

TOWN BOARD  
DECEMBER 14, 1994

PRESENT: Sheila Fuller, Supervisor  
Frederick C. Webster, Councilman  
George Lenhardt, Councilman  
Freeman T. Putney, Councilman  
Doris M. Davis, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

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Supervisor Fuller welcomed every one to the regular meeting of the Bethlehem Town Board. The Supervisor requested a moment of silence for the passing of two former Town of Bethlehem Supervisors in the month of November. Mr. Bertram Kohinke who served the Town for 17 years as Supervisor and Mr. Harry Scheaffer who was Comptroller for 15 years and two years as Supervisor. A moment of silence was observed.

The next item on the agenda was a presentation by the Commissioner of Public Works regarding the proposed yard waste composting facility.

Presentation  
and discussion  
re: proposed  
yard waste  
composting  
facility

Mr. Secor, Commissioner of Public Works, forwarded a memo to the Town Board outlining the procedure of the recommendation and also a copy of the Engineers Report which will be filed with the Town Clerk for public review.

Mr. Secor explained, the Town has been composting leaves and yard waste for over 20 years in the static pile method. He further said this program is to expand that existing yard waste composting process so that all of the waste from the Town can be turned into useable compost and given back to the residents. He said 7 sites were looked at and he included in the information an analysis of the various sites. The criteria for the proposed location was the consideration of it being in the industrial zone, a site which was easily accessible both to the trucks for dumping and pickup by private individuals. The sites included land at the General Electric site, noting this is set back over 800 feet from Route 32 and buffered by an existing ravine which has a tree line on one side, power line in back and another ravine and tree line in front. He said the future land use projection shows this area to remain heavy industrial. Another site was at the corner of Route 32 and Waldenmaier Road which was previously used as a slaughter house of which the Town owns about 5 acres, light industrial zoned and future land use being agricultural rural with the possibility of residential. Thus, there would be a possible residential area adjacent to the facility. A third site was at the intersection of Creble Road and Long Lane, again this is property owned by General Electric. He noted this site was also looked at for a possible site of rebuilding the fire training tower. This area has a number of residential properties near it on Old School Road. He said this was not easy to screen and quite a bit further regarding transportation. He said the center of generation of waste is basically in the center part of Town. He said another criteria was consideration of distance to the site.

Commissioner Secor indicated Highway Superintendent Sagendorph had taken the map of the proposed sites and driven to each one to ascertain the mileage to each site from the center of generation. Mr. Secor said this would add to the expense of the program.

The other site looked at was in the industrial zone off either road. He said there is 17 acres owned by the Town with access off of Route 396 and a site in the old gravel bank off of Rupert Road and in the tabulation of the analysis and projected uses in the areas, it is the recommendation that the site by General Electric with access to the State road, ease of access for the residents and efficiency for the Highway Department personnel to bring the materials in, screened naturally, would be best suited to this use. He said this site also has access to a Town water main if water is needed for wetting down the piles of compost materials. He said in the planning of the

development of the site, the Engineer's Report shows the type of site to be developed -- it is basically a paved parking lot. It will have a gentle slope with a retention pond at the end. The pond would be used to pump water back onto the piles for moisture content.

The composting piles will be nothing more than piles of leaves, according to Mr. Secor, intending the purchase of a special compost turner. He said this provides for the lifting, aeration and turning of the piles to break down the leaves. By turning the piles in a manner based on moisture and temperature, control can be kept of how long it takes for the composting. The present system takes about 3 years to make good compost to give back to the residents. The new process should break this down in 6 to 9 months -- within a year the material should be able to be turned. It has been sized to take the bulk of the material in October/November, make the compost and allow for return to residents. Mr. Secor further explained there is an area for stockpile of woody material that is bulky and the plan is to go out to bid for someone to come in and grinder chip this material. The operation will take place back away from the roadway.

Mr. Secor said the site also includes a small building for maintenance to keep the equipment in and paving will be done of a blacktop road with a gate near the road to control access. The Engineer's report describes the process in more detail. This program, according to Mr. Secor, has been very successful over the years. This site will only utilize yard waste. Mr. Secor indicated he and the Highway Superintendent have visited other locations with regard to this type of recycling program. Mr. McDonald from McDonald Engineering who wrote the engineer's report was in attendance.

Mr. Secor indicated this is a very known technology and the State of New York has been promoting this. He said through the Solid Waste Task Force recommendations were made. He said the plans to build this facility are in compliance with the master plan for the yard waste as part of the overall solid waste plan for this unit. He further noted he thinks this is a good plan and the site minimizes all the impacts that could be identified in the engineer's report. He said he is suggesting to the Town Board that the permit procedure be started in order to deal with the Department of Environmental Conservation. He said once the permit procedure is started, it opens it up for public comment. He said everything is on file and documentation can then be done with regard to any discussions or items that come in. He said trying to work informally through phone calls or meetings is wonderful but you still have to get to the point where you start the permitting process. He noted there was a copy of a one page form to start the permitting process. He said he also filled out the environmental assessment form which will be placed on file with the Town Clerk and it will be forwarded to DEC to talk about the SEQR forms and procedure. Mr. Secor said he and Mr. McDonald would be happy to answer any questions.

Councilman Webster asked how far back off of Route 32 the facility will be. Mr. Secor said it is about 800 feet back to where the compost will be. He said it is over 800 feet to where the composting pad is located, where the turning will be taking place. Councilman Webster asked what the closest occupied structure will be. Councilwoman Davis said about 1,000 feet. Mr. Secor said there is one house within 1,000 feet but it is unoccupied. He said he thinks the nearest occupied house is almost 3,000 feet away. He said you have to get over to Henry Drive and Martin Road. He said the next ones to that would be the folks on Waldenmaier Road. He said this is out between 4,000 or 5,000 feet. He said it is the remotest site they could find and still be in an industrial zone. Mr. McDonald noted DEC requires a set back of 200 feet, so this site is well beyond that.

Councilwoman Davis said the permit indicates the ultimate facility height above ground level is 20 feet. Mr. Secor said this was only for the storage building. Mrs. Davis asked what that will be. Mr. Secor said this is just a storage building. He said if you had a single family house, the peak height would be 20 feet. Mr. Secor said the piles themselves may start out 10 to 12 feet high but they very quickly settle down and end up at about 6 to 8 feet high. He further said with the screening and berming and the site actually

pitches off to the pond -- there is almost 5 feet of pitch on the back -- most of that will simply not be visible from the road. Councilwoman Davis said one of the questions was related to some of the other facilities in the area. She asked which one would be probably closest in design to the one proposed. Mr. Secor said the 2 he would suggest is the one that Albany is running on Erie Boulevard and the one at Colonie. He said the Colonie one is on a paved pad, they have a collection pond, an automatic turner and he was not sure which one they are using. He said both Colonie and Albany are using the paper bag system. They have gotten rid of all the plastic bags. Mr. Secor noted the paper bags do break down within the year, they are a good product. Councilwoman Davis asked if, as Board Members, they could visit one or both of the sites. Mr. Secor indicated they could. Mrs. Davis further asked if pictures could be provided if someone is not able to go to the site. Mr. Secor said this could be done.

Councilman Webster asked if Colonie's site is located at their landfill. Mr. Secor said it is. They have a paved pad within the landfill property.

Councilwoman Davis said one of the other questions was related to noise. She asked what is the noise level and will it make a considerable amount of noise. Mr. Secor said one of the reasons for trying to be in an industrial area is that you are going to be running equipment, whether it is the trucks coming in and dumping; or the loader placing the stuff and shaping the piles; or the turning machine which has a diesel engine on it. He said there is some noise with it but it is no different than a farm tractor or a bull dozer. He said this is why they are looking at not having a residence within a couple thousand feet. He indicated distance is the thing that mitigates noise. He said the screening, berming and set back from the road will also help mitigate the noise. He said he does not really see this as a problem. Mr. Secor said he has been to some sites that are within 200 or 300 feet of houses and that is difficult. He indicated one of the most offensive things is the backup alarm on the equipment, noting they are required by law.

Councilwoman Davis asked if they will be using similar equipment to tree cutters. Mr. Secor said the chippers will be there but not be utilized all the time. He said they may be used from time to time but the chippers are very inefficient when it comes to large material. He said the tub grinder was a low droning engine in the background. He said it was not penetrating. He said they are all muffled and must meet the safety standards. Again, Mr. Secor said most times when you see the chipper you are within 30 or 40 feet of them and it is much more of an impact than if you are 800 or 900 feet away. He said a tub grinder would probably be used for speed of grinding the material and this would be done by a vendor.

Mr. Secor noted the price of a grinder is prohibitive and indicated the proposal will cost about \$950,000 for construction costs. He said most of this is in gravel and blacktop and there is some equipment money in there. He said there is a breakdown in the back of the book. He said you could add almost 50 percent to the cost to buy one more piece of equipment, the chipper, which you might only use a few days out of the month. He said going to a vendor type situation would be more efficient.

Councilman Lenhardt asked if this would eliminate the compost piles at the Highway garage. Highway Superintendent Sagendorph said this has not been decided yet. He said years ago there were some complaints from the Dowerskill residents but the piles are turned on a more regular basis and this seems to have settled this problem. He said there is no odor. He said this may continue.

Councilwoman Davis said certainly the composting program has been successful and it is a real advantage to our residents. Mr. Sagendorph said right now every year the compost is exhausted. Mrs. Davis said it is great stuff. Supervisor Fuller said many of our residents have their own composting piles in their yards. Mr. Secor said that was one of the things pointed out in the comments received that the Town under the solid waste hierarchy from New York State has a responsibility to look at ways of reducing waste streams. He said

this has been promoted and participation done with Roger Creighton Associates when they put in a proposal for a yard waste composting program within Town but he did not think it was funded. Mr. Secor said the Solid Waste Task Force sent out information and there are pamphlets available for people who want to do backyard composting. He said backyard composting is fine but the problem from different neighbors is that the compost pile does not smell but my neighbor's pile does. He said this presents a problem when it is done in the backyards. He said as long as you stay with just yard waste it is okay, however, grass clippings need special attention. He said this is why there is special equipment to turn this material.

Mr. Secor said this is known technology and Mr. Sagendorph has someone who will be able to run this very efficiently and given the right mixture of equipment and personnel he thinks this will be an excellent program.

Supervisor Fuller said with a request to visit the other sites, she thinks it would help if the Board Members got to see the site and then look at where the property owners are.

Councilman Putney asked if this would last the Town a number of years in terms of volume. Mr. Secor said yes. He projected there is sufficient capacity and again, the idea is that this would be composted -- turn that material so you can continue to have material available. He said he has no problem that this is a 20 year design. He said there is room on the site for additional piles but there are other techniques where you can force this material even quicker. He said in some places they talk about 3 months. He said between the composting pad, the storage area and the curing area and the area to distribute the material, there is enough zones there to stockpile the material and keep a fresh supply here. He said there may be some recycled on site to keep peak stock into the composting program. He said this is a long term commitment and that was the reason for the selection of the industrial area. He said they also considered what the land use will be in 5 to 10 years.

Councilwoman Davis asked if any of this will be sold or marketed. Mr. Secor said, again, Colonie has been successful in giving away everything they have made. He said there have been requests from people who want the material in bulk but there is an expense to loading this out. He said there is something like \$30 to \$40 per ton as the cost of producing the material and give it away to the residents. He said if you try to market it, you charge just the fee of loading it out and if you have a glut and you cannot get rid of it, maybe you could. However, he said this is balanced, the inflow and outflow, he expected you would stay within the Town. He said there are firms who will come in and market the material. He said Schenectady County has a bagging machine and puts it on pallets and sells it as you would buy it in a hardware store. He said Schenectady is trying to make the program pay for itself.

Mr. Secor noted we are hauling the material in and there will be drop off area for residents to bring additional material in. He said at this time the material will be distributed back to the residents. He feels if the material is sold in bulk, he would suggest at the minimum, the charge should cover the cost of loading it out, labor and equipment. He said this will be discussed later, after the material is generated.

Councilman Putney asked if Mr. Secor anticipated commercial ventures in Town would be interested in taking this and reselling it. Mr. Secor said he did not know. He said a landscaper might be able to do that and then as part of the landscaping project, you know, do this but he did not know. He said it is getting harder and harder to find topsoil. He said one of the things discussed to try is to use this composting and tilling it into some clean clay material that is unusable and try to make a clay based topsoil which can be used for the Town's use and for reclamation of the landfill, reclamation of the clay pit. Mr. Secor noted Guilderland was using it for landfill closure.

Mr. Mike Waldenmaier noted this material makes excellent topsoil. He said several communities are charging commercial

entities but residential use is free. Attorney Kaplowitz noted this was a decision they made later on. Mr. Secor said the product needs to be made first and then discuss the options.

Supervisor Fuller asked Mr. Secor how long he anticipates the process will take with DEC. Mr. Secor said it may be a couple of months to go through the review process of the permit. He said comments will come back, there is a public comment period through the SEQR process and he feels a minimum of 90 days is involved. He said then there is the final comments and make whatever plan revisions or modifications have to be done. Following this, it would come back to the Board. He feels this should be ready by spring to do final drawings. He further noted the plan is to build this next year and have it in operation by next fall. Mr. Secor said this is the closure plan for the North Street site and this facility will take the leaves and debris in November and December next year.

Supervisor Fuller asked if there were any other questions. Councilman Webster said he feels there will be a lot of support from the residents on North Street. Supervisor Fuller asked if the audience had any questions.

Mr. Mike Waldenmaier asked how many trucks per day would visit the site. Mr. Secor referred to Highway Superintendent Sagendorph. Mr. Sagendorph said it varies according to the season. He said during clean-up 9 trucks are out taking brush, leaves, etc. He said in summer there are 3 trucks out making 4 loads a day. In the fall, Mr. Sagendorph said there are 9 leaf trucks out, 3 brush trucks and this results in 5 loads a day per truck. He said it really depends on the season. Mr. Secor said it could be from 10 to 60 trucks a day depending on the season. He said that was why this location was suitable. He further noted this truck traffic is in the off peak hours.

Mr. Waldenmaier asked if this would be used for snow removal too. Mr. Sagendorph said it would not, this was not part of the plan. Mr. Secor said there is a leased site on North Street where the snow removal goes. He said it is much more convenient to the center of Town.

Mr. Waldenmaier said there is one other problem. He said he thinks it is great that GE is going to donate the property and that the Town is pretty lucky to get it. He said Mr. Secor keeps referring to this as industrial property but the property right next to GE is Waldenmaier property and LUMAC has that proposed to be changed from light industry to agricultural residential which then could be residents right next to the property. He feels as long as it stays light industry, he does not see a problem and he thinks it is a good location but if they change the property he thinks there will be a problem. Mr. Secor said, again, this is the future land use plan and in talking to the Town Planner, the land use plan has to go from that transition to an ordinance for zoning. These types of considerations will have to be looked at.

Mr. Waldenmaier said the heavy industry and the light industry is shown on the map, however, the LUMAC plan proposed to take away that light industry. Mr. Secor said, again, this is a projection and it has yet to go to the Board for hearing. Mr. Secor said this is the current zoning map now and the other is projected land use. Mr. Secor also noted single family residence can still be built in a light industrial zone. He said there are issues that have to be reviewed.

Supervisor Fuller asked if there were any other questions or comments. She said a letter was received from a resident on Waldenmaier Road and the Board has a copy of it. She said it was a letter from Susan Martin and Kenneth Hamm in support of the project but they do have concerns about the truck traffic, visual situation and health related concerns.

Councilwoman Davis asked Mr. McDonald, just in case residents on Waldenmaier Road see the first map, Waldenmaier Road is not on the map. Mr. Secor said it was not labeled. She felt it should be included.

Approve  
permit  
application  
re: composting  
facility on  
lands of G.E.

The motion was made by Mr. Putney and seconded by Mr. Webster to authorize moving forward with the permit application to Department of Environmental Conservation to permit the composting facility on lands of General Electric in Selkirk. The motion was passed by the following motion:

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

Supervisor Fuller thanked Mr. Secor and Mr. McDonald.

Authorize  
Supervisor  
to sign  
agreement  
with Mohawk &  
Hudson Humane  
Society 1995

The next item was to authorize the Supervisor to sign the agreement with Mohawk and Hudson River Humane Society for the year 1995.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to authorize the Supervisor to sign the 1995 Mohawk and Hudson River Humane Society Agreement pertaining to the services and use of facilities. The motion was passed by the following vote:

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

Resolution  
to accept  
resignation  
of Board of  
Assessment  
Review member

The next item was to accept the resignation of Karen Granito as a member of the Board of Assessment Review. Supervisor Fuller explained Mrs. Granito has left the area and relocated in Cortland, New York.

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

RESOLVED, that in accordance with Real Property Law, Chapter 1524, the resignation of Board of Assessment Review Board member Karen J. Granito was accepted by the Town of Bethlehem Town Board effective October 1, 1994.

The resolution was adopted by the following vote:

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

Authorize  
Supervisor  
to sign  
1995 Police  
contract

The next item was to authorize the Supervisor to sign the 1995 Police Contract. Supervisor Fuller explained this is the third year of the contract and they have a salary reopener each year. She noted this was the final reopener for the 3 year contract and the salary has been settled at 4 percent increase. Negotiations with the Police will begin again in September or October for a new 3 year contract, according to the Supervisor. The Supervisor noted this has been ratified with the Union and Mr. Webster and Mr. Martin Barr were the negotiators for the Town.

The motion was made by Mr. Webster and seconded by Mr. Lenhardt to approve the Supervisor signing the 1995 Police Contract Memorandum of Agreement. The motion was passed by the following vote:

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

Extend L.L.  
No 4, 1989 and  
No. 1, 1994  
Interim Density  
Develop Act

The next item was a recommendation from the Town Planner regarding proposed Local Law regarding amending Local Laws No. 4 of 1989 and No. 1 of 1994, Interim Development Density Act, pertaining to an extension of time for one year.

Town Planner Lipnicky explained the proposal is a draft Local Law to extend the Interim Development Density Act which was adopted in 1989. The current law will expire January 18, 1995. He further noted this law controls the minimum lot size requirements and width of lot requirements for residential properties. This local law would continue the current regulations for one year. Mr. Lipnicky said this is also proposed due to the Town Board having the draft Master Plan before them. He noted a public hearing will be necessary if the Town Board wished to go forward with this proposal.

The motion was made by Mrs. Davis and seconded by Mr. Putney to hold a public hearing on January 11, 1995 at 7:30 p.m. to consider Local Law No. 1 of 1995 regarding the extension of the Interim Development Density Act for one additional year. The motion was passed by the following vote:

Set Public  
Hearing  
L.L.1, 1995  
Extending  
interim develop  
density act

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

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The next item was a request from Administrator of Parks & Recreation Department, David Austin, for the transfer of funds.

Transfer of  
Funds Parks  
& Recreation  
Dept.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the transfer of \$10,500 to the Recreation Reserve Account to provide for improvements at the North Bethlehem Park and funds budgeted to begin development of the property adjacent to the Glenmont Job Corps, River Road, Glenmont. The motion was passed by the following vote:

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

Councilman Lenhardt asked when the money is taken out of the Reserve Account, if there is a permissive referendum required or not in this category. Mr. Austin said it has to come back to the Board.

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The next item was a request from the Town Clerk, Kathleen A. Newkirk, for authorization to attend the Region I, International Institute of Municipal Clerks Conference to be held January 13, 1995.

Approve  
attendance  
Town Clerk  
at IIMC  
conference

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the attendance of Town Clerk Newkirk at the Region I, International Institute of Municipal Clerks Conference to be held January 13, 1995 at Mystic, Connecticut with expenses paid. The motion was passed by the following vote:

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

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The following item was a recommendation from the Engineering Division, Department of Public Works, for approval of assignment of house numbers for Starr Road and Princess Taylor Lane.

House Nos.  
Starr Road  
and  
Princess  
Taylor Lane

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the assignment of house numbers for Starr Road and Princess Taylor Lane as recommended by the Engineering Division, Department of Public Works. The motion was passed by the following vote:

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

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Trailer Camp  
Permit Shady  
Grove East  
and  
Breckenridge  
Village

The next item was a recommendation from the Building Inspector for renewal of trailer camp permits for 1995.

The motion was made by Mr. Webster and seconded by Mr. Lenhardt to approve the renewal of Trailer Camp Permits for 1995 for Shady Grove East, Shady Grove West and Breckenridge Village, Selkirk, Town of Bethlehem with total fees collected \$740. The motion was passed by the following vote:

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

Noes: None.

Go To Bid  
gasoline,  
diesel fuel  
and  
fuel oil  
for 1995

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval to go to bid for gasoline, diesel fuel and fuel oil for 1995.

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

WHEREAS, the Town desires to advertise for bids for gasoline, diesel fuel and fuel oil, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 21st day of December, 1994 and that bids be received up to 2:00 and 2:15 p.m. on the 4th day of January, 1995 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.

Recommendation  
from Highway  
Supt. not to  
award Tree Bid

The following item was a recommendation from the Highway Superintendent, Gregg Sagendorph, not to award the bid for tree work. Highway Superintendent Sagendorph explained that bids were solicited from 4 vendors, however, only one formal quotation was received. He said it is from the vendor who currently has the contract. He said the prices have gone substantially higher, in line with what the other vendors quoted last year. He said without comparison quotes, he would rather go out and get quotations on individual projects.

The motion was made by Mr. Putney and seconded by Mr. Webster to not award the bid for tree work for 1995. The motion was passed by the following vote:

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

Noes: None.

Approve  
purchase of  
3 vehicles  
Highway Dept.

The next item was a request from Highway Superintendent for approval of purchase of 3 vehicles.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the purchase of 3 vehicles -- one 1995 Champion grader with scarifier; one heavy duty single axle dump truck with front plow, leveling wing plow and one salt-sand material spreader; and one 20 yard packer truck from State contract for use by the Highway Department. The motion was passed by the following vote:

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

Noes: None.

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

Approve  
Seasonal  
Personnel  
Parks &  
Recreation  
Dept.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the appointment of seasonal personnel as recommended by David Austin, Administrator of Parks & Recreation Department, as follows:

Recreation Supervisor II at a rate of \$6.00 per hour

Timothy G. Haverly  
15 Gardner Terrace  
Delmar, New York 12054

and

Recreation Supervisor at a rate of \$5.00 per hour

William C. Krell  
Box 174  
Glenmont, NY 12077

Jennifer Bestler  
77 Mason Road  
Delmar, NY 12054.

The motion was passed by the following vote:

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

The following item was a recommendation from Engineering Services Administrator, Dept. of Public Works, Michael Cirillo, for reduction of bonding for Colonial Woodlands Subdivision.

Reduce  
Bonding  
Colonial  
Woodlands  
Subdivision

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the reduction of bonding for Colonial Woodlands Subdivision from \$16,500 to \$2,250 as recommended by the Department of Public Works, Engineering Services Administrator. The motion was passed by the following vote:

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

The next item was a recommendation from Department of Public Works for acceptance of deeds for PRD-3, Skycrest Subdivision.

Accept deeds  
Skycrest  
Subdivision

The motion was made by Mr. Lenhardt and seconded by Mr. Webster to approve the acceptance of four (4) deed documents for Skycrest, Section 6, PRD-3 from Bronco Development Ltd., Albany, NY. The motion was passed by the following vote:

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

The following item was a recommendation from Department of Public Works for acceptance of deeds for the Meadows Subdivision.

Accept deeds  
The Meadows  
Subdivision

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the acceptance of thirteen (13) deeds for the Meadows Subdivision, Section 2B as recommended by the Department of Public Works. The motion was passed by the following vote:

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

The next item was a recommendation from Commissioner of Public Works for acceptance of bonding for Juniper Fields/Adams Station and

Accept  
bonding for  
Juniper Fields/  
Adams Station  
and reimburse.  
of Highway fund

approval of reimbursement of highway fund. Supervisor Fuller asked if there were any questions.

Councilwoman Davis asked Mr. Secor if this means the buildings that back up to the extension of the bypass toward VanDyke Road will now be completed. Mr. Secor said this was correct. He said the only reason construction stopped was because the bank in Rochester failed. He explained when the bank failed the construction financing stopped. Mr. Secor said this is to allow completion of the 600 and 700 buildings on Derzee Court. He said he thinks they are just about ready for Certificates of Occupancy. He said the landscaping will be completed this spring.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the acceptance of bonding in the amount of \$80,000 for Juniper Fields/Adams Station BPA and the approval of reimbursement of the Highway Fund for repairs completed by the Town Highway Department. The motion was passed by the following vote:

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

Transfer  
Funds  
Senior Cit.  
Services

The next item was a request from Senior Citizens Services Director, Karen Pellettier, for approval of transfer of funds.

The motion was made by Mr. Putney and seconded by Mr. Webster to approve the transfer of \$2,400 from Personal Services and Equipment to Contractual Expenses and \$600 from Contingency Funds to Contractual Expenses to cover unexpected repairs to senior services vehicles. The motion was passed by the following vote:

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

Request for  
Year End  
Transfers  
from Comptroller

The next item was a request from the Comptroller regarding year end transfers in the general fund. Mrs. Kehoe explained the request is the second one as part of the year end close out. She said the final figures have been looked at and compared to the budgeted amount. She explained there were monies needed to provide for the close outs.

Proposed Resolution to Approve a Supplemental Appropriation

RESOLVED, that pursuant to Town Law Section 112, the Town Board does hereby approve a supplemental appropriation in the amount of \$225,000, from unappropriated cash surplus within the general fund. The purpose of said appropriation shall be to provide for additional approved expenditures within the 1994 budget.

The foregoing resolution was presented for adoption by Mr. Webster, seconded by Mr. Putney and passed by the following vote:

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

Establish  
Capital  
Reserve  
Account for  
Highway Dept.

The next item was a request from Comptroller, Judith Kehoe, to approve the establishment of a Capital Reserve Account for the Highway Department.

PROPOSED RESOLUTION TO ESTABLISH CAPITAL RESERVE FUND  
FOR HIGHWAY EQUIPMENT

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, the Town Board does hereby establish a Capital Reserve Fund to finance the cost of acquisition of highway equipment.

The Town Supervisor is hereby directed to deposit moneys of this reserve fund in a separate bank account to be known as the "Highway Equipment Reserve Fund".

The Town Supervisor is authorized to invest, from time to time, the moneys of this fund pursuant to Section 11 of the General Municipal Law.

No expenditure shall be made from this fund, except upon authorization of this board pursuant to Section 6-c of the General Municipal Law, and subject to permissive referendum if required by law.

The foregoing resolution was presented for adoption by Mr. Putney, seconded by Mr. Webster and passed by the following vote:

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

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The next item was a recommendation from Chief of Police, Richard LaChappelle, for award of the Uniform Bid. Supervisor Fuller explained that Rosen's was not the lowest bidder, a difference of approximately \$50, however the low bidder did not meet the particular terms of the notice to bidders.

Award  
Uniform  
Bids

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the award of the Uniform bid to Rosen's Uniform Centre, Albany, NY as submitted. The motion was passed by the following vote:

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

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The next item was to consider the resolution pertaining to Notice of Petition for Bethlehem Police Officer Christopher A. Pauley.

At a regular meeting of the Town Board of the Town of Bethlehem, County of Albany, NY., held at Delmar in said Town on the 14th day of December 1994 at 7:30 p.m., there were:

PRESENT: Supervisor Sheila Fuller  
Councilman Webster, Councilman Putney,  
Councilman Davis and Councilman Lenhardt

ABSENT: None.

Resolution  
re: Notice  
of Petition  
Police  
Officer  
Pauley

Councilman Webster offered the following resolution and moved for its adoption.

WHEREAS, one Christopher A. Pauley, a member of the Bethlehem Police Department, and his Union, Council 82, AFL-CIO, have filed a petition and notice of petition against the Town of Bethlehem, claiming Officer Pauley was not receiving full credit for time served as a police officer with other municipalities;

WHEREAS, it appears that Christopher Pauley was hired by the Town of Bethlehem as a police officer on January 6, 1992 after having served as a police officer in both the Village of Ravena and the Village of Green Island; and

WHEREAS, Section 153 of the New York State Law requires certain benefits be paid to police officers transferred from one police department to another within the same county; and

WHEREAS, a thorough investigation of the claim has been made, and to allow the same be further prosecuted in a court of law would involve considerable expense with an attendant uncertainty of outcome, and

WHEREAS, the claimants are willing to compromise and settle Officer Pauley's said claims for all past and any future damage for

the sum of Eight Thousand Dollars (\$8,000.00) which he has agreed to accept in full settlement; and

WHEREAS, the parties have agreed that the petitioner's date of first employment with the Town of Bethlehem shall be March 15, 1989 for purposes of determining rights and benefits based on seniority, as well as to determine salary, hourly rate, overtime rate and longevity from the date of final order is signed herein.

WHEREAS, it is believed to be in the best interest of the Town of Bethlehem to accept said offer of compromises and settlement, and to pay the said sum of Eight Thousand Dollars (\$8,000.00) in full settlement of said claim without further or additional cost and expense;

NOW, THEREFORE, be it

RESOLVED: That the proposition of settlement made by the claimant to accept in full settlement of the aforesaid claim the total sum of Eight Thousand Dollars (\$8,000.00), be, and it is hereby accepted, subject to the approval of a Justice of the Supreme Court pursuant to Section 68 of the Town Law, and it is further

RESOLVED, that Bernard Kaplowitz, Town Attorney be and he hereby is designated as the officer of the Town who shall apply for such approval pursuant to the aforesaid section of law, and it is further

RESOLVED, that upon the approval of a Justice of the Supreme Court as is provided in the aforesaid section and law, the Supervisor pay to the said claimant the sum of Eight Thousand Dollars (\$8,000.00) in full settlement thereof upon receiving proper release and receipt, Bernard Kaplowitz as the Town Attorney, procure the necessary general release in settlement of the said claim.

Seconded by Councilman Putney and duly put to a vote which resulted as follows:

Ayes: Supervisor Sheila Fuller  
Councilman Webster, Councilman Putney,  
Councilman Davis and Councilman Lenhardt.  
Noes: None.

Resolution  
Re-leaf  
Arboretum

The next item was to consider a resolution regarding Bethlehem Re-Leaf arboretum. Supervisor Fuller said Mr. DeCecco from the Bethlehem Central High School is applying for a federal grant for the arboretum. She said the high school has started planting trees with the freshman class on their property. The Town has worked with the school district in regard to this project. She said the School District has asked for this resolution to help get federal funding.

#### RESOLUTION

WHEREAS, Bethlehem Re-Leaf has been a vital and active force in contributing to the beautification of and the environmental improvement in the Town of Bethlehem, and

WHEREAS, Bethlehem Re-Leaf is applying to the federal government for two financial grants: The first, for help to buy and label trees for the Bethlehem Re-Leaf arboretum, as part of the National Small Business Tree Planting Program, and the second, to assist in developing a handicapped-accessible path through the arboretum, over the culvert and into the woods, as a part of New York State's Community Forestry Program, and;

WHEREAS, These projects would be of benefit to the Town of Bethlehem and its residents, we the people of the Town of Bethlehem and the members of the Bethlehem Town Board do wholeheartedly support Bethlehem Re-Leaf in its efforts to obtain federal grants to help defray the cost of these projects;

NOW, THEREFORE, be it resolved that I, Sheila Fuller, Supervisor of the Town of Bethlehem, and the members of the Town Board do this day set their seal of approval of Bethlehem Re-Leaf and unanimously endorse its endeavor to obtain federal grants, donations and in-kind matching expenditures to support these very worthwhile projects.

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

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

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Supervisor Fuller asked if anyone wished to speak to the Board.  
There were none. She wished everyone very happy holidays.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt  
to meet in Executive Session following the regular meeting of the  
Bethlehem Town Board to discuss land acquisition. The motion was  
passed by the following vote:

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

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The motion was made by Mr. Webster and seconded by Mr. Putney to  
adjourn the regular Town Board meeting at 8:40 p.m. The motion was  
passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.

Executive  
Session