

TOWN BOARD
AUGUST 24, 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
George Lenhardt, Councilman
Freeman T. Putney, Councilman
Doris M. Davis, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Catherine T. Picarazzi, Deputy Town Clerk

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SUPERVISOR FULLER: Welcome to a meeting of the Bethlehem Town Board. The first order of business tonight is a public hearing. Ask the Clerk to read the call of the hearing.

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 24th day of August, 1994 at 7:30 p.m. to consider Local Law No. 6 of 1994, Amending the Code of the Town of Bethlehem as follows:

AMEND ARTICLE VI, SECTION 119-33, SCHEDULE VII, Stop Intersection, as follows:

ADD: Stop sign on Bernard Place at intersection with Amsterdam Avenue;

Stop sign on Guilder Lane at intersection with Amsterdam Avenue;

Stop sign on Darroch Road at intersection with Huntersfield Road.

All interested persons and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk
TOWN CLERK

Dated: July 27, 1994

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State of New York)
County of Albany)

CAROL STUART of the Town of Bethlehem, being duly sworn, says that she is the Advertising Coordinator of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 10th day of August 1994.

/s/ Carol Stuart

Sworn to before me this 12th
day of August 1994.
/s/ Kathryn Olsen
Notary Public, Albany County

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STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on August 10, 1994, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town

Public
Hearing
Local Law
No.6, 1994
Stop
Intersections
Bernard Place
Amsterdam Ave.
Darroch Road
Guilder Lane

maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
17th day of August 1994.
/s/ Catherine T. Picarazzi
Notary Public

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The motion was made by Mr. Webster and seconded by Mrs. Davis to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

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SUPERVISOR FULLER: Is there anyone here who would like to speak in favor first?

MR. TUCKER: My name is Michael Tucker. I live at 115 Huntersfield Road and I support one of my neighbor's request for the stop sign at Darroch and Huntersfield. People make left hand turns off of Darroch onto Huntersfield and they don't stop. With the traffic going straight on Huntersfield it causes a dangerous situation for motorists and people are walking and bicycling and it is a bus stop and there are about 30 children that live within a 500 foot radius there. I would appreciate your consideration and thank the Highway Department and the Town Board for that consideration.

SUPERVISOR FULLER: Is there anyone else who would like to speak in favor? There were none. Is there anyone who wishes to speak in opposition? There were none. Motion to close the public hearing.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to close the public hearing at 7:35 p.m. The motion was carried by the following vote:

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

Catherine T. Picarazzi
Deputy Town Clerk

The Supervisor convened the regular meeting following the close of the public hearing. She asked if the Board was willing to vote on this recommendation. She noted this had come from the Traffic Safety Committee.

The motion was made by Mr. Webster and seconded by Mrs. Davis to adopt Local Law No. 6 of 1994 amending the Code of the Town of Bethlehem regarding Stop Intersections, Bernard Place and Guilder Lane at Amsterdam Avenue and Darroch Road at Huntersfield Road. The motion was passed by the following vote:

Adopt L.L.
No. 6, 1994

Ayes: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney,
Mrs. Davis.

Noes: None.

Absent: None.

The following item was a recommendation from David Austin, Administrator, Parks & Recreation Department, regarding adoption of resolution regarding New York State Department of Division of Youth 1995 funding application.

Resolution
re: NYS
Division of
Youth funding

WHEREAS, on the 24th day of August, 1994, the Town of Bethlehem adopted a resolution authorizing the Supervisor of the Town of Bethlehem to submit an application to New York State Division for Youth for funding of youth recreational programs and youth services in the amount of \$17,998 and,

WHEREAS, the Town of Bethlehem will abide by the decision of DFY as to the propriety of all expenditures upon which State aid is requested and,

WHEREAS, the youth programs will be operated in compliance with all laws, rules, regulations, resolutions and codes of the State of New York and pertinent political subdivision and,

WHEREAS, no youth will be denied the services or facilities of this project because of race, creed, color or sex and,

WHEREAS, no fees will be charged for programs which are supported by State Funds and, be it further

RESOLVED, that the Supervisor of the Town of Bethlehem and the Town Clerk of the Town of Bethlehem be, and are hereby authorized to sign the application and submit it to New York State Division of Youth on or prior to September 19, 1994.

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

Ayes: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney,
Mrs. Davis.

Nays: None.

Absent: None.

The next item was a request from Floyd Brewer, Editor, Bicentennial Publications, for approval of going to bid for the printing of BETHLEHEM DIARY.

Go to Bid
Bethlehem
Diary

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

WHEREAS, the Town desires to advertise for bids for the printing of the publication, Bethlehem Diary, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of August, 1994 and that bids be received up to 2:00 p.m. on the 12th day of September, 1994 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney,
Mrs. Davis.

Noes: None.

Absent: None.

Seminar
Adult/
Elderly
Abuse
Police Dept.

The next item was a request from Chief LaChappelle, Bethlehem Police Department, for approval of attendance at seminar on Adult/Elderly Abuse.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the attendance of Detective Corbett at a seminar on Adult/Elderly Abuse to be held September 22-23, 1994 at Colonie, NY with registration fee paid and transportation by police vehicle. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney,
Mrs. Davis.

Noes: None.

Absent: None.

The following resolution was presented for adoption regarding the appointment of Republican Election Inspectors.

Appoint
Republican
Election
Inspectors

RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Election Inspectors as recommended by the Republican Committee as indicated:

<u>Election District</u>	<u>Name and Address</u>
9	Adrienne Gordon, 38 Nathaniel Blvd., Delmar Barbara Estey, 36 Cherry Ave., Delmar and shared with Alfred Restifo, 543 Delaware Ave., Delmar permanent appointments
10	Dolores M. Johnson, 531 Wayne Pl, Delmar
12	Rozanne M. Landers, 5 Herber Ave., Delmar Primary Only
14	Shirley Kullman, 154 Murray Ave., Delmar Primary Only
19	Cathy Redmond, 1 Pine St., Delmar permanent appointment
22	Charlotte Flynn, 3 Rigi Ct., Selkirk permanent appointment
23	Charles Myers, 2 Flint Dr., Delmar Primary Only
24	Anita Tipple, 10 Standish Dr., Glenmont permanent appointment
27	Thomas J. Richards, 26 Linton St., Selkirk permanent replacement
29	Clifford Apple, Bridge St., So. Bethlehem Primary Only
30	Frances Clouse, Whitehead St., Selkirk permanent basis
AND Poll Clerk replacement Suzanne B. Shepardon, 126A Fairlawn Dr., Selkirk	

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney,
Mrs. Davis.

Noes: None.

Absent: None.

Accept
resignation
Clerk Typist II
Bldg. Dept.

The next item was to accept the resignation of Clerk Typist II, from the Building Department.

The motion was made by Mr. Putney and seconded by Mr. Webster to accept the resignation of Rose Ann Morelli, Latham, NY from the position of Clerk Typist II, Building Department, effective August 19, 1994. The motion was passed by the following vote:

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

The following item was approval of appointment of seasonal personnel for the Parks & Recreation Department.

Approve
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 listed on the Memorandum dated August 24, 1994 from David Austin, Administrator, Parks & Recreation Department, at the titles and rates indicated. The motion was passed by the following vote:

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

The next item was a request from the Chief of Police for attendance at the 35th Annual International Drug Conference.

Seminar
International
Drug Conf.
Police
Dept.

The motion was made by Mr. Lenhardt and seconded by Mr. Webster to approve the attendance of Detective Theodore Wilson at the 35th Annual International Drug Conference to be held at Kiamasha Lake, NY, October 3-10, 1994 with registration fee paid and transportation by police vehicle. The motion was passed by the following vote:

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

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Supervisor Fuller indicated Detective Wilson is attending this conference on a scholarship from the Narcotics Enforcement Officers Association.

The next item was a recommendation from Engineering Division, Department of Public Works, for the approval of assignment of street name and house numbers.

The motion was made by Mr. Webster and seconded by Mrs. Davis to approve the assignment of house numbers and street names for private roads in the trailer park and a street name for Selkirk Cogen, as listed in the Memorandum dated August 18, 1994 from Terrence Ritz, Engineering Division, Department of Public Works, effective 6 months from this date. The motion was passed by the following vote:

House Nos.
private
roads in
Trlr Parkk
and
Street name
Selkirk
Cogen

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

The following item was a request to go to bid for Contract 3, Raw Water Transmission Main for the Expansion of Water Supply Facilities.

Go To Bid
Contract 3
Expansion
Water Supply
Facilities

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

WHEREAS, the Town desires to advertise for bids for Contract 3, Raw Water Transmission Main for the Expansion of Water Supply Facilities, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of August, 1994 and that bids be received up to 2:00 p.m. on the 21st day of September, 1994 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The next item was a request from Commissioner of Public Works to proceed with acquisition of easement for the water mains for the Expansion of Water Supply Facilities.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to proceed with acquisitions by condemnation of easements from Milltowne Plaza, Inc., Clapper Road, Selkirk, for water mains for the Expansion of the Water Supply Facilities. The motion was passed by the following vote:

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

The following item was a request from the Building Inspector for approval of attendance at the New York State Building Officials Conference.

Bldg. Officials Conference
Bldg. Dept.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the attendance of 4 Building Inspectors at the New York State Building Officials Conference to be held September 28-30, 1994 at Kerhonkson, NY with registration fee paid and expenses fully paid for 2 Building Inspectors and 2 Building Inspectors paying their own way and use of Town vehicles for transportation. The motion was passed by the following vote:

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

Acknowledge
grant from
NYS Energy
Office

The next item was to acknowledge a grant from the New York State Energy Office in the amount of \$7500. to the Highway Department, Gregg Sagendorph, Highway Superintendent. This grant, according to Supervisor Fuller, is for the conversion of 2 Town vehicles to an alternative fuel system, compressed natural gas.

Supervisor Fuller said they will certainly accept the opportunity and accept the grant. She further indicated the Highway Superintendent has discussed this with the School District as well, due to the fact they were involved in this grant last year.

Approve
2 out-of-
district
water service
customers

The next item was a request from Commissioner of Public Works for approval of 2 out-of-district water service customers.

The motion was made by Mr. Webster and seconded by Mr. Lenhardt to approve water service to 2 property owners (Mr. and Mrs. Putney and Mr. and Mrs. Evans) on Barent Winne Road, Selkirk, NY as outside Water District consumers. The motion was passed by the following vote:

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

 The following item was a recommendation from Lieutenant Richard Vanderbilt to approve street name changes within the Town boundary lines.

Approve
 street name
 changes
 recommended
 by Lt.
 Vanderbilt

The motion was made by Mrs. Davis and seconded by Mr. Webster to approve the street name changes as listed in the Memorandum dated August 8, 1994 from Lt. Richard Vanderbilt, Police Department. The motion was passed by the following vote:

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

 Councilman Webster noted a gentleman in the audience mentioned the fact that Grove Street in Slingerlands is the name carried on the CDTA bus as it goes through Town. If this is changed, he recommended that they be so advised. The Supervisor noted Lt. Vanderbilt has asked for a 2 month time frame for the effective date of these changes due to the 911 conversion. She felt the same time frame of six (6) months should be used.

 The following item was a request from Senior Services Director for attendance at the Adult Abuse, Paths to Protection... What Lies Ahead? conference.

Seminar
 Senior Cit.
 Adult
 Abuse

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the attendance of Director, Assistant Director and Outreach Worker of the Department of Senior Services at the conference, Adult Abuse, Paths to Protection... What Lies Ahead? to be held September 22-23, 1994 at Albany, NY with expenses paid. The motion was passed by the following vote:

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

 The Supervisor asked if anyone would like to speak to the Board this evening. Mr. William J. Kelleher, resident of Delmar, 182 Roweland Avenue, noted he was a resident over 35 years. He indicated he has reviewed the meeting minutes of July 13 and feels the Town should be protected. He read a statement regarding the water supply expansion facilities. He noted he is in complete disagreement with the engineer. He further addressed the increased costs. He said the Green Island and Niskayuna systems are different. He referred to the amount of iron and manganese in the water.

Discussion
 Water Supply
 Expansion

Mr. Kelleher said he spoke with Councilman Lenhardt and they discussed the cost of this project. He said he was establishing a background on what he recommends. He made several comments including holding the design engineer responsible for certain aspects of this project. He recommended that the Town Attorney determine how much money, if any, could be recovered in regard to the failure of the design engineer. Supervisor Fuller asked Mr. Kelleher to give a copy of his statement to the Board for the record. This copy is on file with the Town Clerk's office.

Attorney Kaplowitz noted the same thing exists here as it does throughout society, if there is something wrong with the system and

it turns out to be a design problem, then you sue the person who designed it. Mr. Kelleher noted he was very aware of this, indicating he has spoken with friends who are consultants. If there is a design problem, it is clearly their responsibility and the insurance company would have to pay the claim. If something happens after a long period of time, due to an existing condition, this is much less clear. He further said if there is something to be included as a consideration of the design, then even after a long period of time, the designer can be held responsible. He again noted this is not normal design and he wanted to make sure this was brought to everyone's attention.

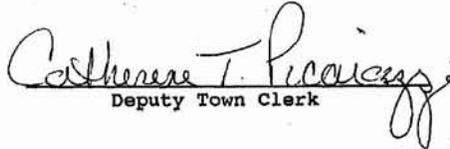
Further discussion followed regarding the construction and design. Attorney Kaplowitz noted we are all responsible for what we do. Answers to the questions being raised are not answerable at this point, indicating a jury would have to make the decision.

Mr. Kelleher said he was going on record as saying right now that that information as to the source of the iron is wrong. In his opinion, the chances of failure are greater than 50 percent and this is terrible in terms of a civil engineering project.

The motion was made by Mr. Lenhardt and seconded by Mr. Webster to adjourn the regular Town Board meeting at 8:07 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney,
Mrs. Davis.

Noes: None.


Deputy Town Clerk