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TOWN BOARD  
AUGUST 14, 1996

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  
Freeman T. Putney, Councilman  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Robert C. Johnson, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

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Supervisor Fuller welcomed everyone to a regular meeting of the Town Board of the Town of Bethlehem.

Comptroller regarding deferred compensation plan

The first item was a recommendation from Judith Kehoe, Comptroller, regarding selection of Deferred Compensation Plan Administrator.

Comptroller Kehoe gave an overview of the proposed 457 compensation plan. She explained the employees have requested that a deferred compensation plan be adopted. She noted SUNY Masters Program in Human Resources students, Kevin Gleason and Davis Weiser, were asked to study what deferred compensation plans were available to municipal employees. This program is a result of the information collected. Mrs. Kehoe explained that an IRS Code 457 plan is the only deferred plan available to municipal employees. She further noted there were 4 responses to a request for proposal. These were reviewed and evaluated. Three (3) of the vendors were invited to come and make a presentation to the Deferred Compensation Committee. The committee was comprised of David Leafer (Assessor), Gregg Sagendorph (Highway Superintendent), Howard Hyer (Foreman, Highway Dept.), Robert Johnson and George Lenhardt (Councilmen) along with the students and Mrs. Kehoe. Following the interview process, this is a recommendation to select PEBSCO as the provider of this program.

Councilman Putney asked if there was a time frame on this contract. Mrs. Kehoe said it was a 5 year term, mandated by New York State's Deferred Compensation Board. She said when the 5 year mark is reached, the rfp process will be done again. Councilman Putney asked in the unlikely event it does not turn out well, and he said he has every reason to believe that it would turn out very well due to the work that has gone into it, is there some escape clause that the Town employees would have in terms of changing vendors prior to the end of 5 years. Mrs. Kehoe said either party may terminate the contract with notice for cause.

Mrs. Kehoe said once it is up and running, the company will be coming back twice a year to do various presentations to the employees. Councilwoman Davis asked if PEBSCO along with their quarterly report have a newsletter. The representative noted there is a newsletter.

Councilman Johnson thanked Mrs. Kehoe and Kevin and Dave for their work too. Mrs. Kehoe noted this was a fun project.

The following resolution was presented for adoption:

Resolution offering 457 deferred compensation plan

WHEREAS, the Town Board of Bethlehem is desirous of offering a 457 Deferred Compensation Plan to the employees of the Town of Bethlehem; and

WHEREAS, in accordance with Section 457 of the Internal Revenue Code and Regulations adopted pursuant thereto; and the Rules and Regulations promulgated by the New York State Deferred Compensation Board pursuant to Section 5 of the State Finance Law which authorized municipal deferred compensation plans; and

WHEREAS, the Town of Bethlehem sought proposals and received proposals for such a plan, which were subsequently analyzed by the Town Deferred Compensation Committee; and

WHEREAS, it appears that the proposal submitted by PEBSCO of New York will best serve the employees of the Town under the guidelines for evaluation established by the Rules and Regulations of the New York State Deferred Compensation Board.

NOW THEREFORE, be it RESOLVED, that the Supervisor is hereby authorized to execute an agreement with PEBSCO of New York to administer a Deferred Compensation Plan for the voluntary participation of Town employees, and be it further

RESOLVED, that the appropriate officials of the Town of Bethlehem are hereby authorized to take such actions, make such filings, and enter such agreements as are required or necessary for the adoption, implementation and maintenance of the plan with the appropriate regulatory bodies, and be it further

RESOLVED, that the Town of Bethlehem hereby adopts the Model Deferred Compensation Plan for Employees of the Town of Bethlehem Amended and Restated Effective January 1, 1996, and be it further

RESOLVED, that the plan shall be implemented following the signing of contract documents and the receipt of a written acknowledgement from the Board that the required documents have been properly filed with the Board.

The foregoing resolution was presented for adoption on a motion made by Mr. Johnson, seconded by Mr. Lenhardt and adopted by the following vote:

- AYES: Mrs. Fuller, Mr. Putney, Mr. Lenhardt,  
Mrs. Davis, Mr. Johnson.
- NOES: None.

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The next item was a request from Building Inspector, John Flanigan, for approval of temporary construction trailer at premises, 74 Delaware Avenue, Delmar.

Building  
Inspector  
approval  
construction  
trailer

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the issuance of a temporary construction trailer as requested by Julius Zimnicki, 102 Longmeadow Drive, Delmar, NY for premises located at 74 Delaware Avenue, Delmar, NY. The motion was passed by the following vote:

- Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.
- Noes: None.

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The following item was a request from John Flanigan, Building Inspector, for approval of construction trailer at premises, 125 Rockefeller Road, Elsmere.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve a construction trailer requested by Barry, Betty & Led Duke, Inc., Albany, NY for a construction site at the Good Samaritan Lutheran Home, Inc., 125 Rockefeller Road, Delmar, NY. The motion was passed by the following vote:

- Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.
- Noes: None.

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The next item was a request from Building Inspector, John Flanigan, for approval of construction trailer at premises, Staffords Crossing, Blessing Road, North Bethlehem. Supervisor Fuller

suggested it be approved with the recommendation from Mr. Flanigan regarding shrubs and location of the trailer. Councilman Johnson noted he really appreciates Mr. Flanigan's work on the trailer to be able to make this a win-win situation. He said this was very nice of Mr. Flanigan.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the placement of a construction trailer at Staffords Crossing, Blessing Road, North Bethlehem as requested by Traditional Amedore Homes, Inc., Schenectady, NY and recommended by Building Inspector, John Flanigan, with the recommendation of shrubs and location change. The motion was passed by the following vote:

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

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Receiver of Taxes approval temporary personnel

The following item was a request from Receiver of Taxes and Assessments, Nancy Karins, for approval of appointment of temporary personnel for the preparation of 1996 school tax bills.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the appointment of temporary personnel as listed on the Memorandum from Nancy Karins, Receiver of Taxes and Assessments, at the rates stated for the preparation of the 1996 school tax bills. The motion was passed by the following vote:

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

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Public Works Commissioner award of bids for chemicals for 1996

The next item was a recommendation from Bruce Secor, Commissioner of Public Works, for award of bids for Chemicals for the year 1996.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the award of bid for Chemicals for 1996 as recommended by Bruce Secor, Commissioner of Public Works, as listed in the Memorandum dated August 8, 1996 to the companies listed at the bid prices received. The motion was passed by the following vote:

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

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Public Works commissioner provide water to out of district customer

The next item was a recommendation from Commissioner of Public Works, Bruce Secor, to provide water service as out-of-district customer on Elm Avenue East, Selkirk.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve providing out-of-district water customer service to Mr. and Mrs. Anthony Campiagno, 35 Elm Avenue East, Selkirk, NY due to the fact this area will be included in the water district extension for the Carriage Hill Subdivision in the future. The motion was passed by the following vote:

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

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Public Works Commissioner set public hearing for water district Haswell Farms

The next item was a recommendation from Bruce Secor, Commissioner of Public Works, to set a public hearing to consider proposed Water District Extension for Haswell Farms Subdivision, Delmar, Town of Bethlehem.

The motion was made by Mrs. Davis and seconded by Mr. Putney to set a public hearing for September 11, 1996 at 7:30 p.m. to consider proposed Water District Extension for Haswell Farms Subdivision, Delmar, NY as requested by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

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

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The following item was a recommendation from Commissioner of Public Works, Bruce Secor, for purchase of land adjacent to the Vly Creek Water Purification Plant and approval of out-of-district customer service to adjacent landowner.

Commissioner of Public Works purchase of land adjacent to the Vly Creek Water Purification Plant

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the purchase of 1.3 acres of land for the lump sum amount of \$8,000. and approve out-of-district water service customer status for Mr. and Mrs. J. Wood of New Salem as recommended by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

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

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

Approval for seasonal personal by Parks and recreation

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of seasonal personnel as listed in the Memorandum from David Austin, Administrator, Parks and Recreation Department, dated August 14, 1996 at the titles and rates indicated. The motion was passed by the following vote:

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

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The next item was a request from Richard Vanderbilt, Chairman, Traffic Safety Committee, for amendments to the Bethlehem Town Code, Vehicle and Traffic to install stop signs on Maple Avenue at Glendale Avenue, Delmar; prohibit parking at all times on the east side of Adams Street from Adams Place to 280 feet east of Adams Place; prohibit parking at all times on the west side of Hawthorne Avenue from Adams Place to a point 260 feet south of Adams Place; limit parking on the entirety of Dorset Street to one hour on schools days between 7:30 a.m. and 2:30 p.m.; include parking regulations for Longmeadow Drive, Evelyn Drive and Brockley Drive as adopted under the Traffic Ordinance.

Amendments to Bethlehem Town Code Traffic Saf. Prohibit Pa and Stop si

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the setting of a public hearing on September 11, 1996 at 8:00 p.m. to consider Local Law No. 13 of 1996 pertaining to amending the Vehicle and Traffic sections of the Bethlehem Town Code to install stop signs on Maple Avenue at Glendale Avenue, Delmar; prohibit parking at all times on the east side of Adams Street from Adams Place to 280 feet east of Adams Place; prohibit parking at all times on the west side of Hawthorne Avenue from Adams Place to a point 260 feet south of Adams Place; limit parking on the entirety of Dorset Street to one hour on schools days between 7:30 a.m. and 2:30 p.m.; include parking regulations for Longmeadow Drive, Evelyn Drive and Brockley Drive as adopted under the Traffic Ordinance. The motion was passed by the following vote:

Local Law No. 13 Public Hear September 11, 1996

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

Resolution to  
set fees for  
election  
officials  
for 1996

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The next item was to adopt a resolution pertaining to fees for election officials for 1996 in accordance with Election Law and Town Law.

The following resolution was offered by Mr. Putney 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 1996:

Inspector (presidential year when 2 days)	Primary \$80.00 Registration Day \$30.00 Registration Day \$60.00 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
Party Representatives	\$10.00 per hour

The resolution was adopted by the following vote:

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

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The next item was to adopt a resolution for approval of appointment of additional Election Inspectors and Poll Clerks as recommended by the Republican Committee of the Town of Bethlehem.

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

RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Election Inspectors and Poll Clerks as recommended by the Republican Committee to serve for the conduct of elections from July 15, 1996 through July 14, 1997.

ELECTION INSPECTORS

District 2

Jacqueline Carpenter, 100 Marquis Dr., Slingerlands.

District 8

Elva Dootz, 25 Charles Boulevard, Delmar.

District 11

Alice Boutelle, 1 Furman Place, Delmar.

District 17

Margaret Spooner, 43 Jordan Boulevard, Delmar.

District 24

Charles E. Bryant, 2 Douglas Road, Delmar.

District 25

Joanne Stannard, 21 Halter Road, Glenmont.

Phyllis Pritchard, 13 Spruce Court, Delmar.

District 27

Norrine Rightmyer, 61 Beacon Road, Glenmont.  
(primary and registration days)  
Charlotte Flynn, 3 Rigi Court, Selkirk.  
(Election Day)

POLL CLERKS

District 7

Agnes McCarroll, 12 Frederick Place, Delmar.

District 8

Adelaide Skaskiw, 14 Brockley Drive, Delmar.

District 10

Brian Sleurs, 15 Stratton Place, Delmar.

District 13

Norman Hulme, 50 Sunset Drive, Delmar.

District 25

Alice J. Corbett, 101 Beacon Road, Glenmont.

The resolution was adopted by the following vote:

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

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Supervisor Fuller asked Town Clerk Newkirk if the Election Inspector and Poll Clerk list has been received from the Democratic Committee. Town Clerk Newkirk indicated the list has not been received. She noted she has been attempting to get this list since May, noting Mr. Clyne keeps indicating he is working on it. Mr. Clyne had indicated it would be received on Monday, August 12, 1996, however, it has not been received. Town Clerk Newkirk indicated this is unfortunate due to the Election Inspectors instructional meeting being held August 27, 1996.

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The next item on the agenda was a recommendation from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds for Good Samaritan Lutheran Home, Inc., Rockefeller Road, Elsmere.

Acceptance of deeds for Good Samaritan Lutheran Home.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the acceptance of deeds from Mr. George Ehrcke, Delmar, NY and Good Samaritan Lutheran Home, Inc., Delmar, NY for water main easement purposes at 125 Rockefeller Road, Elsmere. The motion was passed by the following vote:

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

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The following item was an update regarding the Bicentennial Account and the remaining books and revenue. Supervisor Fuller noted this item was to thank Mr. Brewer for all of his years of service since 1981. She noted Mr. Brewer has been the author of 2 books and turned over to the Town of Bethlehem \$10,810.69. Mrs. Kehoe noted this is a restricted gift account.

Bicentennial account to thank Mr. Brewer

Supervisor Fuller noted the Senior Editor, Floyd Brewer, has requested the remainder of the funds from the sale of the Bicentennial Books be turned over to the Town Clerk's office due to their work on the sale and promotion of these books. The funds have been placed in a T-85 account by Comptroller Kehoe. The Town Clerk's office will continue to receive and handle the book orders including mailing of orders, as well as, the accounting of the bookstore stocks and sales. The remainder of the funds are recommended to be used for the Records Management Program of the Town of Bethlehem.

Mr. Brewer requested funds from books be turned over to Town Clerk Office

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Public hearing set for prohibiting use of Barb Wire Fence September 11, 1996

The following item was to set a public hearing regarding a Local Law prohibiting use of barbed wire fencing in residential zones after 1 year. Supervisor Fuller said this basically is to have the fencing removed. She said this will give the owner 1 year to remove the barbed wire fencing in residential areas.

The motion was made by Mr. Putney and seconded by Mrs. Davis to set a public hearing for September 11, 1996 at 8:30 p.m. to consider Local Law No. 14 of 1996 amending the Code of the Town of Bethlehem regarding non-conforming fences. The motion was passed by the following vote:

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

Approval Town Board minutes July 10, 1996

The next item was approval of the Town Board minutes of July 10, 1996 as submitted.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the Town Board minutes of July 10, 1996 as submitted. The motion was passed by the following vote:

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

Acknowledge receipt of Quarterly Franchise Fee

The last item on the agenda was to acknowledge receipt of the Quarterly Franchise Fee for the second quarter from A-R Cable Services, Inc., in the amount of \$37,114.

Supervisor Fuller asked if anyone wished to address the Board. There was no one.

Supervisor Fuller thanked everyone for coming to the meeting.

Supervisor Fuller adjourn to executive session No formal action taken

Supervisor Fuller asked for a motion to meet in Executive Session following the regular Town Board meeting to discuss a personnel matter.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to meet in Executive Session following the close of the regular meeting to discuss a personnel matter. The motion was passed by the following vote:

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

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

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

*Kathleen G. Newkirk*  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.