. Burns indicated that he had a couple of questions, the Supervisor had summarized this for him a couple of months ago but the total number of members on the IDA and who they are right now and is the Comptroller designated. Supervisor Ringler indicated that historically it has been done that way because the check books and so forth are here in Town Hall and it makes it much easier if our Comptroller handles that to be honest with him, and that is why it was done. Councilman Burns asked and the other members of the Agency. Supervisor Ringler indicated that the other members at this point are Bob Hendrick, Neal Moylan, Ruth Bickel and himself. Councilman Burns asked and it is authorized to have a total membership of? The Supervisor responded that they have five and Councilman Burns asked so this brings it to what, and Supervisor Ringler responded to where it should be. Town Attorney, Bernard Kaplowitz, indicated that he did not remember if you could have more and Supervisor Ringler indicated that at one time we only had three, and several years ago Bob Hendrick had recommended an expansion of the Committee and that was when he was appointed to it and he thought that Neal Moylan at the same time, but there are five members at this point in time. The Annual Meeting will be taking place on February 4th of the IDA and then they elect their own officers and chairman and so forth according to the by laws in the original the Town Board appointed the very first Chairman but subsequent to that they elect their own officers each year.

Next was a request from David Austin, Administrator of Parks & Recreation Department, for appointment of Seasonal Personnel for some of his winter activities.

Lifeguard at a rate of \$5.75 per hour.

Daniel P. Cohen
65 Oldox Road
Delmar, NY 12054

Michael G. Leyden
54 Brockley Drive
Delmar, NY 12054

Appoint
Seasonal
Personnel
Parks &
Recreation
Dept.

Recreation Supervisor at a rate of \$4.60 per hour.

William Acquario
3 Groesbeck Place
Delmar, NY 12054

Recreation Supervisor at a rate of \$5.35 per hour.

Charles Manning
18 Salisbury Road
Delmar, NY 12054

Recreation Instructor I at a rate of \$4.70 per hour.

Anne Byrd
51 Marlboro Road
Delmar, NY 12054

Recreation Instructor II at a rate of \$5.25 per hour.

Gloria VanDerPoel
Route 9W
Glenmont, NY 12077

The motion was made by Ms. Galvin and seconded by Mr. Gunner that at the request of David Austin, Administrator of Parks & Recreation Department, the above-mentioned personnel be and they hereby are appointed to serve at the pleasure of the Town Board at the recommended rates of pay. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
Noes: None.

Approve
Purchase
Heavy Duty
Dump Truck
On State
Contract
Highway
Dept.

Next was a request from Martin Cross, Superintendent of Highways for permission to purchase a Heavy Duty Dump Truck from the State Contract at a total cost of \$42,986.00. As you know, Marty has a procedure for turning over his trucks and he buys maybe one or two a year or something along those lines and keeps rotating them.

The motion was made by Ms. Galvin and seconded by Mr. Webster that Martin J. Cross, Superintendent of Highways be and he hereby is authorized to purchase one (1) heavy duty dump truck from the 1991 State Contract at a cost of \$42,986.00. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
Noes: None.

Next the Town Board received a recommendation for award of bid for one 3-5 Ton Roller from Martin Cross, Superintendent of Highways,

January 16, 1991

Bethlehem Town Board
445 Delaware Ave.
Delmar, NY 12054

Dear Board Members:

On January 2, 1991 the Town advertised for bids to purchase a new 1991 Blacktop roller or a used 1989 or newer blacktop roller with less than 200 hours of operating time on the meter for the Highway Department. Bids were solicited from five suppliers with two bids being received from Southworth-Milton, Inc. and Rupp Rental & Sales on January 14, 1991.

One bid was received on a new 1991 3 to 5 ton roller from Rupp Rental at \$22,800.00 after trade-in allowance. One bid was received on a used 1989 3 to 5 ton roller from Southworth-Milton, Inc. at \$19,003.00 after trade-in allowance. This used Hyster roller has 118 operating hours on the meter. The State Contract offers a new 1991 4 to 6 ton roller for \$22,998.00 with no trade-in allowed.

Award Bid
3-5 Ton
Blacktop
Roller to
Southworth-
Milton, Inc.

After careful review of all bids, I find that the used roller offered by Southworth-Milton, Inc. will suit the needs of the Highway Department. This roller is used primarily for shoulder work, blacktop shimming and sidewalk work. I have personally inspected this roller and founds that it meets or exceeds our specifications in every detail. The cost of this used roller shows a 16% savings (approximately \$3,800.00) over the other two rollers.

Therefore, I find it in the best interest of the Town of Bethlehem to award the contract for a 3 to 5 ton roller to Southworth-Milton, Inc. of Menands, New York

Very truly yours,
/s/ Martin J. Cross
Superintendent of Highways

The motion was made by Ms. Galvin and seconded by Mr. Gunner that a used 3 to 5 ton blacktop roller be purchased from Southworth-Milton, Inc. at a cost of \$19,003.00 after trade-in allowance. The roller has 118 operating hours on the meter and has been inspected by the Highway Superintendent. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
Noes: None.

Councilman Burns indicated that he certainly agreed with the purchase of the used roller and he realized that he is a layman on this but \$22,000 or \$23,000 for an item that seems fairly simple, it is all bulk, an engine and a roller, or is there something to a roller that is really worth this. Gregg Sagendorph, Foreman for the Highway Department was present and indicated that actually it is the hydrostatic drives and the transmission and you could not hurt a roller and that is why we are going with the used one and we personally inspected it but you are right it is just a big hunk of metal but that is the going price. Councilman Burns indicated but it doesn't do anything other than flat roll.

Next the Town Board had a request from Martin Cross, Highway Superintendent, to award the bid for all grades of Unleaded Gasoline to Long Oil Heat of Albany and to Main Brothers Oil Company for diesel fuel.

January 16, 1991

Bethlehem Town Board
445 Delaware Ave.
Delmar, NY 12054

Dear Board Members:

On December 19, 1990 the Town advertised for bids to purchase 3 grades of unleaded gas and diesel fuel for use by various departments within the Town. On January 3, 1991, three bids were received from Agway Petroleum, Long Oil Heat, and Main Brothers Oil Company.

After careful review of all bids, I find Long Oil Heat to be low bidder on all three grades of unleaded gasoline and Main Brothers Oil Co. to be the low bidder on the diesel fuel. Both companies meet or exceed all specifications as required by the town on their respective products.

Therefore, I find it in the best interest of the Town of Bethlehem to award the contract for all grades of unleaded gasoline to Long Oil Heat and to award the contract for diesel fuel to Main Brothers Oil Co. of Albany, New York

Very truly yours,
/s/ Martin J. Cross
Superintendent of Highways

Award
Bid For
Gasoline
and
Diesel
Fuel to
Long Oil
Heat and
Main
Brothers
Oil Co.
respectivel

Councilwoman Galvin indicated that she had one question, did we have bids as she had not received a copy. Councilman Webster stated that they had received the results at the last Town Board meeting.

The motion was made by Mr. Webster and seconded by Mr. Gunner that the bid for all grades of Unleaded Gasoline be awarded to Long Oil Heat of Albany and for Diesel Fuel to Main Brothers Oil Company, Inc., Albany, N.Y. for 1991. The motion was passed by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Burns, Ms.Galvin, Mr.Gunner.
Noes: None.

Next was a request from Martin Cross, Superintendent of Highways, to award the bid for Fuel Oil to Main Brothers Oil Company of Albany, N.Y. This being the low bidder.

January 16, 1991

Bethlehem Town Board
445 Delaware Ave.
Delmar, NY 12054

Dear Board Members:

Award Bid
Fuel Oil

On December 19, 1990 the Town advertised for bids to purchase fuel oil, (heating oil), for use by the various departments within the Town. On January 3, 1991 four bids were received from Agway Petroleum, Long Oil Heat, Main Brothers Oil Co., and Scharff's Oil and Trucking Co.

After careful review of all bids, I find that Main Brothers Oil Co., the low bidder, meets or exceeds all specifications for fuel oil as required by the Town.

Therefore, I find it in the best interest of the Town of Bethlehem to award the contract for fuel oil to Main Brothers Oil Company of Albany, New York.

Very truly yours,
Martin J. Cross
Superintendent of Highways

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the bid for Fuel Oil requirements for 1991 be awarded to Main Brothers Oil Co., Inc., Albany, N.Y. the lowest of the bids received and conforming with the specifications of the Town. The motion was passed by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Burns, Ms.Galvin, Mr.Gunner.
Noes: None.

Approval
Go To Bid
1991
Mid-Size
Passenger
Cars

Next was a request from Martin Cross, Superintendent of Highways to go to bid for 1991 mid-size sedan passenger cars. We could advertise on January 30th and open bids on February 11th.

The motion was made by Ms.Galvin and seconded by Mr. Burns that the Town Clerk advertise for bids for 1991 mid-size passenger cars as required by various departments within the Town of Bethlehem on January 30, 1991 and that bid be received up to 2:00 p.m. on the 11th day of February, 1991 at which time they will be publicly opened and read. The motion was passed by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Burns, Ms.Galvin, Mr.Gunner.
Noes: None.

Approve
Collection
of Recyclable
Household
Batteries

Next was a recommendation from Martin Cross, Superintendent of Highways, for recycling household batteries on a voluntary basis. Marty has been in several times to discuss this and he thinks that it is a great idea and he thought that the Solid Waste Task Force has looked at it and Sharon has been working on it and we can dispose of these batteries at \$29.00 per hundred pounds, and the recommendation being that we attempt to put some boxes out at various locations throughout the Town and have Sharon advertise that we have this as a mechanism for disposing of these household batteries and he thought that it was a great program and was one more step in attacking the solid waste problem in a very positive manner and he just needed authorization to let Marty go ahead and do this.

Councilwoman Galvin indicated that she had one question are we going to need any added personnel time for this in any way. Supervisor Ringler indicated, No it was his understanding Marty said that with his people on the road he could make pick ups as they are in different sections of the Town without any problem, you know he would just be strategically picking them up when he had people doing different work in different areas or the foremen were out or so forth. Gregg will probably have to do it all.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the Superintendent of Highways be and he hereby is authorized to collect household batteries for recycling within the Town of Bethlehem, every two or three weeks at various locations throughout the Town and when a sufficient quantity is obtained they will be transported to Mereco. The motion was passed by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Burns, Ms.Galvin, Mr.Gunner.
Noes: None.

Next the Supervisor acknowledged receipt of the 1990 Annual Report from the Parks & Recreation Department.

Acknowledge
Receipt
1990
Annual
Report
Parks &
Recreation
Dept.

The last item on the Agenda was a request from John Flanigan, Building Inspector, to allow three members of his staff to attend the Eastern States Building Officials Conference, and as they could see in the letter they requested that they be allowed to go to this conference which is out of Town. He looked at this further and although they are required to have mandatory training, there are opportunities locally for them to get this, so they do like to go to this even because they do have a lot of interaction with other officials and so forth but in line with the current policy that he has, he told them that he would probably not recommend approval of them to travel when they could get the mandatory training locally, but they came back and said that they would still like to go to this and pay their own expenses other than the registration fee and they are just requesting the time off and that would be his recommendation.

Councilman Webster asked if we would give them transportation and Supervisor Ringler indicated by Town car as it was a very short trip; it was ninety miles or something like that and they could all go together.

The motion was made by Mr. Burns and seconded by Ms. Galvin that three staff members from the Building Department be and they hereby are allowed the time off to attend the Eastern States Building Officials Conference on March 6, 7 and 8, 1991 with Town reimbursement for only the \$30.00 Registration Fee for each person. The motion was passed by the following vote:

Approve
Time Off
For
Bldg. Dept.
Personnel
to Attend
Eastern
States
Bldg.
Officials
Conference

Ayes: Mr.Ringler, Mr.Webster, Mr.Burns, Ms.Galvin, Mr.Gunner.
Noes: None.

The Supervisor asked for someone to offer the motion to conduct an Executive Session to discuss pending litigation at the end of the meeting.

The motion was made by Ms.Galvin and seconded by Mr. Gunner that the Town Board meet in Executive Session following the close of the Town Board meeting to discuss pending litigation. The motion was passed by the following vote:

Ayes: Mr.Ringler, Mr.Webster, Mr.Burns, Ms.Galvin, Mr.Gunner.
Noes: None.

The Supervisor indicated that in line with everything that is happening in the world situation we have been working, and he has been working with several of our Fire Departments, the Slingerlands Fire Department, had a couple of members that have children that are in

Discussion
 "We Care"
 Day -
 Feb 9, 1991

Saudi Arabia and they wanted to do something and they wanted to send packages to residents of our Community who are there and we are going to be releasing some press releases and they came to him for assistance and he has been trying to help them as much as he could, particularly in the area of organizing and getting the proper PR and on February 9th, a Saturday, the Fire Departments throughout the Town with Slingerlands as the lead are going to be conducting a We Care Day in the Town of Bethlehem where they are going to have the Fire Houses open for delivery of various materials. Lynn Corrigan of his office is working with them putting the list together of what is acceptable and what they would like to get and the local ministers have been contacted by the association with the possibility of maybe conducting some kind of a community service on that afternoon too for our community to support our armed forces and particularly those from the Town of Bethlehem. A couple of things that we are doing with them is as soon as we can find some yellow ribbon there is not a lot of it available these days, but they were trying to find it, they wanted to put yellow ribbon on all of the entrance signs to the Town and he has authorized them to do that, and he has ordered some more for the Town Hall but they have not come in yet, and again because yellow ribbons are hard to find at this point in time. He has also asked THE SPOTLIGHT and they graciously did that for us today to put a box in there for anyone to call our office with the names so that we can put a list together of all of the residents of our Town who are serving in Saudi Arabia. So he just wanted to bring everyone up to date on that and you will be hearing more about it with the help of the media and he hoped that it would be a great Community Day to support the efforts of our armed services.

Supervisor Ringler asked if there was anything else that anyone would like to bring before the Town Board.

Councilman Frederick C. Webster indicated that there are sign up sheets in all of the Fire Houses if anyone has a name they want to put on the list immediately, they are available and there is a place to do that at the fire houses already.

Councilman Robert J. Burns asked the Supervisor if we had any reservists or National Guard people from Town employment who have been called up right now. Supervisor Ringler indicated that we have one police officer who is in Saudi Arabia at the moment, Officer Vunck. There are others who are reservists at this point in time but have not been called up. There are several other police officers he thought three more that he was aware of which if it does happen it could cause us some difficulty. Councilman Webster indicated that at least two or three of our paramedics have volunteered for a three week period to give up their own personal time and travel U.S. Transport Planes from Germany to the States as paramedics to assist with relief of the strain on the medical forces and whether or not they will ever be brought up for that or not, but some of them have signed up for that. Supervisor Ringler indicated that one of the things that was requested of him last week and our Town Hall employees came through as they always do, if there are serious numbers of casualties and the VA Hospital has to be used they are going to have to take many of the patients out of the VA Hospital that are there now and in one situation they expect to move fifty of them to the Good Samaritan Nursing Home and put them in hallways and places like that and the Good Samaritan Nursing Home has asked for volunteers of people who would be willing to assist over there and he sent a list around Town Hall and the response was overwhelming from our employees and he is very proud of them but that is something that hopefully they won't need it.

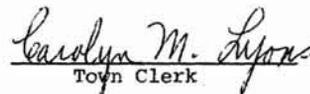
The motion was made by Mr. Webster and seconded by Mr. Gunner to adjourn the Town Board meeting at 9:13 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
 Noes: None.

Discussion
 American
 Refuel
 Status

Councilman Burns asked before we adjourn he asked the Supervisor if he had any response to your two letters that went out about a month ago now to Charlie Fritts and to Larry Merritt, any response on the issues that you raised. Supervisor Ringler indicated that he has had some verbal discussions with American Refuel and they are considering their options at this point in time as to where they might go and he

expects a response from them shortly. Don DeAngelis is still researching the situation on whether or not it is legal for them to even consider it and he expects to have a response from him in the next week or so. Councilman Burns asked and any communication with DEC as far as any activity going on is concerned. Supervisor Ringler indicated that DEC has made it a commitment that no activity will happen until we are on board. Councilman Burns asked and that is still where we stand and Supervisor Ringler assured him that it was.


Town Clerk

No formal action was taken at the Executive Session.