

TOWN BOARD
AUGUST 10, 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

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Supervisor Fuller welcomed everyone to the regular Town Board meeting. The first item on the agenda, to adopt the Hazardous Material Incident Plan and Procedures for the Responder, was removed according to the Supervisor.

The next item was a request from Jeffrey Lipnicky, Town Planner, for consideration of Local Law No. 7 of 1994 amending Local Law No. 5 of 1991, to permit an extension of time to retain current zone for premises located on McCormack Road, Slingerlands. Town Planner Lipnicky gave a brief background of information regarding this zoning district and future steps to be taken with regard to this proposal.

The following resolution was presented:

RESOLUTION TO SET PUBLIC HEARING

WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of Local Law No. 7 of 1994 which would amend Section 5A of Local Law No. 5 of 1991; and

WHEREAS, adoption of said Local Law would effect the zoning district classification of certain lands in the vicinity of McCormack Road; and

WHEREAS, the Code of the Town of Bethlehem, Chapter 128, "Zoning", Article XXVI, "Amendments", Section 128-104, "Amendment procedure", requires that a public hearing be held on amendments to the Zoning Chapter and that the time and place of said hearing be fixed by Resolution of the Town Board,

NOW, THEREFORE, BE IT RESOLVED, that a public hearing shall be held on Local Law No. 7 of 1994 on September 14, 1994, at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York; and,

BE IT FURTHER RESOLVED, that notice of said hearing shall be given by the Town Clerk as required by law.

On a motion by Mr. Webster and seconded by Mr. Putney and by a vote of 4 for and 0 against, 1 absent, this RESOLUTION was adopted on August 10, 1994.

Councilwoman Davis asked to make a side comment on her voting in favor of this extension. She noted in doing that she also wanted to express her concern that the Town Board would have specific expectations that are consistent with what the original law stated as expressed by Jeff in the memo. She wanted this placed on the record, noting he has certain expectations relating to the concentration of development on the northern portion of the parcel; the development of the ravine areas is being avoided to any extent possible; that the lot sizes be generally in the 30,000 square foot range; that assurances be provided to the Town that 65 units be the maximum number of units constructed; that assurances be provided that the parcel not be further subdivided; and that the developer will work with the Town to reserve an appropriate right-of-way taking into consideration the concerns of the developer and the Town. She noted she did not know if they could do that but she feels it is important to put this on the record. Mr. Lipnicky said this information referred to is in the draft master plan, shows a roadway corridor or a potential roadway corridor that potentially runs through this parcel and that is what is being referred to.

Resolution to
Set Public
Hearing
Local Law
No.7, 1994

Supervisor Fuller referred to a letter from Attorney Mancini's office indicating this was referred to as a very similar project as the one that was approved. Mr. Mancini indicated Mr. Walsh was there. Mr. Ralph Mancini introduced Bob. He indicated they had represented the previous owner and Mr. Walsh was with C.T. Male who was doing all the engineering work at that time and he was intimately involved with this project for several years. He said the plan being presented to the Planning Board is very similar. He said the comments that Councilwoman Davis referred to are all really consistent with the original plan and therefore, not inconsistent with what is being proposed. He asked Mr. Walsh if this was correct. Mr. Walsh agreed. He said this is a project that he felt very strong about and when he went to Charlew Construction, they proceeded to try to obtain the project and they did. He said the only changes in this project, at all, will be engineering changes while they are working with the Department heads in regard to the development. He said they would like to adjust the lot sizes a little bit, the widths. He said basically they are all minor changes, engineering changes. He said they liked the project as it was proposed.

Councilwoman Davis thanked Mr. Lipnicky. Supervisor Fuller indicated Mr. Lipnicky is a big help.

Acknowledge
Quarterly
Franchise
Fee from
A-R Cable Serv.
4/94-6/94

Supervisor Fuller next acknowledged receipt of the quarterly cable television franchise fees for April through June 1994 from A-R Cable Services, Inc. in the amount of \$31,482.

Resolution
Election
Fees

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

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 1994:

Inspector	Primary \$80.00 Election Day \$100.00 Instructions \$10.00
Chairman	Return of Supplies to Town Clerk's Office \$8.00 Mileage for above returns and instructions per mile \$.25
Poll Clerks	Election Day \$75.00
Janitors	Primary Day and Election Day \$15.00
Custodians	Per Machine \$15.00
Technicians	Per Day \$32.00

The resolution was adopted by the following vote:

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

Records
Management
Grant
Update

The next item on the agenda was an update in regard to the Records Management Program of the Town of Bethlehem by Town Clerk Kathleen A. Newkirk. The 1993-94 grant, Inactive Records Storage, has been completed and the records storage center has been established. The project was completed ahead of schedule and came in under the total amount granted to the Town. Announcement was made that the Town has been notified and the Supervisor has accepted the 1994-95 grant for the establishment of Archival records storage area and indexing and description of all the archival records of the Town in the amount of \$26,317. The Town Clerk noted that to date including the 1994-95 grant award, the Town has received over \$84,000 in grant monies for the Records Management Program for all of the Town's records.

Supervisor Fuller indicated this was excellent. Councilwoman Davis noted the area that has been toured by is very impressive and commend the Town Clerk for a great job. The Town Clerk thanked Councilwoman Davis.

The following item was a request from Michael Cirillo, Engineering Services Administrator, regarding a request of reduction in bonding from Charlew Construction Co., Inc., Schenectady, NY for Krumkill Manor, Section 2 subdivision. Attorney Kaplowitz indicated this was in order.

Reduction
in bonding
Charlew
Construct.
Krumkill
Manor

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the reduction of Letter of Credit SE30571 from Key Bank of New York, issued February 8, 1994, from \$115,000 to \$55,000. as requested by Charlew Construction Co., Inc., Schenectady, NY for Krumkill Manor, Section 2 subdivision. 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 Barbara Hodom, Court Clerk, for approval of attendance at the NYS Association of Magistrates Court Clerks, Inc. seminar to be held October 16-19, 1994 at the Holiday Inn, Rochester, NY with expenses paid.

Seminar
Court Clerk

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the attendance of Barbara Hodom, Court Clerk, at the NYS Association of Magistrates Court Clerks, Inc. seminar to be held October 16-19, 1994 at the Holiday Inn, Rochester, NY with expenses of approximately \$115 per day for the full American plan and the registration fee of \$15.00 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 request was a recommendation from Michael Cirillo, Engineering Services Administrator, to approve the release of current escrow agreement for Beverwyck Planned Residence District.

Release
Escrow
Agreement
Beverwyck

The motion was made by Mrs. Davis and seconded by Mr. Webster to approve the release of Escrow Agreement with Beverwyck Planned Residence District in the amount of \$2,000. 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 recommendation from Michael Cirillo, Engineering Services Administrator, for acceptance of deed for McCormack Road, Slingerlands.

Accept
Deeds
McCormack Rd.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the acceptance of deeds for 52, 56 and 60 McCormack Road, Slingerlands, NY from Birch Builders, Latham, NY for highway right-of-way and storm drainage easement purposes. The motion was passed by the following vote:

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

Approve
Temporary
Help -
Receiver of
Taxes and
Assessments

The next item was a request from Mr. Hahn, Receiver of Taxes and Assessments, for approval of employment of temporary help.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the appointment of temporary help as per the recommendation of Kenneth P. Hahn, Receiver of Taxes and Assessment, as per his memorandum to help prepare the 1994 School Tax bills at the rates indicated and the alternates recommended commencing August 24, 1994 and continue through October 31st. The motion was passed by the following vote:

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

Award Bid
Pool Covers

The following item was a recommendation from the Administrator of Parks & Recreation Department for the award of bid for pool covers.

The motion was made by Mr. Webster and seconded by Mrs. Davis to approve the award of the bid for pool covers to Surpass Chemical Company, Albany, NY at a cost of \$16,673.38. The motion was passed by the following vote:

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

Discussion
Mr. Davies'
request to
have his
comments
included in
minutes of
7/27/94

Supervisor Fuller asked if anyone wished to speak to the Board. Mr. Sherwood Davies indicated he had a procedural question and also a comment after that. The procedural question pertained to the list of questions submitted by Mr. Davies in regard to the public hearing on July 13, 1994 concerning the Water Supply Expansion Facilities. He noted Mr. Secor made an extensive reply on July 18, 1994 to the Supervisor with no indication that the Board Members received a copy. The Supervisor made note that the Town Board Members did receive a copy. He further asked if the response could be included with the public hearing of the July 13th meeting or the Town Board meeting of July 27. Supervisor Fuller noted it was a legal question and she believes that since the answer was not at the meeting, that the answers cannot be a part of the minutes. Mr. Kaplowitz indicated he thought this was generally true. Mr. Davies asked if the response will be included as part of the public record. Supervisor Fuller said she does not think it would be. Attorney Kaplowitz agreed that it would not be part of the public hearing. He asked if there was any difference. Mr. Davies requested the answers be contained within the Town Board minutes. The Board agreed to have the answers be attached at the end of the minutes of July 27, 1994. Attorney Kaplowitz said this is no problem.

Mr. Davies said the following was a question. He noted the budget items will be considered by the Town Board from the Department heads. He noted this will include the Water District and Sewer District. He asked that the Town Board look at the water and sewer charges, the 5 of them, very carefully. Councilwoman Davis asked Mr. Davies what he thought would be a reasonable figure. Mr. Davies said he thought the amounts were high. She asked if Mr. Davies thought this was an unreasonable amount. Mr. Davies replied absolutely. She further asked what he feels is reasonable. Mr. Davies said the reasonable figure would go back to the water and sewer charges as they relate to residential users, commercial institutions and industry. He said if you look at it carefully, they are very unfair now. Mrs. Davis asked Mr. Davies he could give a more specific figure. Mr. Davies said he felt the surplus should be within 5 percent, not 15 to 17 percent. Mrs. Davis thanked Mr. Davies.

Councilman Putney said he has never been a part of the budget process and asked if these are the sort of things that are discussed in detail during the budget process. The Supervisor said they will be and they have been. She noted the Town Board members would be getting a budget schedule, the Department heads are getting their budgets together and these will be reviewed with the Comptroller before it comes to the Town Board members. Councilman Putney said he has the schedule but he did not know what the process would be.

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Supervisor Fuller set a public meeting for August 18, 1994 for the LUMAC presentation, the final draft master plan for the Town of Bethlehem next Thursday at 7:30 p.m.

Set Special Meeting LUMAC Presentation

The motion was made by Mr. Webster and seconded by Mrs. Davis to set a special meeting of the Board for August 18, 1994 at 7:30 p.m. for presentation of the final draft Master Plan for the Town of Bethlehem. 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 Mrs. Davis and seconded by Mr. Putney to adjourn the regular meeting of the Bethlehem Town Board at 8:00 p.m. The motion was passed by the following vote:

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

Kathleen G. Newkirk
Town Clerk