

TOWN BOARD  
AUGUST 27, 1997

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 Bethlehem Town Board. The first item on the agenda was to consider adoption of a resolution pertaining to the Delmar, Elsmere, Slingerlands Ambulance District.

Resolution  
pertaining to  
Delmar, Elsmere,  
Slingerlands  
Ambulance Distri

A lengthy discussion followed pertaining to the basics of the proposal and how this would be handled. Supervisor Fuller explained that the present ambulance service with Delmar Fire District is done through the fire district budget and the proposal was to establish a new line item on the Delmar, Elsmere, Slingerlands tax bills for the Ambulance District. In this way, the residents will contribute toward the operation of the ambulance service rather than one fire district being responsible for the service. It was stated that at the present time, Elsmere and Slingerlands Fire Districts do contract with Delmar Fire District for the service with monetary compensation from their budgets.

Questions were raised regarding the boundaries of the proposed new district. The district would include all lands currently within the Delmar, Elsmere, Slingerlands Fire Districts.

Supervisor Fuller explained that ambulance service will not be impacted in any way by this change. The only change is the new line on the tax warrant.

The following resolution was presented for adoption:

WHEREAS, the Town Board is desirous of considering establishment of the Delmar, Elsmere, Slingerlands Ambulance District to include all lands currently within the Delmar, Elsmere, Slingerlands Fire Districts, according to law,

WHEREAS, the Town Board at its meeting held August 27, 1997 was presented with a description and proposal for said district;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has set a public hearing for September 24, 1997 at 7:30 p.m. to consider establishment of the Delmar, Elsmere, Slingerlands Ambulance District.

The foregoing resolution was presented for adoption by Mr. Putney, was seconded by Mr. Lenhardt and was duly adopted by the following vote:

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

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Supervisor Fuller said for clarification, they were setting a public hearing on Delmar, Elsmere, Slingerlands Ambulance District being formed.

Councilman Johnson asked if it would be prudent to invite someone from each of the organizations to attend the meeting to be available to answer detailed questions. Councilman Davis said she assumed they would want to be in attendance. Mr. Flanigan said he would assume they will be here. Supervisor Fuller noted they are planning to be at the public hearing. She said they chose not to be

in attendance at this meeting. Councilman Lenhardt said he would assume it will be in the auditorium.

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Engineering Service for reduction of bonding for Concourse - Westland Park Subdivision

The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for reduction of bonding for The Concourse - Westland Park Subdivision.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the reduction in bonding for The Concourse - Westland Park Subdivision from Mr. and Mrs. Marek Gurin, Albany, NY from \$3,600 to a new bond amount of \$2,250. 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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Discussion proposed Local law regarding noxious uses

The next item was a discussion pertaining to a proposed Local Law regarding noxious uses. There was a lengthy discussion pertaining to the possible addition of a section to the Bethlehem Town Code regarding Town Board involvement of an action allowing for review of uses in light and heavy industrial zones for the Town of Bethlehem. Issues were raised regarding review by the Town Board or a designated procedure by the Town Board with another Board when a use is proposed requiring Federal and/or State environmental permitting processes. Questions were raised due to 95 percent of uses requiring either a Federal or State permit. The Supervisor and Town Board agreed to further review the proposed statute for other possible avenues to be followed for future presentation.

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Receiver of taxes approval for part-time personnel to collect School taxes

The next item was a request from Nancy Karins Mendick, Receiver of Taxes, for approval of part time personnel to collect school taxes.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the appointment of part time personnel to collect school taxes as listed in the Memorandum dated August 8, 1997 by Nancy Karins Mendick, Receiver of Taxes and Assessments. 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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Request Parks and Recreation approval change of order for Utility Work new playing field area Elm Ave Town Park

The following item was a request from David Austin, Administrator, Parks & Recreation Department, for approval of a change order for utility work at the new playing field area, Elm Avenue Town Park, Delmar. Supervisor Fuller noted the money was in the Capital Reserve Account.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve a change order in the amount of \$6,218. for utility work at the new playing field area, Elm Avenue Town Park, Delmar. 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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Parks and Recreation approval Seasonal Personnel

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

The motion was made by Mr. Lenhardt, and seconded by Mr. Putney to approve the appointment of seasonal personnel as requested in a Memorandum dated August 27, 1997 from David Austin, Administrator, Parks & Recreation Department, at the titles and salaries 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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Supervisor Fuller noted that on the appointments, there is one name that is doing 2 different jobs and then there is one that was appointed 2 weeks ago and it is a different job title. The Supervisor explained it is the end of summer and the start of the fall programs.

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Supervisor Fuller asked if anyone wished to address the Board. Mrs. Capone raised issue with the discussion pertaining to the noxious use proposal noting that groups within the Town will question the expert and possibly want an expert to evaluate the expert that reviews the proposed use.

Mrs. Capone raised question regarding noxious use proposal

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Miss Capone questioned whether the Town Board would be acting in a manner similar to the situation of the proposed Albany County landfill issue, noting that the courts may take issue with the Town refusing uses it felt were not appropriate. Attorney Kaplowitz did not agree with Miss Capone's comments.

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Supervisor Fuller asked for a motion to meet in Executive Session following the close of the regular meeting to discuss negotiations and litigation.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to meet in Executive Session following the close of the regular meeting to discuss negotiations and litigation. 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 motion was made by Mr. Lenhardt and seconded by Mrs. Davis to close the regular Town Board meeting at 8:42 p.m. The motion was passed by the following vote:

Meeting adjourn to executive session no formal action taken

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

*Kathleen A. Newbirk*  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.