

TOWN BOARD
APRIL 12, 1995

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

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

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Supervisor Fuller welcomed every one to the regular Town Board meeting.

Acknowledge
1994 Police
Dept. Annual
Report

The first item was to acknowledge the 1994 Police Department Annual Report from Chief of Police, Richard LaChappelle, for information purposes.

Seasonal
Personnel
Parks & Rec.
Dept.

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

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator, Parks & Recreation Department, dated April 12, 1995. The motion was passed by the following vote:

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

Approve
Town Board
Minutes
3/8/95 and
3/22/95

The following item was approval of the Town Board minutes of March 8 and March 22, 1995.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the minutes of March 8 and March 22, 1995 as submitted. The motion was passed by the following vote:

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

Discussion
Elm Avenue
and
Elm Ave. E.
Water District
Expansion

Following was a discussion regarding the public hearing held in regard to the proposed Elm Avenue/Elm Avenue East Water District extension. Supervisor Fuller noted due to the withdrawal of signatures from the petition, there is less than 50 percent of the assessed valuation and therefore, it is determined that there is no longer enough support for the proposed extension. Councilman Putney said he is particularly upset by the fact that people who have the water by virtue of special acts of the Town Board and people served as out-of-district customers are now denying it to their neighbors. He indicated due to the abstention or refusal to go along, the water is now being denied to the other neighbors and he did not know what could be done about this. He said he has spoken with Mr. Secor about this. He said he is hoping a way can be found so the people who really want the water will get it.

Mr. Nicolas Vitillo ask to speak to the Board in regard to this extension. He said he has property along Elm Avenue. He asked if homeowners would be able to hook-up to the water if it is extended to Elm Avenue by way of Wildwood Lane. Mr. Crisafulli said the water will be extended, noting it is in the planning stages. Mr.

Crisafulli said it was subject to this water district and he will be speaking following Mr. Vitillo. Mr. Vitillo asked, in other words, whether this is approved by the people or not, Mr. Crisafulli is going to continue with his plans. Mr. Crisafulli said this was correct. Mr. Vitillo said it will come across his property and asked if he will be able to connect into it. Mr. Crisafulli explained he is coming down Wildwood Lane to Elm Avenue. Mr. Vitillo asked if he is coming around the front. Mr. Crisafulli said that has not been clarified yet. Mr. Vitillo said he understands Mr. Crisafulli is coming down to the corner of Elm and Elm East. Mr. Crisafulli said the water would have to get down there but they do not know how yet. Mr. Vitillo asked if it gets there if they can hook into it. Supervisor Fuller said that decision cannot be made at this time. Mr. Vitillo asked if they pay for their frontage, why can't they hook into it. He said he cannot understand why they have turned the water down and he feels if they pay for it, they should be allowed to hook in.

Supervisor Fuller noted if it is feasibly possible this might be done but everything has to be looked into. Mr. Secor explained he has to go back and look at a different configuration of the district. He is trying to find a way to do this and help the people out. He said in all the water districts that have been done, most have been done by petition. He said this was the same procedure.

Mr. Vitillo asked if the people who took their name off the petition really understand what the situation is. Supervisor Fuller noted they signed a letter that appeared to explain this to them. Mr. Vitillo said he guessed they do then. He thanked the Board. Supervisor Fuller thanked Mr. Vitillo.

Councilman Putney said he had a question regarding the proper thing to do. He asked if the Board should table this and bring it back. Supervisor Fuller indicated the Board can take no action at this point. She noted it has failed due to the lack of the majority of the assessed value.

Mr. Crisafulli next asked to address the Board. Supervisor Fuller noted the public hearing was held 3 weeks ago. Mr. Crisafulli said he knew this. He said it was okay, noting it would not have made a difference. He said he is not a good public speaker but he wanted to let everyone know, some of the neighbors and the Town Board, that he has conditional approval for a 15 lot subdivision. He said it fronts on Wildwood Lane and Elm Avenue. He said he agreed to have the subdivision included in the new water district. He said since this has been rejected, he will submit an application for a water district to supply the 15 lots. He said he has to go forth, indicating he has been 5 years getting approval. He said he would just like to mention -- since mention has been made of making the district smaller -- if the district is smaller, that is going to increase the cost of the assessment to the people requiring the water. He asked Mr. Secor if this was correct. Mr. Secor said again, if properties are dropped off, he said you lose the cost of pipe but you also lose some homes. He said he is re-doing the calculations. Mr. Crisafulli said everyone agrees the price is a little bit dear but that is okay. Mr. Secor noted that is because of the light density. Mr. Crisafulli said he has some property on Elm Avenue with a well and this is costly also. He said it costs about \$400 a year for this operation noting some of the expenses. He said in the proposal, this is really a buy to have Town water and not have to deal with the pump, water softeners and electricity. He also noted the people in that district, if he goes forth and gets his own water district, in the future to extend the water will be very costly. He said there will be about 2.5 million dollars in assessed value if he builds the 15 lots and this will reduce the cost of the water district. He said there may also be some other construction which would further reduce the cost.

Mr. Crisafulli said he thinks the people that came forth and discouraged this district to go forth are really doing an injustice to the rest of the citizens in that area. Supervisor Fuller thanked Mr. Crisafulli.

Supervisor Fuller said this issue will be looked at further and if possible it will go forward. She thanked everyone for coming.

Presentation
Bike Path

Following was a presentation by Michael Cirillo, Engineering Services Administrator, to update the Town Board regarding the Elm Avenue bike path. He exhibited maps showing the proposed route and explained some of the obstacles along the pathway. He indicated the path would be 2 and 1/2 miles long. It would start on Delaware Avenue near the high school and run southerly along VanDyke Road to the Delmar Bypass extension, easterly along the extension to County Route 52, southerly along County Route 52 to the Town Park entrance and then easterly and southerly along Town road Elm Avenue to University Street which is the northerly most street of Skycrest development. He said the project is listed on the Capital District Transportation Committee's transportation program for 1994 through 1999. He said the list was established as of March of 1994. The period of 1994 to 1995 was outlined on the list as the time for the preliminary design and land acquisition. He said 1994 to 1996 is the period for the construction of the pathway. He said the Engineering Division has been working with the New York State staff, Department of Transportation, for the design. He said they will be assisting the Engineering Division with the engineering report. The State will be providing the environmental section of the report.

Mr. Cirillo showed the route giving some basic information about the route. He said there is an easement to be obtained from the School District. He noted it will be an 8 foot wide bike path. Councilman Webster asked if this was asphalt all along the way. Mr. Cirillo said it would be blacktop. Councilwoman Davis said one of the criteria for this particular grant was that you have either 4 feet of bike path on either side of the road or 8 feet on one side and you elected the 8 feet. She said it sounds like a considerable amount but then you only have to deal with properties on one side of the road. Mr. Cirillo said this was correct.

Supervisor Fuller asked if the easement from the school district was by the football field. Mr. Cirillo said it is basically from the intersection of Delaware Avenue down to the bus garage. He said it is quite long and 5 foot wide. Supervisor Fuller asked about the fence along the football field. Mr. Cirillo indicated the fence is back sufficient distance. Councilman Putney asked if that had to go before the school district voters. Mr. Cirillo said it does not. He said he has been told by a number of people at the school that it can be handled by the school board. Councilwoman Davis inquired about the parking spaces along the road. Mr. Cirillo said when the improvements were made, a paved area was supplied on the easterly side. He further noted this will not conflict with that at all. Councilman Webster said this was all on Town right-of-way. Councilman Lenhardt asked if there would be some kind of grass separation. Mr. Cirillo said there is a 3 foot strip.

Mr. Cirillo said there are a few problems along County Route 52. He said some fill may have to be used noting permission may have to be obtained from the County for this work including a work permit. He also noted there are some wetlands along the route and this will have to be designated on a map. He said there is consideration being given to 5 feet of pavement on each side of the road pavement. He indicated the County has yet to approve the concept.

Mr. Cirillo indicated this brings the path to the Town Board and from this location, the path will be on Town roadways. Elm Avenue is a Town road from there southerly to University Street. Councilman Putney asked if this was done, people would have to cross coming out of the park to go back to Delmar. Mr. Cirillo said yes but if they are going to Axbridge Lane or some other area close by, they would have to cross the street. He said this will be an improvement from what is there now.

Mr. Cirillo said going down along Elm Avenue, a 4 foot strip of pavement would be installed adjacent to the roadway pavement. He noted there are some poles and trees that will have to be removed or

relocated. He said there are some deed conveyances to be completed. He said other things to be considered is the existing drainage along the pavement and existing signs; mailboxes along the pavement which have to be relocated; driveways; and poles.

Mr. Cirillo indicated at this point, appraisals must be obtained for the 3 parcels and the State has to review the appraisals. He said the engineering report has to be submitted, noting it has been drafted and the State is doing a portion of this. He said the approvals from the Albany County Public Works Department have to be obtained in regard to County Route 52. A project manual is being put together, according to Mr. Cirillo, including project specifications. He said at this point he is requesting the Board to authorize the moving forward of this project. Mr. Cirillo indicated this project is funded by the Federal government, the State and the Town. The Capital District Transportation Committee had estimated over \$200,000. for the project and until that final segment is done, Mr. Cirillo cannot come up with a closer figure than that. The Federal government will pay 80 percent, the State 15 percent and the Town 5 percent. He said the Town's 5 percent share can be offset by the design that is being done.

Councilwoman Davis said she and Mr. Cirillo have had several conversations about this bike path and she remembers when she first read this proposal and how enthusiastic she was about this. She said she still thinks it is a wonderful project, however, she applauds him for all the work he has done on this and thanked him. Mr. Cirillo thanked Mrs. Davis. Councilman Webster also commended Mr. Cirillo for a good job.

The motion was made by Mrs. Davis and seconded by Mr. Webster to approve the proceeding with the Elm Avenue Bike path project and authorizing the Supervisor to sign the required agreements and appraisals. The motion was passed by the following vote:

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

The following item was a request from Bruce Secor, Commissioner of Public Works, for Wastewater Treatment Plant modifications and major maintenance contract 1G. Mr. Secor explained the memorandum outlined the present status of the work. He said the plant is about 20 years old. He said there is an investment in new energy saving systems and changes have been made. This results in savings of money both now and in the future. He said these modifications have also helped quite a bit in controlling the process. He said pumps, motors and clarifiers have been improved. He noted some of the areas have been under water and changes were needed to fix the problems. He said the items have been detailed. The project has been completed and there is about a \$20,000. change order needed to cover the costs of these modifications. He said this was very much needed.

Wastewater
Treatment
Plant
Modifications
and
major maintenanc
Contract 1G

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the payment of the change order for the Wastewater Treatment Plant modifications as presented by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

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

The following item was to accept the resignation of Planning Board Member, Gary Swan. Supervisor Fuller explained Mr. Swan and his family are moving to Schoharie. She said Gary will certainly be missed and thanked Gary for all his years of very dedicated service.

Accept
Resignation
Planning
Board Member

The motion was made by Mr. Webster and seconded by Mrs. Davis to accept with regret the resignation of Gary Swan, Glenmont, NY as Member of the Planning Board of the Town of Bethlehem effective at

the close of the next regularly scheduled Planning Board meeting on April 18, 1995. The motion was passed by the following vote:

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

Councilwoman Davis said having served with Gary on the Planning Board she respects his opinion. She said he has made a great contribution during his years on the Planning Board and the Board of Appeals before that.

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

The Supervisor asked for a motion to meet in Executive Session following the regular Town Board meeting.

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

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

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 8:07 p.m. The motion was passed by the following vote:

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

Kathleen G. Newkirk
Town Clerk

Executive
Session

EXECUTIVE SESSION

There was no action taken at the Executive Session.