

TOWN BOARD
AUGUST 28, 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
Doris M. Davis, Councilman
Robert C. Johnson, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

ABSENT: George Lenhardt, Councilman

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Supervisor Fuller called the meeting to order and welcomed everyone in attendance. The first order of business was a recommendation from Building Inspector, John Flanigan, for renewal of a dumping permit for premises at the corner of Murray Avenue and Tierney Drive, Delmar.

Building Inspector renewal of dumping permit

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the renewal of a dumping permit for premises located at the corner of Murray Avenue and Tierney Drive, Delmar for Richard Mesick, Hannacroix, NY as recommended by Building Inspector, John Flanigan, with the stipulations listed. The motion was passed by the following vote:

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

The next item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of a deed for the Thompson, 2 lot subdivision on Bender Lane, Glenmont.

Engineering Service acceptance of a deed subdivision on Bender Lane

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the acceptance of a deed from Mr. and Mrs. Harold F. Thompson, Glenmont, NY for highway right-of-way purposes on Bender Lane, Glenmont. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds for the Pinewood Subdivision on McCormack Road, Slingerlands.

Engineering Service acceptance for deeds Pinewood Subdivision

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the acceptance of two (2) deeds for highway purposes for the Pinewood Subdivision on McCormack Road, Slingerlands, from Klersy Building Corporation, Delmar, NY. The motion was passed by the following vote:

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

The following item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deeds for The Meadows Subdivision, Delmar.

Engineering Service acceptance deed for Meadows Subdivision

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The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the acceptance of two (2) deed documents for highway purposes from The Meadows at Bethlehem, Glenmont, NY for The Meadows at Bethlehem Subdivision. The motion was passed by the following vote:

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

Engineering Service for acceptance of check for paving of extension the Concourse North Bethlehem

The following item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of check from Mr. and Mrs. Gurin, owners of Eurostyle Construction as bonding for the final paving of an extension of The Concourse, North Bethlehem.

Attorney Kaplowitz asked Comptroller Kehoe if the check will be deposited. Mrs. Kehoe said the check is deposited and it will earn interest and the interest goes back to the owners.

The motion was made by Mr. Johnson and seconded by Mrs. Davis for approval of acceptance of check in the amount of \$3,600. as bonding for the final paving of the extension of The Concourse, North Bethlehem, from owners of Eurostyle Construction, Mr. and Mrs. Gurin. The motion was passed by the following vote:

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

Engineering Services acceptance of deed for 52 Euclid drainage easement

The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of deed for 52 Euclid Avenue for drainage easement purposes.

The motion was made by Mr. Putney and seconded by Mrs. Davis to accept the deed for drainage easement purposes for 52 Euclid Avenue, Delmar, from Mr. James M. Micale, 52 Euclid Avenue, Delmar. The motion was passed by the following vote:

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

Engineering Services adoption of resolutions and agreement the Elm Avenue Bike Path

The next item was a request from Michael Cirillo, Engineering Services Administrator, for adoption of resolution and authorizing the Supervisor to sign the agreement regarding the Elm Avenue Bike Path.

RESOLUTION BY MUNICIPALITY
(Locally Administered Project)
RESOLUTION NUMBER: _____

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal aid project, and appropriating funds therefore.

WHEREAS, a Project providing for the construction of a bike route, P.I.N. 1753.12 ("the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds, and

WHEREAS, the Town of Bethlehem desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction and construction inspection.

NOW, THEREFORE, the Bethlehem Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Bethlehem to pay in the first instance 100% of the federal and

The motion was passed by the following vote:

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

Request from Highway Super contract with Albany Co for pavement striping

The following item was a request from Gregg Sagendorph, Highway Superintendent, for authorization of the Supervisor to sign a contract with Albany County for pavement striping.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the signing of the Contract with Albany County for pavement striping by the Supervisor as recommended by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

Receipt of Conditional final Plat Fisher Hollow

The following item was acknowledgement of receipt of Conditional Approval of Final Plat for the Fisher Hollow Subdivision from the Planning Board for information purposes.

Minutes approved July 24 and August 14, 1996

The next item was to approve the Town Board minutes of July 24, 1996 and August 14, 1996.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the Town Board minutes of July 24, 1996 as submitted. The motion was passed by the following vote:

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

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The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the Town Board minutes of August 14, 1996 as submitted. The motion was passed by the following vote:

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

Voting Machine Display Primary Day held 9/4/96

The Supervisor announced the Voting Machine Display for Primary Day (Democratic and Conservative only) will be held September 4, 1996 from 9 to 12 noon in the Board room at Town Hall.

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Mr. Kelleher's statement

Supervisor Fuller stated there was a statement in each packet for the Town Board Members from Mr. William Kelleher which he has requested to be part of the minutes of the meeting. She asked if anyone had any questions. Councilman Putney asked if Mr. Secor would be responding to the statement. Supervisor Fuller said Mr. Secor certainly can. Mr. Secor said he spoke to Supervisor Fuller earlier in the day and it is unfortunate, he has talked to Mr. Kelleher in the past. Mr. Secor said there are a number of things in the statement which are wrong and he just wants it to be on the record since this is going to become part of the record. Mr. Kelleher states that there are only 3 of the wells that were constructed. Mr. Secor said that is not true, all 4 were done as were originally planned.

Mr. Secor said Mr. Kelleher states that he feels that there were serious design problems with the pumps. That is not true, according to Mr. Secor. He said the pumps that were specified were the ones that were purchased. When the pumps were delivered to the job and initially tested, they did not test properly. Mr. Secor said the manufacturer came back and agreed that they had to remanufacture the impellers and that was done. He also stated the Board is aware of that, those were simply replaced. He said it is not a design error, it was a manufacturing error and they stood by the original design. He said there has been no major change to the design.

Mr. Secor said Mr. Kelleher goes on to talk about radical changes. He said there really were not any radical changes. He said the plans were put in, they were constructed and the testing has been gone through, as well as, the start-up. Mr. Secor said to date over 500 million gallons of water have been pumped out of the wells. He said they have gone through the treatment plant, met all the standards and it is unfortunate that we are still getting this information which is incorrect.

As far as the pump testing which he told the Board would be done, Mr. Secor said he has met with Dr. Howland, who is the original design fellow from Dunn Geoscience which is now part of Rust, and he is willing to supervise the test and there will be a formal report sent back to the Board which will be made public and everybody will have a copy of it. Mr. Secor said they are going through this a step at a time, as you think we should in this project. He said there will be additional information as soon as it is available and it will be done very formally and publicly.

Councilman Putney thanked Mr. Secor. Councilman Davis also thanked Mr. Secor. Supervisor Fuller asked if there were any other questions. There were none.

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Supervisor Fuller asked if anyone else wished to address the Board. There were none.

The motion was made by Mr. Putney and seconded by Mrs. Davis to adjourn to executive session following the close of the regular meeting to discuss personnel matters. The motion was passed by the following vote:

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

Adjourn to
executive
session no
formal action
was taken

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Supervisor Fuller asked for a motion to close the regular meeting. The motion was made by Mr. Putney and seconded by Mr. Johnson to close the regular Town Board meeting at 7:40 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.