

TOWN BOARD
JULY 28, 2004

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 5:30 p.m.

PRESENT: Theresa Egan, Supervisor
Daniel Plummer, Councilman
Thomas Marcelle, Councilman
Tim Gordon, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

ABSENT: George Lenhardt, Councilman

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Supervisor Egan called the meeting to order and invited everyone to join in the pledge of allegiance. She noted as has been done, the floor is open for public comment for any item on the agenda. There were no comments.

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The first item was a request from Engineering Services Administrator, Michael Cirillo, for negative declaration for SEQR purposes relating to sidewalk work on Elsmere Ave, Delmar and Maple Ave, Selkirk. Supervisor Egan said this item was on the agenda a couple of months ago and was taken off to explore the SEQR requirements. Mr. Cirillo said Clough Harbor was retained for the SEQR purposes and they received the plans and reviewed them. He said they have supplied the completed form. Supervisor Egan said at this time, there will be 2 resolutions for each sidewalk proposed.

The following resolution was presented for adoption:

Resolution of 2004, establishing the Town of Bethlehem Town Board as Lead Agency and issuing a Negative Declaration under SEQR for the Sidewalk Construction within the Town of Bethlehem (**Maple Ave.** Section).

Introduced by Councilperson Gordon, who moved its adoption, seconded by Councilperson Marcelle.

WHEREAS, the Town Board wishes to evaluate the potential impacts of development resulting from the construction of a sidewalk along Maple Ave., through the SEQR process; and,

WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,

WHEREAS, 6 NYCRR 617.4 establishes thresholds for the classification of Type 1 actions and the proposed project does not exceed these thresholds, and thus, is appropriately classified as an Unlisted action; and,

WHEREAS, the Town Board has authorized the preparation of a Full Environmental Assessment Form (EAF) that accurately describes the proposed project; and,

WHEREAS, supporting materials include construction plans titled "Construction of Sidewalks Along NYS Route 396 (Maple Ave) Albany County, New York, Phase 1, Cottage Lane to Existing Sidewalk" prepared by Creighton Manning Engineering, LLP dated October, 2003 and report titled "Town of Bethlehem Sidewalk/Bikeway Feasibility Study" prepared by Clough, Harbour and Associates, LLP dated February, 2001,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem hereby determines that the proposed project constitutes an action that is subject to SEQR: and,

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the classification of the action be designated as "Unlisted"; and,

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BE IT FURTHER RESOLVED, that the Town Board hereby determines that a Full Environmental Assessment Form is appropriate to determine the significance of the action; and,

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the proposed action is not located in an established Agricultural District and therefore is not subject to the provisions of the Agricultural and Markets Law; and,

BE IT FURTHER RESOLVED, that the Town Board hereby declares it shall be Lead Agency for SEQR review of the proposed action; and,

AND BE IT FURTHER RESOLVED, that the Town Board has concluded that the proposed project constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a draft Environmental Impact Statement.

The resolution was adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Mr. Lenhardt.

The following resolution was presented for adoption:

Resolution of 2004, establishing the Town of Bethlehem Town Board as Lead Agency and issuing a Negative Declaration under SEQR for the Sidewalk Construction within the Town of Bethlehem (**Elsmere Avenue** Section).

Introduced by Councilperson Plummer, who moved its adoption, seconded by Councilperson Marcelle.

WHEREAS, the Town Board wishes to evaluate the potential impacts of development resulting from the construction of a sidewalk along Elsmere Ave., through the SEQR process; and

WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,

WHEREAS, 6 NYCRR 617.4 establishes thresholds for the classification of Type 1 actions and the proposed project does not exceed these thresholds, and thus, is appropriately classified as an Unlisted action; and,

WHEREAS, the Town Board has authorized the preparation of a Full Environmental Assessment Form (EAF) that accurately describes the proposed project; and,

WHEREAS, supporting materials include construction plans titled “Elsmere Avenue Sidewalk” prepared by the Town of Bethlehem Engineering Division dated February 2, 2004,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem hereby determines that the proposed project constitutes an action that is subject to SEQR: and,

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the classification of the action be designated as “Unlisted”; and,

BE IT FURTHER RESOLVED, that the Town Board hereby determines that a Full Environmental Assessment Form is appropriate to determine the significance of the action; and,

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the proposed action is not located in an established Agricultural District and therefore is not subject to the provisions of the Agricultural and Markets Law; and,

BE IT FURTHER RESOLVED, that the Town Board hereby declares it shall be Lead Agency for SEQR review of the proposed action; and,

AND BE IT FURTHER RESOLVED, that the Town Board has concluded that the proposed project constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a draft Environmental Impact Statement.

The resolution was adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: Mr. Lenhardt.

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The following resolution was presented for adoption:

RESOLUTION AND PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 28th day of July 2004, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to fund the construction of sidewalks on Maple Avenue in Selkirk and Elsmere Avenue in Delmar, and

WHEREAS, it is estimated that the costs of said work will not exceed \$750,000; and

WHEREAS, in recognition of these needs, funds for such purpose are in the General Fund Capital Reserve Fund; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the construction of the new sidewalks; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$750,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the General Fund Capital Reserve Fund the funds necessary up to \$750,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Mr. Plummer, was seconded by Mr. Gordon and duly adopted by the following vote:

AYES: Ms. Egan, Mr. Plummer, Mr. Marcelle, Mr. Gordon.
NOES: None.
ABSENT: Mr. Lenhardt.

The following item was a request from Parks and Recreation Department, Administrator, Nan Lanahan, for approval of acceptance of donation of a wooden bench in the memory of Dr. Josephine Vitillo and a donation for 7 foot spruce tree from Joan Kapral.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the acceptance of the following donations as requested by Nan Lanahan, Administrator, Parks and Recreation Department:

Wood bench - The Vitillo family in memory of Dr. Josephine Vitillo; and

Spruce tree – Joan Kapral.

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Marcelle, Mr. Gordon.
Noes: None.
Absent: Mr. Lenhardt.

The next item was a request from Gregg Sagendorph, Highway Superintendent and George Leveille, Commissioner of Public Works for approval to award the sludge tanker bid to Wastequip Cusco of Ontario, Canada in the amount of \$103,676.

The motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the award of bid for one (1) sludge tanker at the bid price of \$103,676 to Wastequip Cusco, Ontario, Canada as requested by Gregg Sagendorph, Highway Superintendent and George Leveille, Commissioner of Public Works. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Mr. Lenhardt.

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Councilman Gordon commented that although the second highest bidder was an American firm, the piece of equipment, itself, was manufactured in Canada. He said it made sense to buy it from the Canadian firm because the savings was approximately \$4,000-5,000.

The next item was a request from Louis Corsi, Chief of Police, for approval of budget modification to increase the insurance recovery revenue line item in the amount of \$13,674.54.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the transfer of funds in the amount of \$13,674.54 from the insurance recovery revenue line item to the police equipment repair account line item as requested by Chief, Louis Corsi. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Mr. Lenhardt.

The following item was a request from Chief of Police, Louis Corsi, for approval of budget modification to increase the insurance recovery revenue line item in the amount of \$740.18.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to approve the transfer of \$740.18 from the insurance recovery revenue line item to the police collision repairs account as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Mr. Lenhardt.

The following item was to acknowledge receipt of Conditional Approval of Final Plat for the Van Valkenburg Subdivision, Dawson Rd from the Planning Board for information purposes.

Supervisor Egan said the Board Members have been provided with a letter from CDTA in regard to the First Columbia proposal that was discussed at the last meeting in regard to the amendment to the medical building proposal on New Scotland Road. She said these are copies provided for their information.

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Supervisor Egan said for information purposes, she updated information regarding the YMCA. She said the YMCA is now officially coming to Bethlehem.

She said the IDA has a public hearing on Monday and resolutions were passed to permit the YMCA to take over the former BIG ice skating facility just past the high school. She said they plan to keep one sheet of ice on one half of the building and convert one sheet of ice to an indoor facility temporarily at least for indoor lacrosse, indoor soccer and convert the second floor to the gym, weight lift area. The Supervisor said they intend to open by September 15. She said it will also facilitate the high school hockey program, the youth hockey, as well as, adult hockey leagues and the figure skaters.

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Supervisor Egan said the rails are coming out of the rail path. She said CP Rail has entered into an agreement, the rails are coming out and she thinks it is really almost all the way through Bethlehem. She said they have actually seen people using it although there has been a complaint that it is too soft for their bike. She said they are working on that. She said they also have reports that people are actually using it as cut throughs to drive on. She said they are working with the city in regard to resolve that issue.

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Supervisor Egan said the final thing she wished to point out is that the EPA proposal for the dewatering facility. She said there had been a slow down of things because the EPA and General Electric were in dispute resolution in regard to exactly what the perimeters of the dredge delineation area was going to be. She said that has been resolved and they are indicating that this should not affect the designation of the final site for the dewatering facility of which we are one of the final three. She said the public comment in regard to this ends on July 31, 2004. She said anyone wishing to make comments are being encouraged to get them to the EPA and send a copy to her office so they can keep a running file on this also. She said she will keep everyone up-to-date as this progresses.

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Supervisor Egan asked if anyone had any other comments. There were none.

The motion was made by Mr. Marcelle and seconded by Mr. Gordon to adjourn the regular Town Board meeting at 5:45 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Mr. Lenhardt.

Town Clerk