

TOWN BOARD
AUGUST 9, 2000

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
Daniel G. Plummer, Councilman
Susan Burns, Councilman
Kathleen A. Newkirk, Town Clerk
Bernard Kaplowitz, Esq., Town Attorney

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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 on the agenda was a request for approval of hiring Trott Communications Group to provide recommendations, procurement and implementation of the Town's radio communications upgrade from the special Communications Committee. The Supervisor said this committee has been working since 1997 and asked Mr. Robert Johnson to give a brief overview. Other committee members were acknowledged. They included Mr. Rick Webster, Mr. Fred Webster, Lt. Beebe and Mr. Sagendorph. Supervisor Fuller noted Mr. Johnson had been a previous member of the Town Board and served as her representative to work with the fire, police and ambulance personnel on the emergency communications for the Town. She thanked Mr. Johnson.

Mr. Johnson said the system presently in use was installed around 1964. He said in 1997 there was a letter identifying some of the problems and the formation of the committee shortly after that. He said there was overwhelming support from everyone that this should move forward. He said initial studies were done. The committee was reduced and included Walter Eck, Jr., Rick Webster, Gregg Sagendorph, and Lt. Beebe.

Mr. Johnson noted that Trott Communications Group was selected to proceed forward and obtain recommendations, procurement and implementation of the upgrade. He noted preliminary testing has been done. He offered to answer any questions anyone had. Following discussion, it was determined that upon completion of the feasibility study, a cost estimate will be determined and information will be brought back to the Town Board.

Supervisor Fuller said the action needed was to authorize her to sign the contract.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to authorize the Supervisor to sign the contract with Trott Communications Group, Irving, Texas to provide recommendations, procurement and implementation of the Town's radio communications upgrade in an amount not to exceed \$40,000. The motion was passed by the following vote:

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

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The next item was a request from Comptroller, Judith Kehoe, for approval of a Budget Transfer to fund professional services fees in the amount of \$40,000. Mention was made that the entire project should be completed within 1 year and the original package talks about an amount of \$34,000 which includes 1 visit. The committee feels, however, there needs to be a little flexibility in there to allow for

more than 1 visit due to their wanting this project done right. Any recommendations received will be brought back to the Town Board.

Question was raised with regard to the names of the management personnel. Mr. Johnson indicated it is the members of the committee. Further questions were asked as to why this did not go out for a request for proposal. Mr. Johnson noted this is professional services and they have a right to select the engineering firm. Further question was asked in regard to when Trott brings back a recommendation if the cost estimate will be attached. Mr. Johnson said it will have an estimated cost included, not necessarily the exact dollar however. Mention was made that this is an outside firm to prevent any vested interest in the project.

Thanks were extended to those who worked on this committee and the hard work this required.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the transfer of \$40,000 to fund professional services regarding the contract for recommendations, procurement and implementation of the Town's radio communications upgrade. The motion was passed by the following vote:

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

The next item was to remove from table and consider the proposed development of a Dog Park.

Supervisor Fuller noted information received at her office has been copied and distributed to the Board Members. She said the Board Members have everything that has been sent in up until the morning of the meeting. She said the information given tonight, an additional page of the petition, will be added to the petition from Mr. Arthur Sherman, representing Park Edge Lane residents.

There was a lengthy discussion pertaining to the development of the Dog Park including parking of vehicles, enforcement of regulations, permitting process, hours of operation and zoning regulations pertaining to the definition of a dog kennel and the land use planning resource reference recommendations. Mention was also made of the balancing of public interests.

A resident commented that this is a dog kennel. Reference was made that this is not a dog kennel due to the nature of the use. It was stated that a dog kennel is a small area where a dog is caged in and left for long periods of time usually unattended. Another item mentioned was a school bus stop in the area. Town Attorney Kaplowitz addressed the kennel issue and did not think it applied to this dog park. Mr. Kaplowitz also mentioned information regarding the parking as discussed at the last Town Board meeting.

The Town Board members gave their views in regard to the dog park proposal. Encouragement was given to continue to seek another location.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the Dog Park for Elm Avenue Town Park for a one (1) year probationary period. The motion was passed by the following vote:

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

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Supervisor Fuller next asked for a motion to adopt the proposed rules for the Dog Park. A lengthy discussion ensued pertaining to the proposed rules for the

park. Agreement was reached for the committee to review the rules, make any changes necessary and return to the Town Board with the drafted rules.

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The motion to approve the transfer of \$13,500 from the Contingency Fund to Parks Fund for construction of the necessary improvements for the dog park was made by Mr. Lenhardt and seconded by Ms. Burns. The motion was passed by the following vote:

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

Noes: Mr. Plummer.

Absent: None.

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Supervisor Fuller noted the parking issue has not been resolved and said they do not want to post no parking in the neighborhood because then there is a concern with guests, etc. She said this will be reviewed and Mr. Austin will come back with a recommendation.

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Mr. Austin was asked to give his recommendation with regard to the permit fee. He suggested \$20 per dog per year. Supervisor Fuller asked for a motion to set the fee at \$20 and noted there is a senior citizen rate, noting at the age of 62 there is no fee for use of the park.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the permit fee of \$20 per dog per year for the Dog Park with no fee being charged senior citizens 62 years of age and over. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was to adopt a resolution regarding the Municipal Cooperation Agreement. Supervisor Fuller explained this has come from the Capital Region Center for Economic Growth. She said the Town of Bethlehem has been a member for at least 6 years and the leaders from the various municipalities meet once a month. She said this came about to try and cut down on competition within municipalities. She said this has been discussed at great length and suggestion was made to sign on to be supportive of each other. She said the discussion then went to contribution of money and was held up. She said this resolution gives the Supervisor the authorization to sign the Municipal Cooperation Agreement to support economic development for Albany County and the State of New York. If the Town is asked to contribute, any funding that is needed, will be brought back to the Board for approval, according to Supervisor Fuller.

The following resolution was presented for adoption:

At a Regular Meeting of the
Town Board of the Town of
Bethlehem held on August 9,
2000 at 7:30 p.m.

IN THE MATTER OF AUTHORIZING
THE TOWN SUPERVISOR TO SIGN A
MUNICIPAL COOPERATION AGREEMENT

WHEREAS, the center for Economic Growth Local Government Council has developed a Municipal Cooperation Agreement that calls for the various levels of government to work together to provide an environment to attract and retain

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businesses, and

WHEREAS, there is no cost at this time to the Town of Bethlehem for signing and participating in said Municipal Cooperation Agreement, and

WHEREAS, the Town of Bethlehem supports regional efforts to improve the economy,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Bethlehem authorizes the Town Supervisor to sign the attached Municipal Cooperation Agreement, and be it further

RESOLVED, that prior to the expenditure of any Town of Bethlehem funds for activities related to the Municipal Cooperation Agreement, the Town Board will be asked to authorize such expenditure.

The foregoing resolution was presented for adoption by Mr. Plummer, was seconded by Ms. Burns and duly adopted by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from Building Inspector, John Flanigan, for approval of a Trailer Permit for a Trailer Outside a Trailer Camp for premises River Road, Glenmont. Supervisor Fuller said this is for an office trailer to be located at the old Texaco property on River Road, Glenmont.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the issuance of a Trailer Permit for a Trailer Outside a Trailer Camp for the Texaco premises River Road, Glenmont. The motion was passed by the following vote:

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

Noes: None.

Absent: None

The following item was a request from John Flanigan, Building Inspector, for approval of renewal of a Dumping Permit for premises located 309 Elsmere Avenue, Delmar.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the renewal of a Dumping Permit for premises located at 309 Elsmere Avenue, Delmar with the conditions and stipulations continued. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to adopt the resolution setting Election Fees for the year 2000. Supervisor Fuller asked for a motion to remove the item from the table after the last meeting.

The motion was made by Mr. Plummer and seconded by Ms. Burns to remove from table the adoption of a resolution setting Election Fees for the year 2000. The motion was passed by the following vote:

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

Noes: None.

Supervisor Fuller said the Town Clerk surveyed other communities and has provided the Board with the information. She said the City of Albany was also obtained, noting Primary Day was \$65 and Election Day was \$100.

Councilman Plummer said he checked a few other areas. He noted Clifton Park pays \$120 a day and the Poll Clerks are paid the same as Election Inspectors. He said Brunswick pays an hourly rate of \$7.50. On Election Day, Councilman Plummer said it comes to \$112.50, Primary Day \$67.50 for the Election Inspectors and the Poll Clerks are paid the same. East Greenbush, Mr. Plummer said, is \$100 for the Election Inspectors at the General Election and \$90 for Primary Day. He said the Poll Clerks amount is \$100 for the General Election. Mr. Plummer said North Greenbush is lower at \$60 for the Inspectors during the Primary and \$85 for the General Election and the Poll Clerks are the same as ours. He said he thinks there are a lot of differences and noted there has not been an increase in a decade.

Mr. Plummer proposed the Poll Clerks be increased to \$120 and that it is fair to ask for an increase on Primary Day for the Election Inspectors to \$100 and \$150 on Election Day. He asked for others views on this. He said the final one is the Voting Machine Custodians, noting they are lower than surrounding communities. He asked for Town Clerk Newkirk's views on the custodian pay. He understands there is a lot of work to be done and an educational component as well. He said he thinks a \$5 increase per machine would be fair and in line with surrounding communities.

Councilman Davis asked if comments were being requested. She noted she had spoken with Councilman Plummer previously and noted there was one question. She indicated he was saying \$120 for Poll Clerks but had recommended \$125 originally. He agreed that he recommended the \$125. She said she feels \$150 for the Election Inspectors is considerably higher than any of the other communities around here including those that were just mentioned. She thanked Town Clerk Newkirk for the work on the information supplied. She said she would be willing to settle for less than the \$150 but would not approve \$150. She said she would be willing to agree on \$130. She said she does not feel at this time that she would like to increase the custodians fee. She said there was a lot of discussion about this last year and she would like to keep the \$20 for the next year at least.

Councilman Lenhardt said as far as the custodians, that is a new one. He said he would be in favor of leaving that as it is, however, this could be discussed at budget time. He said that is the time to make that change. He said Poll Clerks for the sake of \$5, noting he said \$8 an hour or \$120 but \$125 doesn't bother him. He said he goes along with the \$150 for Election Day on the Inspectors if Primary Day remains at \$80.

Supervisor Fuller agreed that the Custodian pay will be discussed at budget time. Councilman Plummer agreed, noting whichever way this is done, the amount will be the same. Supervisor Fuller said it will be \$150 for Election Day and leave the Primary Day \$80. Councilman Plummer made a proposal that Primary Day be increased from \$80 to \$100 and the increase on Election Day be from \$100 to \$130 and increase the Poll Clerks pay from \$75 to \$125.

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

RESOLVED, that in accordance with Election Law, Section 3-420, and Town Law Section 27, Subdivision 2, the following shall be the fees for the election officials for the year 2000:

Inspector	Primary \$100.00
(presidential year when 2 days	Registration Day \$30.00
are required)	Registration Day \$60.00
	Election Day \$130.00
	Instructions \$10.00

Chairman	Return of Supplies to Town Clerk's Office \$8.00
	Mileage for above returns and instructions per mile \$.30
Poll Clerks	Election Day \$125.00
Janitors	Primary Day and Election Day - \$25.00
Custodians	Per Machine \$20.00
Technicians	Per Day \$32.00
Party Representatives	\$10.00 per hour

The resolution was adopted by the following vote:

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

The following item was to authorize the Supervisor to sign a contract with Vollmer Associates, LLP for the proposed Nigro commercial development, Route 9W, Glenmont. Supervisor Fuller said this is the expense of Mr. Nigro and an amount not to exceed \$87,878 for the review of the DEIS and the FEIS. Councilman Lenhardt noted this is reimbursed by the developer. Supervisor Fuller noted that was correct.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to authorize the Supervisor to sign the contract with Vollmer Associates, LLP for review of the proposed Nigro commercial development, Route 9W, Glenmont in an amount not to exceed \$87,878 for the review of the DEIS and the FEIS. The motion was passed by the following vote:

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

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

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the appointment of summer personnel as requested by David Austin, Administrator, Parks and Recreation Department, at the titles and rates listed in his Memorandum dated August 9, 2000 and on file in the Town Clerk's office. The motion was passed by the following vote:

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

The final item was a request from Highway Superintendent, Gregg Sagendorph, for approval to go to bid for one (1) portable trommel screen. Could advertise August 16, 2000 and open bids on August 29, 2000 at 3:00 P.M.

The following resolution was offered by Ms. Burns and seconded by Mrs.

Davis:

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) portable trommel screen for use by the Highway Department, pursuant to law,
NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of August, 2000 and that bids be received up to 3:00 p.m. on the 29th day of August, 2000 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, Ms. Burns, Mr. Plummer.
Noes: None.

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Councilman Davis asked Highway Superintendent Sagendorph if this was the screen used for the composting. Mr. Sagendorph said it was. Mrs. Davis said her gardens have never been better. Mr. Sagendorph said the machine was rented from a subcontractor for the year. Just as a report, he said the good news was about \$23,000 has been collected from the sales of compost, noting the bad news is the rental of screen to make the compost has cost \$18,000. He said, therefore, there is a net gain of about \$5,000 at this point.

Supervisor Fuller asked if anyone wished to address the Board. Resident Jim Turner addressed the Board regarding pedestrian safety, noting he has lived here for 10 years. He noted accidents do happen, however, there has to be some personal responsibility to either the pedestrian, the driver of a vehicle or both. He mentioned he did appear before the Traffic Safety Committee a year ago, discussing speed limits. He mentioned the Pedestrian Safety signs and they are educational tools. Mr. Turner proposed there be increased patrols of residential areas by the Police and ticket for 1 or 2 miles over the speed limit. He also said the education has to continue and in the long term, sidewalks should be put in residential areas. Further comments were made regarding the dog park and accidents involving animals. Supervisor Fuller thanked Mr. Turner.

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Supervisor Fuller made a public service announcement regarding West Nile virus and the fact that the Town is not spraying. She said we have not had any report of dead birds in the community with the West Nile virus. She encouraged anyone who had questions or concerns to contact the Albany County Health Department directly at area code 518, 447-4680. She also noted if any dead birds are found in the area to call directly to the Health Department. She said Albany County will notify the Town if there is a need to take any measures above and beyond just education of asking people to get rid of standing water in old tires or bird baths. She said that is where this type of mosquito heads. She said they do not head for wetlands or drainage ditches, it is more a standing water in a small area on people's property.

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The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 9:35 p.m. The motion was passed by the following vote:

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

Town Clerk