

TOWN BOARD
APRIL 14, 1999

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
George Lenhardt, Councilman
Doris M. Davis, Councilman
Robert C. Johnson, Councilman
Susan Burns, Councilman
Kathleen A. Newkirk, Town Clerk
Bernard Kaplowitz, Esq., Town Attorney

Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board and invited them to join in the pledge of allegiance.

The first item was a request from David Austin, Administrator, Parks & Recreation Department, for acceptance of donation toward the replacement of playground equipment at Town Hall from Christine Edwards, Delmar, NY. Supervisor Fuller mentioned that this is added to the donation that Stewart's has already given last year. She said a new playground will be put in to replace the equipment that is older. She said it is for children under 5.

Parks and
Recreation accept
donation for
replacement of
playground equip-
ment

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to accept the donation of \$167.51 from Christine Edwards, 8 Furman Place, Delmar, NY toward the purchase of replacement playground equipment at the Town Hall. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds for the Clearview Subdivision.

Engineering
Services for
acceptance of
deeds Clearview
Subdivision

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to accept the deeds for the Clearview Subdivision from James J. Corbett and Eileen M. Burke, Glenmont, New York and Charlew Construction Co., Inc., Schenectady, New York, as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

The following item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deeds for Cherryvale Subdivision.

Engineering
Services for
acceptance of
deed Cherrvale
subdivision

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the acceptance of deeds for the Cherryvale Subdivision from Charlew Construction Co., Inc., Schenectady, New York, as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

Engineering
Services
acceptance
of deeds for
Paula Estates
Extension I
Subdivision

The next item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds for Paula Estates, Extension I Subdivision.

The motion was made by Ms. Burns and seconded by Mr. Johnson to accept the deeds for Paula Estates, Extension I from Joseph Allegretta, Albany, New York as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

Engineering
Services
acceptance
deeds for
Wildwood Lane

The next item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deeds for Wildwood Lane Subdivision.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the acceptance of deeds for Wildwood Lane Subdivision from Mr. Joseph Crisafulli, Selkirk, New York, as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

Engineering
Services
acceptance of
deeds Forest
Hill Road

The following item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deeds for Forest Hill Road.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to accept the deeds for Forest Hill Road from Woodrow J. Beuregard, Jr., Dillon, Montana as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

Public Works
award of bids
corrugated metal
and plastic
pipe for 1999

The following item was a recommendation from Terrence Ritz, Engineering Division, Department of Public Works, for award of bids for Corrugated Metal and Plastic Pipe for the year 1999.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the award of bids for Corrugated Metal Pipe and Pipe Arch to Chemung Supply Corporation, Elmira, New York and Capitol Highway Materials, Baldwin Place, New York at the bid prices submitted and items as listed in the Memorandum from Mr. Ritz dated April 7, 1999. The motion was passed by the following vote:

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

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the award of bid for Aluminum Culvert Pipe to Capital Highway Materials, Baldwin Place, New York as requested by Terrence Ritz, Engineering Division, Department of Public Works. The motion was passed by the following vote:

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

The motion was made by Mr. Johnson and seconded by Mrs. Davis to award the bid for Plastic Pipe to Capital Highway Materials, Baldwin Place, New York; Chemung Supply Corporation, Elmira, New York; and Vellano Brothers, Inc., Latham, New York as recommended by Terrence Ritz, Engineering Division, Department of Public Works as listed in the Memorandum dated April 7, 1999. The motion was passed by the following vote:

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

Noes: None.

The following item was a request from Bruce Secor, Commissioner of Public Works for award of bid for Generators to Southworth-Milton Power Systems, Albany, NY.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the award of bid for two (2) trailer mounted diesel generators to Southworth-Milton Power Systems, Albany, New York as request by Bruce Secor, Commissioner of Public Works. The motion was passed by the following vote:

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

Noes: None.

The following item was a request from Bruce Secor, Commissioner of Public Works, for approval of change order regarding Town Hall addition.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the change order in the amount of \$16,121.99 regarding the Town Hall addition work.

Councilman Davis asked Mr. Secor if there was a reason why this did not come earlier in noting the dates. Mr. Secor said in these types of contracts because it is renovation work, there is an allowance for a certain amount of add on work during the construction. He said rather than process these one at a time, it is being done as one change order. Some of the items, Mr. Secor noted, could have come in under the allowances under the contract. He noted a couple of the contracts actually had a reduction from the total bid. Mr. Secor noted to come within 2 percent of the contract price is very, very good when you are working with an older building.

Councilman Lenhardt commented that he totally agreed with a couple of the items, and noted the matching of the carpeting was one of the items. He also complimented the matching of the exterior brick. He said the addition is very well done. Mr. Secor reiterated, renovation work is very difficult. Supervisor Fuller noted it was a challenge and comments were being received that it was taking a very long time but she said good things come to those who wait. She commented that it came out very well and people are enjoying the elevator. She said this has been a real plus for the building. Councilman Johnson said seeing as how Mr. Secor had to almost do this in his spare time, along with his other duties, he thinks part of the low overrun was due to Mr. Secor's fathering the project., Mr. Secor that this was correct and that 3 or 4 architects were interviewed and this one had the best ideas, the best approach to the solution. He said it was a difficult thing to do but he did make it work very well.

Councilman Burns asked where the additional \$16,000 was coming from in the budget? Mr. Secor said the original bid amount was such that even with the \$16,000 the price is below the original estimates. He said it is actually below the second low bidder. Councilman Davis asked if the additional money could be used toward the vestibule or will it be kept for whatever else needs to be done in the mean time. Mr. Secor asked Mrs. Kehoe if this was capital reserve funds. Mrs. Kehoe noted it was and that if this is

Public Works
award of bid
Generators to
SouthWorth-
Milton Power
Systems

Public Works
approval change
order regarding
Town Hall
addition

considered part of the scope of the original project and it is still under the overall budget, it can be done. If it is considered as a separate project, according to Mrs. Kehoe, it would have to be approved.

The motion was passed by the following vote:

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

Parks and
Recreation
approval
appointment
seasonal
personnel

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

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator, Parks and Recreation Department, dated April 14, 1999 at the titles and salaries listed. The motion was passed by the following vote:

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

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Councilman Burns explained that she was abstaining because a family member is included.

Request from
Building Inspector
approval Construction
Trailer Permit
Clearview Sub-
division

The next item was a request from John Flanigan, Building Inspector, for approval of Construction Trailer Permit for Clearview Subdivision, Wemple Road, Glenmont.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve a construction trailer permit for the Clearview Subdivision, Wemple Road, Glenmont for Charlew Builders, Schenectady, New York as requested by John Flanigan, Building Inspector. The motion was passed by the following vote:

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

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Supervisor Fuller noted this would be with the stipulations indicated.

Request from
Building Inspector
renewal dumping
permit for
Elsmere Avenue

The next item was a request from Building Inspector, John Flanigan, for renewal of dumping permit for Elsmere Avenue, Delmar.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to renew the dumping permit for Gregoroy A. Burnham for 309 Elsmere Avenue, Delmar, NY 12054. The motion was passed by the following vote:

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

Request from
Chief of Police
two-way Radio
equipment purchase

The following item was a request from Richard LaChappelle, Chief of Police, for approval of standardization of two-way radio equipment purchases in the communications center. Supervisor Fuller said this equipment was hit by lightening back in October.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the standardization of two-way radio equipment purchases in the communications center.

Supervisor Fuller asked if there was any discussion. Councilman Davis asked Chief LaChappelle to explain that this was simply replacement and essential for those listening. Chief LaChappelle said this is primarily a project that will replace damaged equipment. He said the reason for the standardization is because it was one type of system and some undamaged equipment can be utilized thereby reducing the overall cost.

Councilman Davis said there is discussion about a need for radios through the fire department and standardization and anything that is done will be compatible with the system. Chief LaChappelle said most of this equipment is in the communications center itself. He said anything that is done will be compatible with any direction that the Town and other emergency services take.

Supervisor Fuller noted there was a meeting with the Police Chief, Lieutenant Bebe and Mr. Eck and Councilman Johnson and there was discussion of different items. She said this was one of the radio committee's recommendations and that this is simply a repair. Councilman Johnson noted there is some great progress being made and thank the Chief for his cooperation. Councilman Davis said she thinks everyone is concerned about the safety of the residents and this is part of that.

The motion was passed by the following vote:

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

Noes: None.

The next item was a request from Chief of Police, Richard LaChappelle, to go to bid for radio and communications center equipment. Could advertise April 21, 1999 and open bids on April 30, 1999 at 1:00 p.m.

Chief of Police
go to bid for
radio and
communications
center equipment
and resolution

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

WHEREAS, the Town desires to advertise for bids for the purchase of radio and communications center equipment pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 21st day of April, 1999 and that bids be received up to 1:00 p.m. on the 30th day of April, 1999 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

The next item was a request from Comptroller, Judith Kehoe, for adoption of resolution to approve supplemental appropriation pertaining to communications equipment. Supervisor Fuller said this is basically the insurance money. She said the Town has received the reimbursement checks and they need to be moved into the supplemental portion of the budget. The following resolution was presented for adoption:

Request from
Comptroller
approve
supplemental
appropriation
communications
equipment and
resolution

RESOLUTION TO APPROVE
A SUPPLEMENTAL APPROPRIATION

RESOLVED, that pursuant to Town Law Section 112, the Town Board does hereby approve a supplemental appropriation in the amount of \$141,000, from the insurance proceeds received for the loss of property in connection with the lightning strike on October 14, 1998. The appropriation shall increase the Communications Equipment

code (A-3020.2) to enable the repair and replacement of the damaged property.

The foregoing resolution was presented for adoption by Mr. Johnson, seconded by Mrs. Davis, and passed by the following vote:

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

The next item was to approve Town Board minutes of March 24, 1999.

Approve
Town Board
Minutes
March 24,
1999

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the Town Board minutes of March 24, 1999 as submitted. The motion was passed by the following vote:

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

The final item was a presentation regarding the proposed Route 396 Bypass. Resident Albert Penk noted this was his third presentation to the Town Board. He thanked the Board for their patience in letting him do these presentations.

Al Penk
regarding
Proposed
396 Bypass

Mr. Penk first asked Mr. Secor if he found any information since the meeting of March 10th. Mr. Secor said he presented the documents showing Route 396 being designated by the State and the trucks can legally use Route 396 as a truck access route to the Thruway. He said this does not mean that the Town agrees with that or that it is the right thing, but that is what the State has done. He further said he met with DOT and they are still trying to get coordination done between the Thruway and DOT's regional office to schedule the next meeting in Selkirk. Mr. Secor indicated this information was contained in the Thruway report. Supervisor Fuller noted this was the information she sent to Mr. Penk. He said he just wished to verify this information.

Mr. Penk asked Supervisor Fuller if she has heard any more information. Supervisor Fuller said she did speak with Mark White and he was not able to attend the meeting because this is not a Town decision, this is a State decision and they will be meeting with the residents at the appropriate time, indicating the beginning of May. Mr. Penk asked the Supervisor if they agree that if the State did anything it would be a subdivision. Supervisor Fuller said she did not know. Attorney Kaplowitz noted it would depend upon what was being planned. He said the subdivision would allow the Town to have control over the roads but if the State of New York came in and said they were putting in a new road, they can do whatever they wish without any regard to the Town. Mr. Penk asked if the Town would be able to question that kind of decision. Attorney Kaplowitz said he has tried and you can do a lot of questioning but they do not do a lot of answering. If it is a State road and they own the land and they do not need the Town, they are not controlled by the Zoning Ordinance. He said the law says the Town of Bethlehem cannot pass laws that the State of New York has to obey. He noted, however, it works the other way around of course.

Mr. Penk asked if the State has to give the Town a transportation plan on where the roads are going through the Town and where certain vehicles are going to travel. Attorney Kaplowitz said to the best of his knowledge, he believes they do all that. Mr. Kaplowitz said new roads are getting scarcer and scarcer because money is become scarcer. He said they generally give a map to indicate what is coming. Supervisor Fuller said they have to hold public meetings, which are informational meetings only and then they hold the public hearings.

Mr. Penk referred to the Volmer study addressing the tandem trailer lots. The State should give the Town the courtesy of showing their master plan for the Town to the Board.

Mr. Penk said he thinks he won the Exit 22 battle, so he feels good but since he has got involved in this, he has concern for the people in the hamlet of Selkirk and the people in the hamlet of Delmar along Cherry Avenue and Elm Avenue. He said there is some serious addressing to be done there.

Mr. Penk questioned whether the designation of Route 396 as a safe thoroughfare for truck traffic can be questioned by the Town. Attorney Kaplowitz said the Town can object to it and ask them to cooperate with the Town but he has never seen anything that gives the Town any teeth to change that. He noted the Town can tell the State that we are not happy with it. He said generally they are very cooperative but this is the best you can get out of it. Mr. Penk said he thought the Town should be able to find out who approved the roadway.

Mr. Penk acknowledged that Mr. Harold Williams of the Selkirk Association For Every Resident, which he did not know existed. He said he contacted Mr. Williams and requested he be here. He noted any questions now about SAFER, someone is here to answer the questions. Discussion was held with Mr. Williams regarding the stopping of truck traffic on Route 396. He said it stopped for 2 months and then it started again. Mr. Williams said he thought it had to do with the approval to use the road and indicated it was 2 weeks, not 2 months. Mr. Penk mentioned several accidents that occurred in this area.

Mr. Penk proceeded to do a slide presentation showing the roadway of Route 396; the truck traffic traversing the roadway; exits of the Thruway regarding truck ingress/egress to tandem truck parking at various interchanges; and other issues involved with the rerouting of truck traffic from Route 396.

Discussion followed regarding the truck situation and changing the approval for the trucks to continue traversing Route 396. Mention was made that truck companies and drivers will not be very happy if ticketing is done to get compliance with the law.

Discussion also ensued regarding the size and length of the trucks traveling across Route 396 by Mr. Penk and Sgt. Bebe.

Mr. Penk further mentioned the widening of the bridge on Route 85 and what impact this will have on the Town of Bethlehem. He feels this will result in truck traffic on New Scotland Road and Elm Avenue. He feels the Town Board should be aware of the future situation that will be created. Councilman Davis noted the improvement to the bridge on Route 85 was requested by the Town for extension of the Cherry Avenue Extension to go around behind the Prize Chopper Plaza and reroute traffic off of New Scotland Road. She said this was to be a positive change.

Mr. Penk gave information regarding the traveling distance and costs involved to reroute the traffic from Route 396 to the Thruway either north or south of Creble Road. Information was also presented regarding Thruway interchanges and truck movement.

Mr. Penk mentioned the noise and tandem traffic patterns at Thruway interchanges, noting the Department of Transportation is looking at making a tandem lot 16 to 18 acres. He said there is no mention of lights for this lot.

Mr. Penk thanked the Board for their patience and offered to answer questions.

Supervisor Fuller thanked Mr. Penk and asked if this has been presented to the State. Mr. Penk said he did not, noting he is not interested in what the State is doing. Supervisor Fuller asked if she could forward the information to them. Mr. Penk had no objection. He said he is sure the State knows what he is doing because he went to see Mr. White. He said he got little satisfaction

and was quite disturbed the first time he came before the Board and was told it was not the Board's authority, responsibility or interest. He said he thought he was bringing up an interest for the whole Town. He said he believes the Board should be involved in this.

Supervisor Fuller thanked Mr. Penk for all his work on this project and hoped that he will join the Board in May when the public meeting is held by the State. Mr. Penk said he will be at any meeting they want. He said he did question the Department of Transportation to put on a presentation before theirs and he said he does not believe they will afford him the privilege. He said he believes we need representation with regard to this matter. Mr. Penk distributed an article from the newspaper regarding the widening of Delaware Turnpike. Supervisor Fuller noted this was in the Town of New Scotland. Mr. Penk said it will affect the Town of Bethlehem.

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Supervisor Fuller asked if anyone else wished to address the Board. Mr. Sagendorph said for clarification even though the report on the tandem axle lot at Selkirk is not an option, the State is still looking at the northern alternative as a possible Route 396 bypass. Mr. Penk offered to give the information. Supervisor Fuller said Mr. Penk could give the answer. Mr. Penk said the 193 option is taking the service area on the one side of the Thruway Authority, south of where 32 crosses the Thruway, and make the rest area into the southbound tandem area and put the northbound tandem area on the east side of it. That is one option open according to Mr. Penk. He said the second big option open is Exit 23, come off and carry them down the hill to the Port of Albany and expand that location down there. The third option is they expand Exit 24 and then there is an option that involved Normanside Country Club which he does not will make it anyway because there is not enough room or acreage. He said any place they are looking to put a tandem axle area, they are looking to put a 16 to 18 acre area with room for expansion. Mr. Sagendorph said even without that he wondered if DOT is still looking at the northern alternative for the Route 396 bypass as one of the alternatives. Supervisor Fuller said the Department of Transportation has indicated they will know in May. She said she thinks they have been back and forth on it noting it is still in a lot of discussion stages. Mr. Penk said he would like to see them take the northern one only to the south of Vroman Kill and solve all the problems.

Mr. Williams was asked how long the SAFER group met. Mr. Williams said they started in 1989, not being sure of the exact date, noting there were truck stops being put in and a bad intersection at Beaver Dam Road and truck traffic. He noted they also met with the trucking companies and they divert some of the dispatching to other routes. He said one of the problems is that the drivers do not know the area. He noted the counters are still out. Supervisor Fuller noted the counters seem to be out all over the Town. She asked if anyone knew why the counters were out. Mr. Secor noted it was due to the Route 396 project being on the transportation improvement plan. He said the consultants are doing that to update the traffic counts.

Mr. Williams said they worked with the Town and gave direction as to which way to go. He said they followed through and some of the residents were not happy. He thanked the Board for their help and noted this has been off the books and now it is back on the books.

Councilman Davis said she remembered how active SAFER was and how this all came about because of the residents of Selkirk. Mr. Williams agreed. Councilman Davis said they really worked hard to get this issue on the board to get a bypass for 396. Mr. Williams said it was the residents and the Town Board and staff. He said they all worked together on it.

Councilman Lenhardt asked Supervisor Fuller if she knew when the State plans to have the meeting in May. Supervisor Fuller said some time in May, however, they have not indicated. Mr. Lenhardt further asked what location they were going to use. Supervisor Fuller said it will be at the Becker Elementary School. Councilman Lenhardt

thanked Supervisor Fuller. The Supervisor said DOT will be doing a mailing to everyone in plenty of time for the announcement of the meeting.

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

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 9:07 p.m. The motion was passed by the following vote:

Town Board
meeting
adjourned

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

Kathleen D. Newkirk
Town Clerk