

TOWN BOARD  
APRIL 28, 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  
Doris M. Davis, Councilman  
Robert C. Johnson, Councilman  
Susan Burns, Councilman  
Kathleen A. Newkirk, Town Clerk  
Bernard Kaplowitz, Esq., Town Attorney

ABSENT: George Lenhardt, Councilman

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

Commissioner of  
Public Works  
approval  
for award  
bid of  
chemicals

The first item was a request from Bruce Secor, Commissioner of Public Works, for approval of award of bid for Chemicals for 1999. Supervisor Fuller noted these are chemicals for the water and sewer plants.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the award of bid for Chemicals for 1999 as listed in the Memorandum from Bruce H. Secor, Commissioner of Public Works, dated April 20, 1999, to the companies listed at the prices quoted in the bid documents. The motion was passed by the following vote:

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

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Reduction in  
number of  
single family  
dwellings

Planned Residence  
District No. 11  
Delmar Village

The next item was a request for approval of reduction in number of single family dwellings from 56 lots to 31 lots for Planned Residence District No. 11, Delmar Village, from the applicant's attorney, Kent B. Sprotbery, Delaware Avenue, Delmar, NY.

Supervisor Fuller asked Mr. Sprotbery to give a brief overview of the request. He explained that they wished a variation from the present Building Project Approval No. 24. He said the request for a reduction of the single family homes from 56 to 31 units being predicated by the Army Corps of Engineers and the requirements which had to be met to meet the Army Corps request.

Mr. Bogardus, Land Planner, displayed maps to indicate the changes made to PRD No. 11, Delmar Village. He explained that wetlands existed on the site. He indicated the location of the roadway and building lots. Due to the changes in Federal wetlands, impacts were necessary to be mitigated, thus resulting in the reduction in single family lots. The map indicated the redesign of the project.

Mr. Bogardus further explained seven (7) acres will not be disturbed. He said with the project redesign it will keep to a minimum the amount of disturbance. He also noted the lots are doubled from the original proposal. He further said the density is now 1 house per every 1.3 acres, noting this is almost double the size of the lot.

Supervisor Fuller asked how the infrastructure changed. Mr. Bogardus said the sewer lines and storm sewer remain the same. He said a loop road was cut out to eliminate some of the impact on the wetlands.

Attorney Kaplowitz asked if the buffer zone was affected in any way. Mr. Bogardus said it has not changed.

Councilman Johnson asked about the time frame on the project at this time. Mr. Bruce Snitz, partner in the project, said the timing has been dictated by the issuance of a permit from the Army Corps of Engineers. He said the file has been completed and he has been told the file has been sent to New York City for review. He further noted the latest estimate is that they should be able to get the permit some time the week of May 3rd. He said they will proceed to close as soon as they get the permit.

Councilman Davis inquired as to what the first stages of the development will be. Mr. Bogardus said Fisher Boulevard is the first thing that is going to be done, from Orchard right to Delaware Avenue. Supervisor Fuller asked if that has remained the same. Mr. Bogardus said it has not changed.

Councilman Davis asked if there was an estimated time for the build out of this project. Mr. Bogardus said about 15 months to build out on the multi-family site. He said they also intend to coincide the start of Fisher Boulevard with the start of the single family streets and he thought within 4 to 6 months the streets and utilities will be in. He said the individual sites should be scrapped at this point in time and the plans are to sell it to a single family home developer. Councilman Davis thanked Mr. Bogardus.

Supervisor Fuller asked if there were any other questions. Councilman Burns inquired about the Army Corps of Engineers modifications to the original plan, asking what it changed. Mr. Snitz indicated the Army Corps of Engineers told them that they would not be able to get a permit with the impact on the wetlands. Thus, Mr. Snitz said, they had to revise the plan. He noted they had to impact less than 3 acres. Mr. Snitz said the requirement was for reduction of impact more so than reduction in lots. Mr. Bogardus said the project was approved as designed in 1989 and the Army Corps did not exercise any jurisdiction in 1989. He said if the project had started and gotten constructed in 1989, there would not have been an issue about it and the 56 lots would have been constructed and the wetlands would have been disturbed. He said the difference is the new rules and regulations. Councilman Burns thanked Mr. Snitz and Mr. Bogardus.

Supervisor Fuller said this is a reduction in the project.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the reduction in lots for Delmar Village, PRD No. 11 from 56 to 31. The motion was passed by the following vote:

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

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Supervisor Fuller thanked Mr. Sprotbery, Mr. Bogardus and Mr. Snitz for their presentation.

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The next item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deed for Colonial Woodlands Subdivision. Supervisor Fuller explained this was a change in the storm drainage area.

Engineering  
acceptance of  
deed for  
Colonial Woodlar

The motion was made by Mr. Johnson and seconded by Ms. Burns to accept the deed for Colonial Woodlands Subdivision as submitted and requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

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The next item was to acknowledge receipt of Lead Agency status being deferred to the Town Board by the Planning Board regarding First Columbia, New Scotland Road, Slingerlands pertaining to the

Acknowledge rec  
of Lead Agency  
being deferred  
to Town Board

rezoning of approximately 16 acres on New Scotland Road, Slingerlands from Planned Residence District to Planned Commercial District. Supervisor Fuller said this is the first time this had to be done. She noted the Board formerly gave lead agency status, however, the 30 day period resulted in no comments and, therefore, it is automatic that the Town Board become lead agency.

Supervisor Fuller said Planning Board Chairman Hasbrouck was kind enough to send a Memorandum to the Town Board to notify that the Planning Board does not have a problem with the lead agency status being given to the Town Board.

Engineering  
Department  
award of bid  
for Precast  
Reinforced  
Concrete Man-  
hole sections.

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The following item was a recommendation from Engineering Division, Terrence Ritz, Department of Public Works, for award of bid for Precast Reinforced Concrete Manhole Sections.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the award of bid for Precast Reinforced Concrete Manhole Sections as indicated on the Memorandum dated April 22, 1999 from Terrence Ritz, Department of Public Works, to the vendors listed at the prices indicated in the bid documents. The motion was passed by the following vote:

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

Engineering  
Department  
award of bid  
for Iron  
Castings

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The following item was a recommendation from Terrence Ritz, Engineering Division, Department of Public Works, for award of bid for Iron Castings.

The motion was made by Ms. Burns and seconded by Mr. Johnson to approve the award of bid for Iron Castings as directed in the Memorandum from Terrence Ritz, Engineering Division, Department of Public Works, dated April 22, 1999, to the vendors indicated at the prices quoted in the bid documents. The motion was passed by the following vote:

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

Parks and  
Recreation  
approval for  
seasonal personnel

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

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the appointment of seasonal personnel as requested in the Memorandum from David Austin, Administrator, Parks and Recreation Department, dated April 28, 1999, at the titles and salaries indicated. The motion was passed by the following vote:

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

Compliments  
new sign at  
Town Park Entrance.

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Compliments were extended to Mr. Austin regarding the new sign at the Town Park entrance.

Senior Services  
request for  
acceptance  
of donations

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The following item was a request from Karen Pellettier, Director, Senior Citizen Services, for acceptance of donations in the amount of \$833.

The motion was made by Mrs. Davis and seconded by Ms. Burns to accept the following donations for senior transportation with thanks:

In memory of Edmund Alford -	\$130.
In memory of Gene Sattler -	280.
In memory of Lois Riedel -	298.
Gift to Senior Services in appreciation of Caroline Wirth -	25.
Gift to Senior Services from the Onesquethau Lodge #1096, F & AM -	<u>100.</u>
TOTAL:	\$833.

The motion was passed by the following vote:

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

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The next item was a request from Town Clerk, Kathleen A. Newkirk, for adoption of a resolution pertaining to Records Management. Supervisor Fuller asked Town Clerk Newkirk to give a brief overview with regard to this item. Town Clerk Newkirk noted the Local Government Records Management Improvement Fund has an expiration date which will sunset in the year 2000 and the Senate and Assembly will be presenting a bill to remove the expiration date and extend the fund indefinitely. In order to support this legislation, the following resolution was presented.

Town Clerk  
Adopt resolution  
pertaining to  
Records Management

The following resolution was presented for adoption:

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and

WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a seven (7) year experiment, and

WHEREAS, the LGRMIF operated successfully and supported essential advisement and grants projects signally to improve the management of records and information in local governments, and

WHEREAS, the New York State Legislature in 1995 extended the sunset date to December 31, 2000, and

WHEREAS, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and

WHEREAS, the Town of Bethlehem has benefited from technical assistance, training, publications and six (6) grants totaling \$130,201 supported by the LGRMIF, and

WHEREAS, the LGRMIF continues to be critically important in the fulfillment of the many records and information related responsibilities of the Town of Bethlehem, therefore

BE IT RESOLVED, that the Town of Bethlehem supports the elimination of said sunset provision of December 31, 2000 in order to make the LGRMIF permanent.

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

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

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Town Clerk Newkirk thanked the Board. Supervisor Fuller noted the Town has been the beneficiary of \$130,201 in grant funds for records management.

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The next item was to acknowledge receipt of the Annual Report for 1998 from Receiver of Taxes and Assessments, Nancy Mendick.

Annual Report  
from Receiver  
of Taxes

Councilman Johnson said any time Mrs. Mendick can get such a glowing audit report from the Comptroller's office, she has done something awfully well and extended congratulations. Councilman Davis noted the goals and objectives are very honorable and the residents of the community appreciate everything that is done.

Councilman Burns asked with regard to the recommendations from the Comptroller, about the item regarding using a computerized spread sheet to accumulate the daily transactions and use the County software, inquiring if Mrs. Mendick knows what she is going to be doing and how it will be done. Mrs. Mendick said she does long hand math in a record book and adds them up. She said she has done that and at home she has word processing and spread sheet ability, Excel, so she is used to doing it home but it is not available here. She said the Public Works Department is getting a new computer system and she is going to look into getting some accounting software. She said that is definitely on her goals and she plans to discuss this with the computer department.

Supervisor Fuller thanked Mrs. Mendick. She said when the school taxes were first collected this year, someone came in and paid their taxes in a hurry. It was the first year the seniors had the benefit of the STAR program and they were anxious to pay it the first day because they thought there was a mistake.

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Acknowledge receipt of 1998 annual franchise from Mid-Hudson Cablevision

The next item was to acknowledge receipt of the 1998 annual franchise fee from Mid-Hudson Cablevision, Inc. in the amount of \$212.94. Supervisor Fuller said this company serves about 12 to 15 residents in the southern end of the Town.

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

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Mr. Kaplowitz addressed board Judge Munnely instituted suit questioning term of office

Town Attorney Kaplowitz reported to the Board that since the last meeting, Judge Munnely instituted a suit questioning whether his term of office should be 2 years or 4 years. According to Attorney Kaplowitz, the suit is against Kathy Newkirk and the 2 Albany County Election Commissioners -- one Republican and one Democrat. He noted he started to put in an answer for Town Clerk and then realized the position of George Scaringe and his attorney would be identical to ours so an answer was submitted that basically we are relying on them and what they say.

Attorney Kaplowitz said a dispute has arisen between the County Attorney and Scaringe's attorney as to whether he is entitled to be paid by County funds or not -- which is none of our concern. Interestingly, Mr. Kaplowitz said, he got an answer from the County Attorney the day before, for different reasons than we raised but agreeing that Judge Munnely's petition should be dismissed and thrown out, so to speak. Mr. Kaplowitz said it is all in the hands of Justice Michael Cavanaugh in Kingston and he hoped there would be a decision before too long one way or another. He said everyone has their own opinion about what the outcome should be and there is something to say for everything. He further noted it was a surprise to see the County Attorney agreeing with the other side.

Councilman Davis asked if there was a date by which there has to be a decision. Mr. Kaplowitz said there is and there isn't. He said the law says they have to make a decision in a case like this within 60 days but if they don't there is nothing you can do about it. He said sometimes they do and sometimes they don't. He said election cases are usually done very quickly so he does not feel it will be very long.

Supervisor Fuller thanked Town Attorney Kaplowitz.

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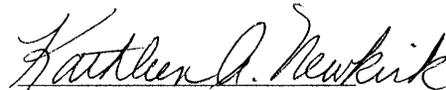
Supervisor Fuller thanked everyone for attending the meeting.

The motion was made by Ms. Burns and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 7:55 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Lenhardt.

  
Town Clerk