

TOWN BOARD  
FEBRUARY 9, 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  
George Lenhardt, Councilman  
Freeman T. Putney, Councilman  
Doris Davis, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

ABSENT: Frederick C. Webster, Councilman

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Supervisor Fuller welcomed everyone to the regular Town Board meeting. In particular, she welcomed Highway Superintendent Sagendorph noting he probably has just sat down with all the snow. She said Mr. Sagendorph and his crew deserved great recognition indicating they have done a superb job despite great obstacles in his way.

Authorize  
Supervisor  
to sign  
agreement  
Western  
Turnpike  
Rescue Squad

The first item on the agenda was a request to authorize the Supervisor to sign the agreement with Western Turnpike Rescue Squad, Inc., Albany, NY.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to authorize the Supervisor to sign the agreement with the Western Turnpike Rescue Squad, Inc., Albany, NY. The motion was passed by the following vote:

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

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Rezone  
Meilak  
Property,  
Old Ravena Rd.  
Selkirk

The next item on the agenda was a request from James Blendell for rezoning of property of Charles Meilak, Old Ravena Road, Selkirk, Town of Bethlehem. Supervisor Fuller noted this was a zone change from Heavy Industrial to Rural District Unzoned.

The motion was made by Mr. Putney and seconded by Mrs. Davis to refer the rezoning application of Charles Meilak, Old Ravena Road, Selkirk, Town of Bethlehem to the Town of Bethlehem Planning Board for review and recommendation. The motion was passed by the following vote:

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

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Acknowledge  
receipt  
Quarterly  
Franchise Fee  
A-R Cable  
Services 10-12/93

Supervisor Fuller next acknowledged receipt of the quarterly franchise cable television fee from A-R Cable Services, Inc. for the period October through December, 1993 in the amount of \$31,388.

House Nos.  
McMillen Place

The following item was a recommendation from Terrence Ritz, Engineering Division, Department of Public Works, for approval of proposed house numbers for McMillen Place, Delmar.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the assignment of house numbers on McMillen Place, Delmar, effective 6 months from this date. The motion was passed by the following vote:

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

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The next item was a request from Town Clerk Kathleen Newkirk for approval of use of Town vehicle to attend Records Management Grant Workshops on March 15 and April 19, 1994.

Approve  
 Use of  
 Town vehicle  
 by Town  
 Clerk

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the use of Town vehicle to attend Records Management Grant Workshops to be held March 15, 1994 at Fort Edward and April 19, 1994 at Oakfield. The motion was passed by the following vote:

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

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

Appoint  
 Seasonal  
 Personnel

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the seasonal personnel as listed on the Memorandum dated February 9, 1994 from David Austin, Administrator of Parks & Recreation Department. The motion was passed by the following vote:

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

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The next item was to approve the Town Board minutes of December 22, 1993, January 3 and January 12, 1994.

Approve  
 Minutes  
 1/3, 1/12/94  
 12/22/93

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the Town Board minutes of January 3 and January 12, 1994. The motion was passed by the following vote:

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

The minutes of December 22, 1993 were not approved due to three (3) Board Members not being on the Board at that time.

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The next item was a recommendation from Richard LaChappelle, Chief of Police, to accept the resignation of William A. Cook, Police Officer. Supervisor Fuller noted Officer Cook has served with distinction and has now accepted a position with the City of Albany Police Department.

Accept  
 resignation  
 Police  
 Officer

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to accept the resignation of Police Officer William A. Cook. The motion was passed by the following vote:

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

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The next item was a request from Chief of Police Richard LaChappelle to appoint Brian A. Hughes, Delmar, NY to the position of Police Officer.

Appoint  
 Police  
 Officer

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the appointment of Brian A. Hughes, Delmar, NY to the

position of Police Officer, effective February 12, 1994. The motion was passed by the following vote:

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

Accept resignation Telecommunicator  
The following item was a recommendation from Richard LaChappelle, Chief of Police, to accept the resignation of Telecommunicator Vincent Thompson.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to accept the resignation of Vincent Thompson, per diem Telecommunicator, effective February 10, 1994. The motion was passed by the following vote:

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

Approve reimbursement Attendance  
The next item was a request from Richard LaChappelle, Chief of Police, for approval of reimbursement of payment for attendance at Region 5 Law Enforcement Training Academy.

Law Enforcement Training Academy Police Dept.  
The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the reimbursement of monies paid for attendance at the Region 5 Law Enforcement Training Academy, Legal Update Refresher Seminar held February 1 and 8, 1994 to Detective/Supervisors Cox and Corbett, Sergeants Roberts, Corsi Kerr and Beebe. The motion was passed by the following vote:

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

Seminar Hazardous Materials Police Dept.  
The following item was a request from Richard J. LaChappelle, Chief of Police, for approval of attendance of M/Sergeant Roberts at the Hazardous Materials 1st Responder Operations/Technician Training.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the attendance of M/Sergeant Roberts at the Hazardous Materials 1st Responder Operations/Technician Training program at Montour Falls, NY, March 21-25, 1994 with expenses paid and transportation by police vehicle. The motion was passed by the following vote:

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

Trailer Permit National Freight  
The next item was a request from John Flanigan, Building Inspector for approval of issuance of construction trailer permit for National Freight, Route 32 and West Yard Road.

The motion was made by Mr. Lenhardt and seconded by Putney to approve the issuance of a trailer permit for one year period at National Freight, Route 32 and West Yard Road, Feura Bush, Town of Bethlehem, as recommended by Building Inspector John Flanigan. The motion was passed by the following vote:

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

The following item was a recommendation from Bruce Secor, Commissioner of Public Works, for adoption of bond resolution and approval to go to bid for Bender Lane Water District Extension construction.

Supervisor Fuller asked Mr. Secor to give some background on this item. Mr. Secor reviewed the map and indicated the location of the proposed district extension. Mr. Secor noted they have been trying to get water in this area for many years, stating the economics would not work out. He indicated this was moving forward due to the negotiations with regard to the Meadows Subdivision. He said there is a \$300,000 cost estimate for the installation of the 10 inch water main on Bender Lane. He said this does not include any costs for the water mains in the subdivision. He said the developer is paying for all his costs for the pipes. He said this is just the improvement to connect from Bender Lane in Delmar down to the existing water main that is on Bender Lane near Route 9w. He said this will provide a loop in the system and provide a loop through so there is a second feed to the Colonial Acres subdivision. He said this will also help fire protection in the area. He said there are a couple of added benefits. The developer has paid for this connection, according to Mr. Secor, and all that is being talked about is the 10 inch main on Bender Lane.

Mr. Secor said of the \$300,000 construction cost, the developer has presented a letter of credit for \$270,000 or 90 percent of the cost. Basically, the developer is guaranteeing payment, according to Mr. Secor.

The following resolution was presented by Mr. Putney and Mr. Lenhardt for adoption.

BOND RESOLUTION, DATED FEBRUARY 9, 1994, AUTHORIZING THE ISSUANCE OF \$300,000 SERIAL BONDS OF THE TOWN OF BETHLEHEM, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE ESTABLISHMENT OF THE BENDER LANE EXTENSION TO WATER DISTRICT NO. 1, WITHIN SAID TOWN AND APPROPRIATING THE PROCEEDS TO SUCH PURPOSE.

Approve  
Bond  
Resolution  
Serial  
Bonds -  
Bender Lane  
Water Dist.  
Extension

Recital

WHEREAS, following preparation of a map and plan for the establishment of the Bender Lane extension to Water District No. 1 (herein called "District"), in the Town of Bethlehem (herein called "Town"), in the County of Albany, New York, consisting of the construction of a new water supply system, including, without limitation, buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required thereof, and after a public hearing duly called and held, the Town Board of the Town determined, that it is in the public interest to establish the Bender Lane Extension to the District, and ordered that such extension be made and that the estimated total cost of improvements therein is \$300,000;

WHEREAS, the Comptroller of the State of New York has also determined that the public interest will be served by the establishment of said extension and that the proposed extension will not be an undue burden upon the property therein; and

WHEREAS, the order of the State Comptroller making those determinations has been presented to the Town Board;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Bethlehem in the County of Albany, New York (by the favorable note of not less than two-thirds of all members of said Town Board), as follows:

Section 1. The Town of Bethlehem, in the County of Albany, State of New York, shall issue its serial bonds in the aggregate principal amount of \$300,000 pursuant to the Local Finance Law of New York, to finance the specific object or purpose hereinafter described.

Section 2. The specific object or purpose (hereinafter referred to as "purpose") to be financed by the issuance of such serial bonds is the establishment of the Bender Lane extension to the District consisting of the construction of a new water supply system, including, without limitation, buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefore, all in accordance with the map and plan prepared by J. Kenneth Fraser and Associates. P.C., competent engineers duly

licensed by the state of New York, on file in the office of the Town Clerk. The proceeds of such obligations are hereby appropriated to such purposes.

Section 3. It is hereby determined and stated that the estimated maximum cost of such purpose as heretofore determined by the Town Board is \$300,00 and that no money has heretofore been authorized to the payment of the cost of such purpose and the Town Board plans to finance the cost of such purpose entirely from funds raised by the issuance of the obligations authorized by this bond resolution. The payment of the principal of and interest on the obligations authorized by this resolution shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District on an ad valorem basis, in the same manner and at the same time as other Town charges.

Section 4. It is hereby determined that the purpose described in Section 2 is a purpose described in Subdivision 1 of Paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is forty (40) years.

Section 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said serial bonds shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said serial bonds and any notes issued in anticipation of said serial bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and any notes issued in anticipation of the sale of said serial bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the serial bonds and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year. If the Town incurs any cost with respect to the purpose described in Section 2 prior to the issuance of any such serial bonds or any such bond anticipation notes, the Town expects to utilize general or special fund revenues to pay such cost and intends to reimburse itself therefore for such costs with the proceeds of such serial bonds or such bond anticipation notes. This declaration of intent to reimburse is made pursuant to the requirements of the United States Treasury Regulations Section 1.103-18 and is intended to constitute a declaration of official intent under such regulations.

Section 6. Subject to the terms and conditions of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00m inclusive, of the Local Finance Law the power to authorize bond anticipation notes in anticipation of the issuance of the Serial Bonds authorized by this resolution and renewal of such notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell and deliver such serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds is hereby delegated to the Supervisor, the Chief Fiscal officer of the Town. The Supervisor is hereby authorized to sign any serial bonds, and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of such Town to any such serial bonds or such bond anticipation notes and to attest such seal.

Section 7. This resolution shall be published in full by the Town Clerk of such Town together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law and such publication shall be in a newspaper having a general circulation in said Town and published in Delmar, New York, in the County of Albany and State of New York. The validity of such serial bonds may be contested only if such obligations are authorized for such purposes for which such Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 8. The Town will comply with the applicable provisions of the State Environmental Quality Review Act before any contracts

are entered into, and expenditures are made or any obligations are issued for the purpose to be financed with the foregoing obligations. Section 9. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the following vote:

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

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

WHEREAS, the Town desires to advertise for bids for the Bender Lane Water Extension to Water District No. 1 of the Town of Bethlehem, pursuant to law,

Go To Bid  
Bender Lane  
Water District  
Extension

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of February, 1994 and that bids be received up to 2:00 p.m. on the 8th day of March, 1994 at which time bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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The next item was a recommendation from Michael J. Cirillo, Engineering Services Administrator, for acceptance of deed for Columbine Drive in The Meadows subdivision.

Accept  
Deed  
Columbine  
Drive -  
Meadows Sub.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to accept one deed from The Meadows Group, c/o The Swift Group, Inc., Glenmont, NY for highway right-of-way for Columbine Drive in The Meadows subdivision. The motion was passed by the following vote:

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

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The next item was a recommendation from Highway Superintendent, Gregg Sagendorph, for award of bid for motor oil.

Award Bid  
Motor Oil

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to award the bid for Motor Oil to Farrell Oil Co., Wilton, NY. The motion was passed by the following vote:

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

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The following item was a recommendation from Mr. Sagendorph, Highway Superintendent, for award of bid for guide rail purchase and installation.

Award Bid  
Guide Rails

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to award the bid for guide rail purchase and installation to Chemung Supply Corp., Elmira, NY. The motion was passed by the following vote:

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

Award Bid  
Washed  
Crushed Stone

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The next item was a recommendation from Gregg Sagendorph, Highway Superintendent, for award of bid for washed crushed stone.

The motion was made by Mr. Putney and seconded by Mrs. Davis to award the bid for washed crushed stone to Callanan Industries, Inc., South Bethlehem, NY. The motion was passed by the following vote:

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

Award Bid  
Gravel

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The next item was a recommendation from Mr. Sagendorph, Highway Superintendent, for award of bid for gravel, both types.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to award the bid for gravel, both types, to R.J. Valente Gravel, Troy, NY. The motion was passed by the following vote:

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

Approve  
purchase of  
2 medium duty  
diesel powered  
rack trucks  
from State  
Contract  
Highway Dept.

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The last item on the agenda was a request from Highway Superintendent, Gregg Sagendorph, for approval to purchase 2 medium duty diesel powered rack trucks from State Contract.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the purchase of two (2) medium duty diesel powered rack trucks from State Contract at a total price of \$53,936. The motion was passed by the following vote:

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

Discussion  
Water  
Treatment  
System  
Hudson River  
Site

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Supervisor Fuller asked if there was anyone who would like to speak to the Board. Mr. Sherwood Davies asked what the status is of the new water treatment system at the Hudson River site. Mr. Secor said paper work is being processed including permits for crossing wetlands and doing design. He noted there has been a design review with the consultant for various contracts. He said there will be a contract for water treatment plant, separate contract for the remaining wells, and three (3) separate contracts for pipelines. He indicated there is a raw water transmission line and then 2 contracts for finished water transmission line bringing water from the new plant across Creble Road into the industrial area. He said we are in the process of doing all of that. Mr. Secor noted he expects to be to the Board by the end of March with a request to go to bid.

Mr. Davies further asked if all the approvals have been received. Mr. Secor said the water approval has not been received. He said there are various permits that are expected -- the wetlands permit; the dam safety permit for the reservoir; and the water supply permit from DEC -- probably 4 or 5 permits are being worked on. The highway crossing permits, the D & H railroad permits -- there are probably 100 permits that are needed.

Mr. Davies asked if the source permit from DEC has not been received yet. Mr. Secor said that is still pending.

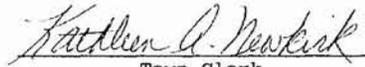
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The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to hold an Executive Session to discuss a personnel matter following the regular meeting. The motion was passed by the following vote:

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

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The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 7:50 p.m. The motion was passed by the following vote:

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

  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.