

TOWN BOARD
APRIL 22, 1992

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: Kenneth J. Ringler, Supervisor
Frederick C. Webster, Councilman
Charles Gunner, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

ABSENT: M. Sheila Galvin, Councilwoman
Sheila Fuller, Councilwoman

Supervisor Ringler welcomed everyone to the regular Town Board Presentation meeting and indicated if anyone has any questions, the Board will be happy to answer them as and when time permits. He said the first item on the agenda was a presentation pertaining to Earth Day. He proceeded to welcome the students from the Bethlehem Central School District who requested the opportunity to present some information to the Town Board. Mr. David Drexler said he was a member of the Students Reduce Our Trash Club. He outlined the program being carried out at the schools to reduce, reuse and recycle trash. He said the recycling program has been instituted and currently there is consideration being given to the addition of milk cartons.

Mr. Drexler said he was also here to ask for a partnership between Bethlehem schools and the Town Board to do more with existing programs and begin new ones. He said the environmentally sound packaging act or ESPA would allow for this partnership. He said basically this would create a market for recycled goods by mandating that packaging be made from recyclable material and then be 100 percent recyclable. He said they ask, especially on Earth Day, that the Town Board pass a resolution endorsing the environmentally sound packaging act. Mr. Drexler thanked the Town Board.

Supervisor Ringler thanked Mr. Drexler stating he was very pleased that the students were in attendance. He said he was also very happy that they have an interest in recycling. Questions were asked of the students in regard to whether or not other students are complying with this. Mr. Drexler said recycling is a big shock to the school but a lot of the students are taking very well to the recycling. He said the middle school has a really large turn out and they are getting a lot of paper recycled. He said the high school is the same and the Honor Society has been recycling aluminum cans now for a few years. He said this is working very well.

Supervisor Ringler noted he wished the students had forwarded the resolution and law before the meeting so the Board members had had a chance to review this before the meeting. He indicated this item will be placed on the next agenda for action, after everyone has had time to review the information submitted. He further noted that if the Board takes action, the resolution will be forwarded to those offices that are indicated. Supervisor Ringler agreed with all of the information stated. He thanked the students and wished them the best in all their efforts to reduce, reuse and recycle.

Supervisor Ringler next acknowledged receipt of Certificate of Approval of Final Plat No. 113-F, for the Lion Hill Subdivision, Route 144, Selkirk, NY from the Planning Board for information purposes.

Acknowledge
Final
Plat
Lion Hill
Subdivision

The Supervisor noted the next item was to acknowledge receipt of Certificate of Approval of Final Plat No. 110-F for the Brittany Estates Subdivision on Beaver Dam Road, Selkirk, NY from the Planning Board for information purposes.

Acknowledge
Final Plat
Brittany
Estates
Subdivision

Acknowledge
Final Plat
Paula Estates
Ext. 1 Sub.

Supervisor Ringler next acknowledged receipt of Certificate of Approval of Final Plat No. 127-F for the Paula Estates, Extension 1 on John Street, Selkirk, NY from the Planning Board for information purposes.

Acknowledge
Final Plat
Westchester
Woods Ext. 2
Subdivision

The next item on the agenda, according to Supervisor Ringler, was acknowledgement of Certificate of Approval of Final Plat No. 116-F for the Westchester Woods, Extension No. 2 Subdivision located on Axbridge Road and Elm Avenue, Delmar, NY from the Planning Board for information purposes.

Award Bid
Guide Rails

Supervisor Ringler said the next item was a recommendation from Gregg A. Sagendorph, Highway Superintendent, for the award of the bid for guide rails.

The motion was made by Mr. Webster and seconded by Mr. Gunner to award the bid for Guide Rails to Chemung Supply Corporation, Elmira, NY. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

Award Bid
Gravel

The next item, according to Supervisor Ringler, was a recommendation from Highway Superintendent, Gregg Sagendorph, for the award of the bid for gravel.

The motion was made by Mr. Webster and seconded by Mr. Gunner to award the bid for Gravel to two bidders, Run-of-Bank Gravel loaded on Town trucks to Clemente Latham-Valente Gravel Division, Wynantskill, NY for the pit located on Rupert Road, South Bethlehem and Type 4 Gravels and Run-of-bank Gravel hauled to any stockpile or road construction site within the Town to R.J. Valente, Troy, NY. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

Award Bid
Topsoil

Following was a recommendation from Highway Superintendent, Gregg A. Sagendorph for award of the bid for topsoil.

The motion was made by Mr. Webster and seconded by Mr. Gunner to award the bid for Topsoil to Peter K. Frueh, Inc., Feura Bush, NY. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

Conference
Juvenile
Fire Setting
Police Dept.

Supervisor Ringler said the next item was a request from Chief Richard J. LaChappelle, Bethlehem Police Department for approval of attendance at a seminar on Juvenile Fire Setting.

The motion was made by Mr. Webster and seconded by Mr. Gunner that Detective Cox and M/Sergeant Roberts be and they hereby are authorized to attend the seminar on Juvenile Fire Setting at the Latham Fire Department on May 2, 1992 with transportation by police vehicle and registration fee paid. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

The Supervisor indicated the following item was a request from Conference Chief of Police, Richard J. LaChappelle, for approval of attendance at Firearms a Firearms Instructors School. He explained in this particular Instructors instance, approval of expenses paid is being recommended due to the School fact this is required training for the new weapons to be purchased for Police the Police Department. Dept.

The motion was made by Mr. Webster and seconded by Mr. Gunner that Detective Mastriano and Officer Rinaldi be and they hereby are authorized to attend the Firearms Instructors School in Kingston, NY to be held May 12-15, 1992 with expenses paid. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

Following, according to the Supervisor, was a request from Chief Appoint of Police, Richard J. LaChappelle, for approval of appointment of Part-time part-time Animal Control Officer. Animal Control

The motion was made by Mr. Gunner and seconded by Mr. Webster that Officer Leonard F. Tompkins, be and he hereby is appointed to the position of part-time Animal Control Officer at a rate of \$6.73 per hour, effective May 25, 1992. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

Supervisor Ringler said the next item was a recommendation from Award Michael J. Cirillo, P.L.S, Department of Public Works, for the award of Bid the bids for iron castings, precast concrete manhole blocks and precast Iron reinforced concrete manhole sections. Castings

The motion was made by Mr. Webster and Mr. Gunner that the bid for Iron Castings be awarded as follows:

- Types I,II,V,VI,VII,VIII,IX,XXI to Syracuse Castings Sales Corporation, Cicero, NY and
- Types III,IV,X,XX to Edgerton Sales Corporation, Spencertown, NY.

The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

The motion was made by Mr. Gunner and seconded by Mr. Webster that Award Precast Concrete Manhole Blocks be awarded as follows: Bid Precast Concrete Manhole Blocks
Blocks Precast to an Inside Diameter of 4 feet, six inch barrel block, eight inch barrel block, six inch corbel block, eight inch corbel block and Precast Rectangular Blocks and Precast Corner Block six inch Blocks
stretcher block and six inch corner block to V. Zappala & Company, Inc., Rensselaer, NY and

Blocks Precast to an Inside Diameter of 5 feet, eight inch barrel block, eight inch corbel block and Precast Rectangular Blocks and

Precast Corner Block eight inch stretcher block and eight inch corner block to Dagostino Building Blocks, Inc., Schenectady, NY.

The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

Award Bid
Precast,
Reinforced
Concrete Manhole
Sections

The motion was made by Mr. Webster and seconded by Mr. Gunner that the bid for precast reinforced concrete manhole sections be awarded as follows:

4 foot Manhole Sections to Fort Miller Co., Inc., Schuylerville, NY;

5 foot Manhole Sections to Binghamton Precast & Supply Co., Binghamton, NY; and

Monolithic Base 4 foot and 5 foot to Dagostino Building Block Company, Schenectady, NY.

The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

Approve
Town Board
Minutes

The motion was made by Mr. Webster and seconded by Mr. Gunner to approve the Town Board minutes of March 25, 1992. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

Appoint
Seasonal
Personnel
Parks & Rec.

Supervisor Ringler said the next item was a request from David Austin, Administrator of Parks & Recreation Dept. for approval of appointment of seasonal personnel.

The motion was made by Mr. Webster and seconded by Mr. Gunner that the persons listed on the memorandum from Administrator David Austin, Department of Parks & Recreation, dated April 22, 1992 and on file in the Town Clerk's office, be and they hereby are appointed to the positions as listed. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

Assign House
Numbers -
Blessing Road
N. Bethlehem

Supervisor Ringler said the following item was a recommendation from Terry Ritz, Department of Public Works, regarding assignment of house numbers on Blessing Road, North Bethlehem.

The motion was made by Mr. Gunner and seconded by Mr. Webster that the numbers recommended by the Department of Public Works, be and they hereby are assigned to addresses on Blessing Road, North Bethlehem. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Gunner, Mr. Webster.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

Question was raised regarding the size of the numbers and that they be numeral, not written out. The Town Clerk noted the size of 3

inches and the request for numerical numbers can be indicated in the letter sent to the individual property owners.

The Supervisor noted the following item was a request from Bruce Secor, Commissioner of Public Works, for the acceptance of deeds under bond and revised letter of credit for the Krumkill Manor Development. Krumkil Manor S

The motion was made by Mr. Webster and seconded by Mr. Gunner that the deeds be and they hereby are accepted, under bond and pending receipt of the amended Letter of Credit, for the Krumkill Manor Subdivision, pending approval of the Town Attorney. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.

Noes: None.

Absent: Ms. Galvin, Mrs. Fuller.

The following item was a request from Bruce Secor, Commissioner of Public Works, according to Supervisor Ringler, to establish an escrow account for the Beverwyck development. Establ Escrow Acct. Beverw Develo

Supervisor Ringler explained that there are a couple of escrow agreements where there will be \$500,000. put into an escrow account. He noted also there was a request to allow the Commissioner of Public Works to permit draw downs without the Board approval. Mr. Secor has indicated he is reluctant to do this, the Supervisor said, as stated in a note in the information submitted to the Board. He said perhaps this should be done with the Commissioner of Public Works recommendation and the Supervisor authorizing the reduction. Mr. Duncan of Beverwyck said basically the problem is that time costs money and there may be a 90 day period for approval and certification before the draw can be made. He noted they were hoping that this may cut it down 15 or 20 days. Supervisor Ringler asked if there was a problem if this had to come to the Board. Mr. Duncan said it is only a matter of time.

Mr. Secor was asked what his reservation was by Councilman Gunner. Mr. Secor said since his department does the direct inspections, he usually likes to have someone who is not directly involved in that flow of paper approve the reductions. He said there has also been requests from the Board to check the lien docket to be sure there is no problem in the release of money. He said he does not think it is up to him to make a change in procedure.

Councilman Webster asked if there was any bad precedent being set. Mr. Secor said he would be reluctant, indicating this is a special situation, but he would be very uncomfortable with doing this with the normal developers. Mr. Kaplowitz asked what the normal turn around time is after completion. Mr. Secor said again, in some instances there is a 90 day waiting period. He said the contractor's could build Beverwyck or complete the work even though the development has not passed the final manhole testing. He said gravel could be put down and base blacktop could be done but again, there is a 90 day waiting period for things to settle. Councilman Gunner asked if this has been done before. Mr. Secor said it has not to his knowledge, since he has been Commissioner. He said this is very, very rare to get an escrow account, indicating it is normally a bond or a letter of credit.

Councilman Webster asked if it was correct that the interest on the account would accrue to Beverwyck. Mr. Secor said this was correct. Mr. Webster further asked where the benefit was to Beverwyck in regard to this procedure. Mr. Duncan said the difference would be between investments and return on CDs or the savings account. He said it would affect the time value of the money and would be about 7 percent as it stands now. He said candidly, it is a cash flow issue more than it is a cost issue. He said they are going this route because it is more cost effective than getting a performance bond.

Councilman Webster indicated the Board meets every two weeks and on the average, the maximum time between would be 1 week. He asked if this was really a burden. Mr. Duncan said in all candor, they are very sensitive to the issues the Board faces also. He said this is not a level of significance. Councilman Gunner would not like to vote yes on this. Supervisor Ringler indicated the only thing to be done then is the authorization of the escrow, noting it reads only the Town Board can take action in regard to release of money.

The motion was made by Mr. Gunner and seconded by Mr. Webster that the Supervisor be authorized to sign the escrow agreement for the Beverwyck Planned Development District. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
 Noes: None.
 Absent: Ms. Galvin, Mrs. Fuller.

Conference
 1992
 Highway
 Superintendents

The following order of business, according to Supervisor Ringler, was a request from Highway Superintendent, Gregg A. Sagendorph, for approval of attendance at the 1992 Highway Superintendents' school.

The motion was made by Mr. Gunner and seconded by Mr. Webster that Gregg A. Sagendorph, Highway Superintendent, be and he hereby is authorized to attend the 1992 Highway Superintendents' School to be held June 8-10, 1992 at Ithaca College, Ithaca, NY with payment of registration fee and use of Town vehicle for transportation. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
 Noes: None.
 Absent: Ms. Galvin, Mrs. Fuller.

Set Public
 Hearing
 No Stopping
 Signs -
 Route 32
 Elm Ave. Park
 Area

Supervisor Ringler said the next item was a recommendation from the Traffic Safety Committee pertaining to the installation of No Stopping signs on County Route 52, also known as Route 32, in front of the Elm Avenue Park.

The Supervisor noted there is history on this particular problem. He noted there is sufficient parking in the Town park area but the residents tend to park along the highway. He said there will be some unhappy people because they are going to have to walk a little further. He said he received a letter in 1991 in regard to this. He said this is a County road but they will agree to having signs placed, as long as the Board passes it. After checking with Attorney Kaplowitz, the Supervisor noted a public hearing must be held in regard to this proposal.

Councilman Gunner noted that mention was made that the people may park down further on the roadway and that may cause a problem down there. Mr. Austin said they are parking at the present time from about Feura Bush Road extending north to where the first parking lot is for the fields. Supervisor Ringler said the Town cannot go beyond Feura Bush Road because that is a State highway thereafter. Mr. Kaplowitz said the Board can do this on a County road but not on a State highway. Mr. Austin said the reason for the concern is that if you park just beyond Feura Bush Road on Route 32, there is about 100 to 200 feet of walking to get to one of the field areas, versus an 1100 foot walk from the parking lot. He said they may also park on Feura Bush Road because that is only 200 to 300 feet away. Supervisor Ringler asked if there was enough room for parking along Feura Bush Road. Mr. Austin said he did not think so. Supervisor Ringler said he thinks the Board should proceed on the part that the Board can do and if there is a problem with the State road after, then a letter could be sent to them. Highway Superintendent Sagendorph said Feura Bush Road is also a State roadway but indicated the State could be notified now of the intentions of the Town and note that this could be a problem in the future. Supervisor Ringler said this should be done.

The motion was made by Mr. Webster and seconded by Mr. Gunner that a public hearing be held on May 27, 1992 at 7:30 p.m. in regard to amending the Traffic Ordinance by adding the following under Section 3, Article IV, Parking:

3. On the east and west side of Elm Avenue in front of the Elm Avenue Park.

The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

Supervisor Ringler noted the next item was a request from Bruce Secor, Commissioner of Public Works, for approval of transfer of funds regarding purchase of safety equipment. Councilman Webster inquired if this equipment was on State contract. Mr. Secor indicated it was.

Transfer of Funds
Dept. of Public Works

The motion was made by Mr. Gunner and seconded by Mr. Webster that a transfer of \$3,000. be authorized from Contractual Expense item G8130.4 to Equipment G8130.2. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

The following item, according to Supervisor Ringler, was a request from Kenneth P. Hahn, Receiver of Taxes and Assessments, for repayment of the overpayment of water rents in the amount of \$16.57 for the month of March.

Refund Water Rents March

The motion was made by Mr. Gunner and seconded by Mr. Webster that the repayment of overpayment of water rents be and it hereby is approved for the month of March in the amount of \$16.57 as per the list on the Memorandum from the Receiver of Taxes dated April 20, 1992. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

The Supervisor asked if there was anything else anyone wished to bring to the attention of the Board. There was none.

The motion was made by Mr. Webster and seconded by Mr. Gunner to adjourn the Town Board meeting at 8:00 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner.
Noes: None.
Absent: Ms. Galvin, Mrs. Fuller.

Kathleen A. Newkirk
Town Clerk