

TOWN BOARD
JULY 23, 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
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 welcomed everyone to a regular meeting of the Bethlehem Town Board and asked Councilman Davis to lead the pledge of allegiance. The Supervisor thanked Councilman Davis.

Adoption of the local law pertaining to Telecommunicators Towers in the Town of Bethlehem

The first item on the Town Board agenda was to remove from table and consider adoption of the Local Law pertaining to regulation of Telecommunication Towers in the Town of Bethlehem.

Supervisor Fuller indicated a public hearing was held on June 11, 1997 and some changes were made as a result of the hearing. She said basically this permits persons looking for tower permits to go directly to the Board of Appeals of the Town of Bethlehem.

The motion was made by Mr. Putney and seconded by Mrs. Davis to adopt Local Law No. 10 of 1997 amending the Code of the Town of Bethlehem to Regulate Telecommunication Towers in the Town of Bethlehem. The motion was passed by the following vote:

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

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Councilman Johnson requested the through the local law the wording be amending to indicate Zoning Board of Appeals in all instances. Supervisor Fuller said this would be amended from the wording, the Board, to indicate Zoning Board of Appeals.

Highway Superintendent award of bid for Paving of the Composting Facility

The next item was a recommendation from Gregg Sagendorph, Highway Superintendent, for award of bid for Paving of the Composting Facility, Route 32, Delmar, to Hudson River Construction Company, Albany, NY at the low bid price of \$205,250.

Councilman Putney asked if Mr. Sagendorph was pleased with the level of the bidding. Highway Superintendent, Gregg Sagendorph, said he was and for the Board's information this work could have been done under the County contract, however, it would have cost approximately \$253,000. He said following discussion with Supervisor Fuller and the Commissioner of Public Works, it was decided to go out to bid on our own. Mr. Sagendorph complemented Supervisor Fuller, indicating there was \$48,000 saved. Mr. Sagendorph said we cannot buy the blacktop this cheap at the plant. He said they are hauling it and putting it in place cheaper than we can purchase it.

Councilman Davis said it was really starting to look good.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the award of bid for the Paving of the Composting Facility, Route 32, Delmar, New York to Hudson River Construction Company, Albany, NY at the low bid price of \$205,250. The motion was passed by the following vote:

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

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Councilman Davis asked if Mr. Sagendorph or Mr. Secor if they had any idea when it would be ready for composting. Mr. Sagendorph said the fall leaves will be placed there. He did not know if any brush will be placed there prior to October. Councilman Davis asked if the composting at the garage at this time will remain there until it is all gone. Mr. Sagendorph said that was the plan. Mrs. Davis asked if people will ultimately go down to the new composting facility for the material. Mr. Sagendorph said that has yet to be decided. Councilman Davis thanked Mr. Sagendorph.

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

Parks and Recreation
 approval of seasonal
 personnel

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

Sr. Attendant at a rate of \$6.50 per hour.

Michael D. Demarest
 42 Catherine Street
 Delmar, NY 12054

Lifeguard at a rate of \$6.70 per hour

Erin D. Riegel
 26 Glendale Avenue
 Delmar, NY 12054

Recreation Instructor I at a rate of \$5.00 per hour.

Teresa H. Quadrini
 40 Whitestone Way
 Slingerlands, NY 12159

Sr. Lifeguard at a rate of \$8.50 per hour.

Gina M. Decker
 529 Kenwood Avenue
 Delmar, NY 12054

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 to approve the appointment of Republican Election Inspectors and Poll Clerks for conduct of elections for 1997-98 as submitted by Republican Chairman, Brian Murphy.

Approve Appointment
 Republican Election
 Inspectors and Pol
 Clerks
 and Resolution

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

RESOLVED, that pursuant to Article 3 of the Election Law, the attached list of persons (submitted by Chairman Brian Murphy and filed with the Town Clerk) be and they hereby are appointed Election Inspectors as recommended by the Republican Committee to serve for the conduct of elections from July 15, 1997 through July 14, 1998.

The resolution was adopted by the following vote:

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

Democratic appointments have not been received from Mr. Clyne

Supervisor Fuller indicated the Democratic appointments have not been received or they would have been on the agenda also. She noted Town Clerk Newkirk will have to obtain them from the Board of Elections and they will be on the next agenda. Councilman Putney asked when they were due. Town Clerk Newkirk indicated they were requested in April and she has contacted Mr. Clyne, Democratic Chairman, numerous times. She said they should have been appointment by July 14, 1997.

Supervisor introduced new Time Union reporter

Supervisor Fuller introduced Liz Benjamin who is the new Times Union reporter covering Bethlehem.

Engineering services recommend acceptance of deeds for Adams Wood sub-division

The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds for the Adams Woods Subdivision, Glenmont. She said they were basically drainage and sanitary sewer easements.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the acceptance of deeds for the Adams Woods Subdivision, Glenmont, Town of Bethlehem, from Rose Watkins and Debbie Eberle individually and as executrix under the last will and testament of James Eberle. The motion was passed by the following vote:

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

Acceptance of deed for Daniel Street letter of credit for Fisher Hollow Subdivision

The next item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deed for Daniel Street and letter of credit approval for the Fisher Hollow Subdivision.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the acceptance of a deed for the Fisher Hollow Subdivision, Daniel Street, from Charlew Construction Co., Inc., Schenectady, New York and approve the Letter of Credit remaining in the amount of \$100,000. The motion was passed by the following vote:

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

Receipt of Annual Report of Bethlehem Police

Supervisor Fuller next acknowledged receipt of the Annual Report of 1996 of the Bethlehem Police Department from Chief Richard LaChappelle. Councilman Putney said it was a fine report. Councilman Johnson agreed. Supervisor Fuller said there is a great deal of detail involved in the report. She said it was very well done. Councilman Davis said she liked the graphics, indicating they looked really nice.

Supervisor Fuller said the report will be available at the Town Clerk's office for anyone who was interested in taking a look at it.

1996 audit acknowledged

Supervisor Fuller next acknowledged receipt of the 1996 Audit from Casey and Lubbe. She said it is a job well done to Judith Kehoe, Comptroller. She noted this report is also available at the Town Clerk's office for review. Councilman Putney said another clean audit. Supervisor Fuller said perfect.

The following item was to approve the Town Board minutes of June 25, 1997 as submitted.

Approve
6/25/97
minutes

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the Town Board minutes of June 25, 1997 as submitted. The motion was passed by the following vote:

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

Supervisor Fuller said she failed to mention at the beginning of the meeting, Mr. Lenhardt was out of town this week. She also noted Mr. Kaplowitz was out of town this evening.

Supervisor Fuller asked if anyone wished to address the Board. Mr. William Kelleher presented a statement to the Town Board pertaining to the Clapper Road water plant and the flood at the Hudson River. Mr. Kelleher said he thinks the Town Board should employ the firm of O'Brien and Gere to document the poor engineering that went into the design of the well. He asked if there were any questions. Supervisor Fuller thanked Mr. Kelleher.

Discussion
Mr. Kelleher
Water

Councilman Putney said he did not think it made any difference if it was a 100 year flood or a 40 year flood. He said, as Mr. Kelleher knows, he has lived on the river for 19 years, and the people who are his neighbors could never recall a flood as bad as the one that happened in January 1996. He said some of them have been around the neighborhood for 75 and 80 years. He said the other thing he wanted to point out was that the source of the water was not Sacandaga as much as it was from the Catskills down Schoharie Creek and other tributaries. Mr. Kelleher said he agreed. Councilman Putney reiterated that the people who live there haven't seen that sort of thing for a long time. He said he is not sure any of this is germane to the recommendations. Mr. Kelleher said he thought if Attorney Kaplowitz were in attendance he would see it as being very germane to this issue.

Supervisor Fuller asked if anyone else wished to address the Board. There were none. The Supervisor asked for a motion to meet in Executive Session following the close of the regular Town Board meeting.

The motion was made by Mrs. Davis and seconded by Mr. Putney to meet in Executive Session following the close of the regular Town Board meeting to discuss a personnel matter and litigation. The motion was passed by the following vote:

Meeting adjour
to executive
session
No formal acti
taken

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

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

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


Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.

STATEMENT SUBMITTED TO THE TOWN BOARD July 23, 1997

By

William J. Kelleher

It has been assumed that the flood in the Hudson river that occurred on January 20, 1996 was a 100 year flood. However the United States Geological Survey will be coming out with a report that classifies it as a 40 year flood. In the design of public work projects a 100 year flood may be considered an act of god but a 40 year flood can not. The Town must hold the design engineers responsible for the very poor design because the excuse that the reduction in well yield from 6 MGD to 2.4 MGD was an act of god is not valid.

The January 1996 floods were 100 year floods for the Mohawk river at Cohoes and for the Schoharie Creek at Burtonsville. However there was not enough rain and snow melt on the Hudson river drainage basin to cause a 100 year flood. The flows in the Hudson river at Green Island on March 19, 1936 and December 31, 1948 exceeded the flood of January 20, 1996.

The two larger floods and many other smaller floods caused no evidence of a build up of silt in the river. Borings taken in the river in 1992 showed no layers of silt. Why after the January 1996 flood would there suddenly be a major silt problem in this section of the Hudson river? The only logical answer is that the suction caused by the operating well caused the so called silt to build up exactly as occurs on any filter.

The design engineers did not consider the reduction in well capacity caused by a silt build up nor did they consider the clogging effect of iron hydrate. It was not an act of god. Therefore the firm of O'Brien and Gere should be employed to document all of the poor engineering that went into the design of the well.

*presented at Tm Bd
7/23/97*