

TOWN BOARD
AUGUST 26, 1992

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: Kenneth J. Ringler, Supervisor
Frederick C. Webster, Councilman
M. Sheila Galvin, Councilwoman
Sheila Fuller, Councilwoman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

ABSENT: Charles Gunner, Councilman

Approve
Bond Counsel -
LeBoeuf,
Lamb &
MacRae

Supervisor Ringler said the first item on the agenda is a recommendation from Judith Kehoe, CPA, Comptroller, for approval of appointment of LeBoeuf, Lam, Leiby & MacRae as bond counsel and approval of a fee agreement. He asked if there were any questions. Councilwoman Galvin said she had one question on the Harris, Beach, she noticed that they bid the \$10,000 to \$14,000 or fixed at on the 12 excluding the SEQR and according to the LeBoeuf, Lamb it was 12 to 15 including the SEQR. She asked if the \$3,869 an exact fee on what all SEQR would be. Mrs. Kehoe said that is what we have already paid to them for the SEQR work they have done to date. Ms. Galvin said in other words, the quote would be \$15,000 to \$18,000 instead of \$12,000 to \$15,000 if we added the... Mrs. Kehoe said that was including the SEQR fee, so we have already paid that, so the net amount just for the bond issue is that. Ms. Galvin said okay, she did not understand that, so the \$8,000 to \$11,000 on the bond. Mrs. Kehoe said that is what the net is... so they are right in the range of reasonable figures.

Councilwoman Galvin said when she read over the proposal, this is strictly for the one issue or was she talking about making this proposal across the board as a recommendation. She said when she read it, it was not clear. Mrs. Kehoe said she had them quote specifically on the upcoming bond proposal but once they are familiar with the Town, it makes sense to stick with the same firm. She further said their fees were reasonable. She said she looked at this as our fair market test and to see where they would come in. So, if you approve this appointment, Mrs. Kehoe would like to make it indefinite until we become dissatisfied with the services. Ms. Galvin said one of the things she would like to see is regular quotes on each issue. Mrs. Kehoe said that we can get up front. Ms. Galvin said in this case, if we have... if we have already started LeBoeuf, Lamb working on it before the bids were taken, it is not a fair comparison but one of the things she would like to see in the future is if we could take regular bids because we are talking about 12-15 and 10-14 and she thinks that if we had LeBoeuf, Lamb actually coming in at 15 or above and the other Harris, Beach coming in around the 10, we have got some substantial spreads. She said she thinks we should look at it each time, as opposed to making this a commitment because she did not realize that LeBoeuf, Lamb had already done that much work on this and since they have, that is one thing, but... Mrs. Kehoe said they had been our existing bond counsel so, in the absence of anyone officially appointed otherwise, we really... we needed the information so we did not have a choice other than to go with them. Mrs. Kehoe said she would prefer not to change firms that frequently, it would build a professional relationship with them and they get familiar with the Town, they are available for us on an ongoing basis if we have interim questions and she would like to be able to negotiate fees with them for the major issues but know that we can count on them throughout the year for smaller issues. Supervisor Ringler said he thinks he is some where in between, he is not saying he wants to make a permanent commitment to LeBoeuf, Lamb, Leiby & MacRae. He said he thinks it is healthy periodically to go out into the market and so that they know we are looking to insure that they are keeping themselves in line with where we should be. Ms. Galvin said having worked in the field of bonding, she knows that bond counsel can feel that the municipality or the governmental entity,

whatever it may be, is a captive and they have you by the throat because they know your work. She said and, the professional relationship can sometimes become very expensive. She said she agrees with Ken that we should review it. Supervisor Ringler said maybe on an annual basis or something like that, put an RFP out, just to see what is out there, similar to what you did to take care of us for a year or something like that. Mrs. Kehoe suggested like every other year or every third year. Supervisor Ringler said whatever, the State just recommends on that that you do it periodically. Mrs. Kehoe said she would be watching. Councilman Webster asked how much bonding we are talking about. Supervisor Ringler said we are not talking about that much. Mrs. Kehoe said that is the other issue, we will not be doing that much bonding, she would imagine and the major projects should be every several years. Ms. Galvin said she would like to see it done whenever we have a major project coming down to be sure that we are looking into competitive pricing. Supervisor Ringler said this can be discussed when they are coming around and see how everyone feels at that point. Ms. Galvin said as opposed to making a commitment tonight. Mr. Webster said something this size, something that size. Ms. Galvin agreed.

Supervisor Ringler said he would entertain a motion to go along with Mrs. Kehoe's recommendation. The motion was made by Ms. Galvin with the stipulation for the project so specified and seconded by Mrs. Fuller that LeBoeuf, Lamb, Leiby & MacRae be and they hereby are appointed as bond counsel capping all fees for the \$10.7 million Bond issue at \$15,000. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Supervisor Ringler said the next item was a recommendation from Judith Kehoe, Comptroller, for approval of appointment of Susan Schmelzer of CSI as investment counsel, replacing Cowen and Company who did it last year. He asked if there were any questions on this item. There were none. He said he concurred with Mrs. Kehoe recommendation having dealt with the previous firm.

Approve
Appointment
Susan
Schmelzer of
CSI as
Investment
Counsel

The motion was made by Mr. Webster and seconded by Mrs. Fuller that Susan Schmelzer of CSI be and she hereby is appointed Investment Counsel. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Supervisor Ringler said he would like to next entertain a resolution to appoint the Democratic Election Inspectors as per the attached list.

Appoint
Democratic
Election
Inspectors

RESOLVED, that in accordance with Election Law, Article 3, the following persons be and they hereby are appointed as Election Inspectors for the Town of Bethlehem on Election Day, November 3, 1992 as recommended by the Democratic Committee:

(As per list attached to resolution dated August 26, 1992 as attached to the resolution on file in the Town Clerk's office.)

The resolution was adopted by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Supervisor Ringler said the next item was a request from Terrence W. Ritz, Engineering Department, for assignment of house numbers on Pine Hollow Road, Ackerman Avenue and Hidden Hollow Road,

per the attached list. He asked if there were any questions on that. He said the name change was a consensus of the neighbors on that particular street. Councilman Webster said there are only 3 residents and they picked the name.

Assign
House Nos.

Pine Hollow Rd.,
Ackerman Ave.,
Hidden Hollow
Road

The motion was made by Ms. Galvin and seconded by Mr. Webster that the house numbers and street names as recommended in the Memorandum dated August 20, 1992 from Terrence W. Ritz, Engineering Department Department of Public Works be and they hereby are approved and are on file in the Town Clerk's office. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Approve
Attendance
Kevin Shea,
Mark Platel,
Roger Griffiths
John Flanigan
at NYS
Building
Officials'
Conference
and
Use of
Town Car.

Following item, according to Supervisor Ringler, was a request from John Flanigan, CPCA, Building Inspector, for approval of attendance of Kevin Shea, Mark Platel, Roger Griffiths and himself to attend the annual New York State Building Officials conference. He said he is requesting with expenses paid. He said in the past and he has not verified this with him, this is required training but in the past under our current policy, we have authorized the payment of the fee to go to the school -- registration fee and provide a Town car. He said if this is available local, this training, we do not pay for their other expenses at this point in time and he believes it is available locally. He said he would entertain a motion to approve that with the registration fee and car and if, he finds out from Mr. Flanigan, it's not available any place locally, with expenses paid but only under that basis.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that John Flanigan, Kevin Shea, Mark Platel and Roger Griffiths be and they hereby are authorized to attend the Annual New York State Building Officials Conference with registration fee paid and use of Town vehicle and expenses paid only in the event the training is not available locally. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Renew
Trailer
Permit -
Selkirk Kingdom
Hall

Supervisor Ringler said the next item was a recommendation from Mr. Flanigan, Building Inspector, for renewal of trailer permit for the Selkirk Kingdom Hall for one year to permit construction of the new church. The motion was made by Ms. Galvin and seconded by Mr. Webster to approve the renewal of the trailer permit for Selkirk Kingdom Hall for one year. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Approve
Election Fees
1992

Supervisor Ringler noted he next would entertain a motion to approve the election fees for elections of 1992 as per the attached list which is the same as last year.

The following resolution was offered by Ms. Galvin and seconded by Mrs. Fuller:

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 1992:

Inspector	Primary \$80.00
	Registration Day \$30.00
	Registration Day \$60.00

appointment to serve at the pleasure of the Town Board. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
 Noes: None.
 Absent: Mr. Gunner.

Supervisor Ringler said the next item was a recommendation from the Traffic Safety Committee pertaining to through street designation for Krumkill Road and Blessing Road and stop sign designations in this area. He said the stop signs would be at the whole list of intersections which the Board Members have along the road. He said there is one minor change to that, there would have to be an added when you publish this, Iroquois Trail at its intersection with Krumkill Road, indicating there is soon to be a second intersection with Krumkill Road and that would have to be added as well. He said he thinks this makes sense and added there has to be a public hearing scheduled, suggesting a public hearing be held on September 23, 1992 at 7:30 p.m.

Set Public
 Hearing Local
 Law No. 3
 Stop Signs
 Krumkill Rd.
 intersects with
 Iroquois Trail
 Andover, Yale,
 Beldale,
 Olympian,
 Mohawk,
 Marathon,
 Beverwyck La.
 Clifton Way
 Googas Road
 and
 Blessing Road
 with its
 intersection
 with Staffords
 Crossing and
 Bradhaven Rd.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to hold a public hearing on September 23, 1992 at 7:30 p.m. to consider Local Law No. 3 to amend the Code of the Town of Bethlehem Vehicle and Traffic Section as follows:

SECTION 119.9, Through Streets, Schedule VI, Section 119-32 to add:
 Krumkill Road and Blessing Road within the Town of Bethlehem
 AND
 SECTION 119.10, Stop Intersections, Schedule VII, Section 119-33 to add:

AT EACH OF THE FOLLOWING STREETS WITH ITS INTERSECTION WITH
 KRUMKILL ROAD:
 Andover Road, Beldale Road, Yale Avenue, Olympian Drive, Mohawk Trail, Marathon Lane, Beverwyck Lane, Iroquois Trail (at both intersections), Clifton Way and Googas Road.

AT EACH OF THE FOLLOWING STREETS WITH ITS INTERSECTION WITH
 BLESSING ROAD:
 Staffords Crossing and Bradhaven Road.

Supervisor Ringler asked if there was any discussion. Councilwoman Galvin said she had one question, does that second intersection of Iroquois Trail exist now. Supervisor Ringler said no. She asked how the Board could vote to put up a stop sign if it does not exist now, further asking if we would have to have a separate public hearing to do it when the road actually is in place if it is not there now. Attorney Kaplowitz said theoretically you should be sure. He said you are really anticipating... Supervisor Ringler asked Mr. Secor when it will be there. Mr. Secor said the road is under construction, the deed will be to the Town Board at the last meeting. Ms. Galvin said as long as we have the deed at the next meeting before we have the hearing. Mr. Secor said we would have the deed before September 3rd. Attorney Kaplowitz said then you should be all right. Ms. Galvin said as long as we have the deed before we have the hearing, she has no problem with it but doing it before we have the deed she thinks could be a difficulty.

The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
 Noes: None.
 Absent: Mr. Gunner.

Supervisor Ringler said the next item is a recommendation from the Traffic Safety Committee pertaining to a request for stop signs at the intersection of Monroe Avenue and Bridge Street in North Bethlehem. He said they have recommended the placement of signs on both sides of Bridge Street where it intersects with Monroe Avenue. He said again we need a public hearing and recommends the 23rd of September at 7:45 p.m.

The motion was made by Ms. Galvin and seconded by Mr. Webster to hold a public hearing on September 23, 1992 at 7:45 p.m. to consider Local Law No. 4 to amend the Code of the Town of Bethlehem Vehicle and Traffic Section as follows:
SECTION 119.10, Stop Intersections, Schedule VII, Section 119-33 as follows:

Bridge Street, North Bethlehem - on both sides with its intersection with Monroe Avenue.

The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Set Public Hearing
Local Law No. 4
Stop Intersection
Bridge St. both sides with its intersection with Monroe Ave.

Supervisor Ringler said next we have another request from the Traffic Safety Committee for stop signs within the Indian Hills Subdivision. He said they received many requests regarding that particular proposal and they are recommending the placement of two stop signs on the east and west side of Iroquois Trail where it intersects with Mohawk Trail. Again, a public hearing, according to Supervisor Ringler, must be held and suggested September 23, 1992 at 8:00 p.m.

The motion was made by Mr. Webster and seconded by Ms. Galvin to hold a public hearing on September 23, 1992 at 8:00 p.m. to consider Local Law No. 5 to amend the Code of the Town of Bethlehem Vehicle and Traffic Section as follows: SECTION 119.10, Stop Intersections, Schedule VII, Section 119-33 as follows:

Placement of two stop signs on the east and west side of Iroquois Trail where it intersects with Mohawk Trail.

The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Set Public Hearing
Local Law No. 5
Stop Signs east and west side Iroquois Trail where intersects Mohawk Trail

Supervisor Ringler said the next item was a request from Bruce Secor, Commissioner of Public Works, for approval of attendance at the International Public Works Congress, Boston, MS, August 29 through September 3, 1992 with use of a Town vehicle. Mr. Ringler said there is no fee as Mr. Secor is President of New York State Chapter, they are paying for his expenses. He said this is basically just a request for the time to go and the transportation.

Approve Attendance
Bruce Secor at Internatic Public Works Congress

The motion was made by Mrs. Fuller and seconded by Ms. Galvin that Mr. Secor be and he hereby is authorized to attend the International Public Works Congress and Exposition to be held August 29 through September 3, 1992 at Boston, MA with use of a Town vehicle for transportation. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Supervisor Ringler said next he would entertain a motion to approve the Town Board minutes of June 30, July 6, July 8, July 22 and July 30 which were all distributed on August 10, 1992.

Approve Town Board Minutes
June 30, July 6, July 8, July 22, July 30

The motion was made by Mr. Webster and seconded by Ms. Galvin to approve the Town Board minutes of June 30, July 6, July 8, July 22 and July 30, 1992. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Supervisor Ringler said the next item he is pulling from the agenda because the deeds have not been received in acceptable form at this point in time for the Devonshire Hills Subdivision. Attorney Kaplowitz asked if there was something wrong with the descriptions. Mr. Ringler said no. Mr. Secor said they are not physically in the building. Supervisor Ringler said they are certainly in unacceptable form.

Reduction
in bonding
Skycrest
Section 6,
PRD

Supervisor Ringler said the next is a recommendation from Bruce Secor, Commissioner of Public Works, for reduction in bonding for the Skycrest Section 6, Planned Residential District. He said they are recommending that a new letter of credit be submitted in the amount of \$12,000. for Section 6 and he said he would like to make this contingent upon approval of the Highway Superintendent's inspection of the paving which he believes is to take tomorrow -- he said it was delayed because of some weather and we do not want to do this, naturally, until the road is in acceptable form but this was on the agenda and as long as it has that contingency on it, he does not believe we have a problem. Mr. Secor said if he could interrupt a second, he would ask that we do the lien check and it has not been completed, so subject to that also. Supervisor Ringler said subject to that also and asked with those two contingencies if anyone would like to offer a motion.

The motion was made by Ms. Galvin and seconded by Mr. Webster that the reduction in bonding for Skycrest Section 5, Planned Residential District be approved contingent upon the completion of the road to the approval of the Highway Superintendent and receipt of the lien check. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Authorize
Deputy Town
Clerk to
attend
Notary Public
Seminar

Supervisor Ringler said next is a request from Kathleen Newkirk, Town Clerk, for authorization for Catherine T. Picarazzi, Deputy Town Clerk, to attend a Notary Public Seminar to be held September 22, 1992 at Hudson Valley Community College with registration and transportation paid.

The motion was made by Ms. Galvin and seconded by Mr. Webster that Catherine T. Picarazzi, Deputy Town Clerk, be and she hereby is authorized to attend a Notary Public Seminar to be held September 22, 1992 at the Hudson Valley Community College with registration and transportation fees paid. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Resolution
changing
Election
Inspector for
Districts 9,27
with
recommendation
from Republican
Committee

Supervisor Ringler said next he would entertain the resolution for appointment of Election Inspector changes for District 9 and 27 with recommendation coming from the Republican Committee.

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

RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Election Inspectors and Poll Clerk as recommended by the Republican Committee for the term beginning July 15, 1992 through July 14, 1993 as follows:

ELECTION INSPECTORS

District 9 J. Michael Olmstead, 439 Wellington Road,
Delmar, NY 12054
to replace Mrs. Showalter.

District 27 Alice Boutelle, 1 Furman Place, Delmar,
NY 12054
to replace Mrs. Curry.

POLL CLERK

District 27 Richard H. Norton, 16 Lee Avenue, Slingerlands,
NY 12159
to replace Mrs. Boutelle.

The resolution was adopted by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Supervisor Ringler said the next item was a recommendation from Charles Wickham, Chairman of the Traffic Safety Committee to consider No Parking signs along VanDyke Road. He said this was being recommended 125 feet north and south of the school bus garage, this would be on the east side of VanDyke Road, entrance; 30 feet south of the northern parking lot; and 50 feet north and south of the southern most parking lot. He said there would have to be a public hearing on that, September 23rd at 8:15 p.m.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to hold a public hearing on September 23, 1992 at 8:15 p.m. to consider Local Law No. 6 to amend the Code of the Town of Bethlehem Vehicle and Traffic Section as follows: SECTION 119.14, Parking Prohibited at All Times, Schedule X, Section 119-36 AMEND VEHICLE AND TRAFFIC as follows to add:

On the east side of VAN DYKE ROAD:

1. 125 feet north and south of the school bus garage entrance;
2. 30 feet south of the northern parking lot; and
3. 50 feet north and south of the southern most parking lot.

Set Public
Hearing
Local Law
No. 6
Parking
Prohibited
East side
VanDyke Rd

The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Mr. Secor asked to make a quick comment on that one. He said on VanDyke Road, we already have no parking on the west side, the problem had been that the kids are parking around the corner curves and the buses are having trouble making those curves and also sight distance problem coming in and out of them. He further said we built a lot of new parking area, we are not trying to tell people they cannot use it but they have to have it so the school buses can get in and out of their bus garage entrance and in and out of the parking lot. He said we just don't want the kids parked right on the corner curve, so they are going to set a distance. He said 50 feet seems like a lot but there is large pavement radius' which makes basically just one space at each one of those corner curves.

Supervisor Ringler said next is a recommendation from Bruce H. Secor, Commissioner of Public Works, to approve plans and set the public hearing to advertise for competitive construction bids for modifications to the waste water treatment plant in Cedar Hill in the Town of Bethlehem. He said we could advertise on September 2, 1992 and open bids on October 8, 1992 at 2:00 p.m.

Go To Bid
Modifications
Waste Water
Treatment
Plant

The motion was made by Ms. Galvin and seconded by Mr. Webster that the Town Clerk advertise for bids for MODIFICATIONS TO THE WASTE WATER TREATMENT PLANT in Cedar Hill, Town of Bethlehem in THE SPOTLIGHT issue of September 2, 1992 and that bids be received and opened on October 8, 1992 at 2:00 p.m. at which time they will be opened and read aloud. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Executive
Session

Supervisor Ringler said he would entertain a motion to conduct an Executive Session at the end of the meeting to discuss some pending litigation. The motion was made by Mrs. Fuller and seconded by Ms. Galvin to conduct an Executive Session at the end of the regular meeting to discuss pending litigation. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Supervisor Ringler asked if there was anything anyone would like to bring to the attention of the Board this evening. Mrs. Capone said your meeting has lasted 5 minutes, 7 minutes less than Tom Corrigan's fastest meeting. Supervisor Ringler said thank you. Mr. Kaplowitz asked if she said more or less. Mrs. Capone said less. Mr. Kaplowitz said this was a new record, right. Supervisor Ringler said make note of that. Mr. Kaplowitz said Mrs. Bickel holds the record for that thought, she held one for about 5 minutes one time.

The motion was made by Ms. Galvin and seconded by Mr. Webster to adjourn the regular Town Board meeting at 7:45 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Ms. Galvin, Mrs. Fuller.
Noes: None.
Absent: Mr. Gunner.

Kathleen A. Newkirk
Town Clerk

THERE WAS NO FORMAL ACTION TAKEN AT THE EXECUTIVE SESSION.