

TOWN BOARD
APRIL 27, 1994

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
Freeman T. Putney, Councilman
Doris M. Davis, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

ABSENT: George Lenhardt, Councilman

Supervisor Fuller welcomed all in attendance to the regular meeting of the Bethlehem Town Board. The first item was a presentation regarding the Ravena Free Library.

Mr. Dan Frye said he is a Trustee of the current Ravena Free Library. He noted he was informing the Board of the upcoming proposition to be on the Ravena-Coeymans-Selkirk school district elections May 11, 1994. He brought some fliers which were handed out concerning the proposition. The proposition will establish the RCS Community Library along with the boundary of the RCS school district. There are 3 propositions on the ballot, according to Mr. Frye, the first being the establishment of the community library; the second being adoption of the first budget \$103,000; and the third, the election of 7 trustees to form the Board of the RCS Community Library. He noted this library is independent of the school district although it has the same boundary. The Board and budget is separate and, therefore, being voted on separately. The trustees of the current Ravena Free Library have done this for a number of reasons. The key reasons, Mr. Frye noted, are that they could not provide the services required by the patrons under the current budget; they need a stable funding source; and they would like to turn over control of the library to the voters directly. This community library would allow those others in the school district the option to use this library which formerly was controlled by the Village of Ravena.

Presentation
Ravena Free
Library

Mr. Frye asked if there were any questions. Councilman Putney asked if this library would be a member of the Upper Hudson Library Federation. Mr. Frye indicated yes, as they are now. Question was raised as to whether any building needs would be addressed in the foreseeable future and whether this will result in tax increases. Mr. Frye said this might be possible, indicating the budget is modest. He said they felt they wanted to start small, however, there are no specific plans at this time.

Question was asked regarding the people subject to the tax rate in Bethlehem being subject to the tax rate of the Bethlehem Library. Mr. Frye said this was correct. The number of staff members was also questioned. The library will have one full time professional librarian and one part time professional children's librarian and he did not know how many part time staff. The number of hours of operation were questioned. Mr. Frye said at the present time they are open approximately 30 hours a week, further noting the hours will be extended. He said they are looking to go to approximately 45 hours.

Councilwoman Davis asked if this library would be offering special programs and meeting space for the community, as the Bethlehem Library does. Mr. Frye said they offer programming now and in the budget is money for increased programming. He said they offer meeting space now for community services, noting that this is part of what libraries do traditionally.

Supervisor Fuller thanked Mr. Frye and wished them good luck with their proposition.

The next item on the agenda was a proposed agreement with Department of Environmental Conservation for a public fishing access site at the Henry Hudson Park, Cedar Hill.

Discussion
Proposed
Agreement
with DEC re:
Public
Fishing
Access
Henry Hudson
Park

Mr. Austin, Director of Parks & Administration, explained the co-operative agreement with En Con regarding the public fishing access site. He exhibited a diagram of the Henry Hudson Park indicating the location of the activity areas and where the proposed access site will be. He further noted that residents have been launching boats at the privately owned access point on the river. He said the biggest problem is where people park due to the land being private property.

Mr. Austin indicated he looked at a number of launch sites along the Hudson River. Some locations were done in conjunction with the Department of Environmental Conservation, indicating Coeymans had constructed their own.

Mr. Austin said the proposed site would be at the end of the concrete bulk head, located in a small wooded area which is presently not being used as part of the park activities. He noted there is a number of advantages because there is not a large drop off to the shoreline thus eliminating a steep grade down to the shoreline. He said it was all natural shoreline so there would not be any construction work into the cement bulk head. He said there is ample room for the access and parking on both sides and across the street without taking away from any of the other areas we are already using. The other advantage, according to Mr. Austin, is that there appears to be adequate drop off into the water due to an En Con representative entering the water. He said there is no design plan for this at this point. Mr. Austin provided the description of an access site, indicating it would be about 30 to 40 feet in width with a grooved cement ramp for traction. He said they would pour cement slabs on the shore and push them into the water, connecting them together and also connecting them to a shore anchor. He said there will be a small dock to accommodate no more than two boats at a time. He said this would be large enough for someone to park their vehicle and trailer or retrieve it. He noted he thought this would discourage boaters from outside the area from docking there for the day or for any length of time.

Mr. Austin said he proposes to continue to pursue this as a fishing access site and allow Dept. of Environmental Conservation to assist us with this project. He said the advantages of using En Con are (1) they have a lot of expertise; (2) free assistance with depth tests and providing engineering drawings that are required; (3) assist in preparing the permit application; and (4) oversee the construction. There is only one disadvantage, according to Mr. Austin, and that is that we must allow equal access to non-residents. He said his feelings are that this would happen anyway unless the facility was staffed -- which is a relatively expensive proposition.

Mr. Austin noted a report by DEC regarding the users and they estimate 80 percent were from the local community. He noted they did a residency check on this area over an 18 day period last summer and found about 65 percent of the users were from the Town of Bethlehem.

Mr. Austin said the resolution would authorize the Supervisor to sign an agreement with DEC. The basic provisions are that the Town would have to release the State and DEC from any liability; the Town will install and maintain the access site; and that we must provide equal access for non-residents. The agreement does give the Town the opportunity to restrict the remainder of the park facility to Town of Bethlehem residents. There is no funding available from DEC for this site. The State maintains approximately 275 facilities across the State. Mr. Austin estimates the cost of the access, the launch, the dock and the parking (which is the major expense) to be probably between \$35,000 and \$40,000. The time frame depends upon the permit process, Mr. Austin stated. The time is estimated to be approximately 1 year.

Councilman Webster asked if for some reason the agreement is signed and somewhere down the line this project did not pass the

budget periods would there be any obligation in signing the agreement. Mr. Austin said he believed there is a cancellation clause in it. Supervisor Fuller noted that it is contingent upon DEC providing the design plan. Attorney Kaplowitz said the Town can terminate on 90 days notice to DEC. He said the only restricting factor is that the Town could not use that property for any other purpose that would interfere with the use as a public fishing access site.

Councilwoman Davis asked if it would be possible to use signage at the dock area requesting 15 minutes or whatever to put the boat in the water. Mr. Austin said this can be done and this has been discussed with the representative from DEC. He said along with it there will be a sign with rules that has to be posted. Discussion was also held in regard to a special sign for the ski boats.

Councilwoman Davis also said under the conditions, the Town can establish certain hours of operation. Mr. Austin said this was also allowed, it would be from sunrise until 10 p.m. He further explained the reason for the 10 p.m. is that DEC's main reason for wanting to do this is to allow for more access for fisherman. He noted they often like to fish early morning and late at night when fishing is at its best. Mr. Austin said he pushed for the 10 p.m. time, indicating DEC wanted to have it open all night.

Councilman Putney asked if the ski boats could be prohibited. Mr. Austin said DEC has explained that most of them are licensed, just as a boat is, so they cannot prohibit them from using the waterways.

Supervisor Fuller asked about the impact on the Henry Hudson Park if this is approved. She referred to people who come to the park for picnicking. Mr. Austin said he thought people would be hesitant to come to the park from a long way outside the area, especially boaters because there will not be a lot of docking area. She asked if it would interfere in any way with residents who use the park. Mr. Austin said it would not.

The following resolution was presented for adoption by Mr. Putney:

WHEREAS, the Town of Bethlehem plans to enter into a cooperative agreement with the New York State Department of Environmental Conservation, stating the Town of Bethlehem is willing, in consideration of D.E.C. permitting, design and construction assistance, to develop a public fishing access site at Henry Hudson Park, and

WHEREAS, the Town of Bethlehem agrees to abide by the provisions set forth in said agreement, and

WHEREAS, the Town of Bethlehem and the Department of Environmental Conservation agree that the agreement is contingent upon receipt of a design plan which is to the satisfaction of the Town of Bethlehem and, be it further

RESOLVED, that the Supervisor of the Town of Bethlehem is hereby authorized to sign the cooperative agreement with the New York State Department of Environmental Conservation after a design plan is received and approved by the Town of Bethlehem.

Resolution
Cooperative
Agreement
NYSDEC re:
Public
Fishing
Access Site
Henry Hudson
Park

The motion was seconded by Mrs. Davis and duly adopted by the following vote:

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

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

Appoint
Seasonal
Personnel
Parks & Rec.
Dept.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the appointment of seasonal personnel as per the list submitted in the Memorandum from David Austin, Administrator of Parks

& Recreation, dated April 27, 1994. The motion was passed by the following vote:

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

Seminar Supervisor Fuller said the next item is a request from Kenneth
Tax Collectors Hahn, Receiver of Taxes, for approval of attendance at the Tax
Collectors Seminar.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the attendance of Kenneth Hahn, Receiver of Taxes and Assessments, at the 1994 Tax Collectors Seminar to be held June 12-15, 1994 at Lake George, New York with expenses paid. The motion was passed by the following vote:

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

Proclamation
re: Town
Clerks' Week

The Supervisor said the next item was a Proclamation regarding Municipal Clerks Week May 1-7, 1994. Mrs. Fuller noted the Town Clerk will be hosting an open house on May 6, 1994 from 8:30 to 6:00 p.m., all are invited. Councilman Webster asked if the notice of the open house would be posted. Town Clerk Newkirk said it would be posted on the bulletin board and the library.

PROCLAMATION
MUNICIPAL CLERKS' WEEK
May 1 through May 7, 1994

WHEREAS: The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and
WHEREAS: The Office of the Municipal Clerk is the oldest among public servants, and
WHEREAS, The Office of Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels, and
WHEREAS, The Municipal Clerk has pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.
WHEREAS, The Municipal Clerk serves as the information center of functions of local government and community,
WHEREAS, The Municipal Clerk continually strives to improve the administration of the affairs of the office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.
WHEREAS, it is most appropriate that we recognize the accomplishments of the office of Municipal Clerk.
NOW, THEREFORE, I, Sheila Fuller, Supervisor of the Town of Bethlehem, do recognize the week of May 1 through May 7, 1994, as Municipal Clerks' Week, and further extend appreciation to our Municipal Clerk, Kathleen A. Newkirk, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Supervisor Fuller indicated it was a pleasure to sign this proclamation. Town Clerk Newkirk noted there were 306 Town Clerks at the Desmond from Sunday April 24, 1994 through this date for the Annual New York State Town Clerks Conference.

Supervisor Fuller said the next item was a request from Town Clerk/Records Management Officer, Kathleen Newkirk, for approval of attendance at seminar Marriage of Micrographics and Optical Disk Technology.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the attendance of Town Clerk/Records Management Officer, Kathleen A. Newkirk, at the seminar Marriage of Micrographics and Optical Disk Technology to be held May 3, 1994 at Albany, NY with registration fee paid. The motion was passed by the following vote:

Seminar
Records
Management
Officer

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

Supervisor Fuller next acknowledged receipt of the negative SEQOR approval, conditional approval of final plat No. 180-S2A-CF and conditional approval of final plat no. 180-S2B-CF for The Meadows subdivision from the Planning Board for information purposes.

Acknowledge
receipt of
Negative
SEQOR approval
of Final
Plat
The Meadows
Subdivision

Supervisor Fuller said the next item was a recommendation from the Engineering Division, Dept. of Public Works, for assignment of house numbers on Beacon Road, Gay Street and Maple Avenue.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the assignment of house numbers recommended by Terrence Ritz, Engineering Division, Department of Public Works, as follows:

House Nos.
Beacon Road,
Gay Street,
Maple Ave.

125 Beacon Road - property owned by Jay Jakovic
7 Gay Street - property owned by A.T. Zautner, tax map no.
96.00,2,24.11
3 Gay Street - property owned by A.T. Zautner, tax map no.
96.00,2,24.12
378 Maple Avenue - property owned by Chester Ewell.

The motion was passed by the following vote:

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

The next item was a request from Bruce H. Secor, Commissioner of Public Works, for approval of attendance of two (2) Department personnel at a Pump School training session.

Seminar
Pump School
Training
Public Works

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the attendance of two (2) Department of Public Works personnel at a Pump School to be held May 19, 1994 at Schenectady, NY with registration fee paid. The motion was passed by the following vote:

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

The following order of business was a request from Bruce Secor, Commissioner of Public Works, for approval of attendance at the American Public Works Association meeting.

American
Public Works
Association
Meeting

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the attendance of Bruce Secor, Commissioner of Public Works, at the American Public Works Association meeting to be held May 12 and 13, 1994 at Philadelphia, PA with use of a Town vehicle for transportation. The motion was passed by the following vote:

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

Seminar
Trench
Safety
Public
Works

The next item was a request from Bruce Secor, Commissioner of Public Works, for approval of attendance of six (6) personnel at a training session for trench safety.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the attendance of six (6) Department of Public Works personnel at a training session on trench safety to be held April 29, 1994 with registration fee paid. The motion was passed by the following vote:

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

Seminar
DWI
Challenge
Workshop

The following item was a request from Chief of Police LaChappelle for approval of attendance of Sgt. Kerr and Officer Vunck at a DWI Challenge Workshop.

The motion was made by Mr. Webster and seconded by Mrs. Davis to approve the attendance of Sgt. Kerr and Officer Vunck at a DWI Challenge Workshop to be held May 11, 1994 at Albany, NY with transportation by police vehicle. The motion was passed by the following vote:

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

NYS Police
Officers
Association
Spring
Conference

The next item was a request from Chief of Police, Richard LaChappelle, for approval of attendance of Lts. Holligan and Vanderbilt at the NYS Police Trainers Association Spring Conference.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the attendance of Lts. Holligan and Vanderbilt at the NYS Police Trainers Association Spring Conference to be held May 11-13, 1994 at Lake Placid, NY with expenses paid and transportation by police vehicle. The motion was passed by the following vote:

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

NYS DARE
Officers
Convention

The following item was a request from Richard J. LaChappelle, Chief of Police, for approval of attendance of Officers McMillen, Bowdish, Linstruth and Rinaldi at the NYS DARE Officers State Convention.

The motion was made by Mr. Webster and seconded by Mrs. Davis to approve the attendance of Officers McMillen, Bowdish, Linstruth and Rinaldi at the NYS DARE Officers State Convention to be held April 21-23, 1994 at Colonie, NY with transportation by police vehicle. The motion was passed by the following vote:

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

Public
Safety
Communication
Officials
International
Spring
Conference
Telecommun.

The next item was a request from Chief of Police, Richard J. LaChappelle, for approval of attendance of Communications Supervisor Bartkus at the Association of Public Safety Communication Officials International Spring Conference.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the attendance of Communications Supervisor Bartkus at the Association of Public Safety Communication Officials International Spring Conference to be held May 2-3, 1994 at Woodbridge, New Jersey

with expenses paid and transportation by police vehicle. The motion was passed by the following vote:

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

The following item was a request from Chief of Police, Richard J. LaChappelle, for adoption of resolution authorizing the Supervisor to enter into a grant agreement with the Governor's Traffic Safety Committee to participate in a NYS Highway Safety Program.

Resolution
re: Grant
Agreement
Governor's
Traffic
Safety
Committee

The motion was made by Mr. Webster to adopt the following resolution:

RESOLUTION

RESOLUTION AUTHORIZING THE SUPERVISOR OF THE TOWN OF BETHLEHEM TO FILE AN APPLICATION AND ENTER INTO A GRANT AGREEMENT WITH THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE ENABLING THE TOWN OF BETHLEHEM TO RECEIVE FUNDS FOR THE EXACT AMOUNT CITED IN THE APPROVED HS-1 GRANT AGREEMENT AND TAKE PART IN THE NEW YORK STATE'S HIGHWAY SAFETY PROGRAM.

WHEREAS, the Federal Government, through the Federal Highway Safety Program has made funds available to the State and units of local government under Section 402(c) of Public Law 89-564, as amended to assist them in establishing coordinated highway safety programs; and

WHEREAS, the Governor's Traffic Safety Committee has been given the authority to review local programs and allocate funds to local applicants; and

WHEREAS, the Town of Bethlehem is desirous of participating in such a program and has developed the following project:

Town of Bethlehem Police Department
Traffic Enforcement and Education Program

in accordance with the guidelines and objectives of the Governor's Traffic Safety Committee.

THEREFORE BE IT RESOLVED:

That the Supervisor of the Town of Bethlehem be and hereby is authorized to file an application with the Governor's Traffic Safety Committee in order to receive funds for participation in the said project in the Town of Bethlehem; and

That the Supervisor of the Town of Bethlehem be and hereby is authorized to enter into a grant agreement with the Governor's Traffic Safety Committee, pursuant to the above mentioned program; and

That the Chief Executive of the Town of Bethlehem, be and hereby is authorized to advertise for bids and award contracts in accordance with this application.

Approved at to form:
/s/ Sheila Fuller
Sheila Fuller
Supervisor
Town of Bethlehem

The motion was seconded by Mr. Putney and the resolution was adopted by the following vote:

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

The next item was a request from John Flanigan, Building Inspector, for approval of renewal of dumping permit for property on River Road, Glenmont to continue a previously approved plan.

Dumping
Permit
F.J. Zeronda,
Inc.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the renewal of a dumping permit for F.J. Zeronda, Inc., 749 River Road, Glenmont, Town of Bethlehem, with conditions as recommended by Department of Public Works. The motion was passed by the following vote:

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

Authorize
Supervisor
to sign
amendment
1971 agreement
Sewer Line
Colonial
Woodlands
Subdivision

Following was a recommendation from Bruce Secor, Commissioner of Public Works, to authorize the Supervisor to sign an amendment to the 1971 agreement for the installation of a sewer line for the Colonial Woodlands Subdivision.

The motion was made by Mr. Putney and seconded by Mr. Webster to authorize the Supervisor to sign an amendment to the 1971 agreement for the installation of a sewer line for the Colonial Woodlands subdivision with expenses paid by the subdivision. The motion was passed by the following vote:

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

Authorize
Supervisor
to sign
consent
order
North St.
facility

The following item was a recommendation from Bruce Secor, Commissioner of Public Works, to authorize the Supervisor to sign an amended Consent Order prepared by DEC for the North Street facility. The Supervisor explained this order was necessary due to the severe winter weather and the closure plan had to be revised. She indicated this has been approved by DEC.

The motion was made by Mrs. Davis and seconded by Mr. Putney to authorize the Supervisor to sign an amended Consent Order prepared by the Department of Environmental Conservation for the North Street facility. The motion was passed by the following vote:

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

Supervisor Fuller asked if anyone in attendance wished to speak to the Board. There were none.

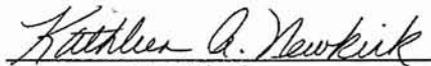
Executive
Session

The motion was made by Mr. Webster and seconded by Mr. Putney to adjourn to 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. Putney, Mrs. Davis.
Noes: None.
Absent: Mr. Lenhardt.

The motion was made by Mr. Putney and seconded by Mr. Webster to adjourn the regular Town Board meeting at 8:05 p.m. The motion was passed by the following vote:

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


Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.