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TOWN BOARD  
JUNE 26, 1996

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor  
Freeman T. Putney, Councilman  
George Lenhardt, Councilman  
Robert C. Johnson, Councilman  
Donald D. DeAngelis, Esq., Acting Town Attorney  
C. Terri Picarazzi, Deputy Town Clerk

ABSENT: Doris M. Davis, Councilman

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Supervisor Fuller welcomed everyone to the regular meeting of the Bethlehem Town Board.

The first item on the agenda was a recommendation from the Planning Board for authorization to prepare the Building Project Approval for Good Samaritan Lutheran Health Care Center, Inc., Planned Residential District No. 5.

Approval for preparing the building project for Good Samaritan Health Center

The motion to authorize the preparation of the Building Project approval for Good Samaritan Lutheran Health Care Center, Inc., Planned Residential District No. 5 was made by Mr. Lenhardt and seconded by Mr. Johnson. The motion was passed by the following vote:

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

The Supervisor advised the Good Samaritan representative to contact Mr. Flanigan, Building Inspector.

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The next item was a recommendation from David Austin, Administrator, Parks & Recreation Dept., for approval of award of bid to low bidder, Bucknell Construction Corp., Latham, NY AND adoption of resolution authorizing expenditure of Recreation Capital Reserve Account funds up to \$7,000.

Parks and Recreation approval award bid Bucknell Construction and resolution authorizing expenditure up to \$7000 For playing fields at Elm Avenue Park

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to award the bid for construction of playing fields at the Elm Avenue Town Park, Delmar, NY to the low bidder, Bucknell Construction Corp., Latham, NY at the base bid price of \$287,890.00. The motion was passed by the following vote:

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

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The motion was made by Mr. Johnson and seconded by Mr. Lenhardt for the approval of adoption of the following resolution:

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 26th day of June 1996, 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 construct additional playing fields at Elm Avenue Park, and

WHEREAS, the Town Board has previously approved the issuance of a bond issue in the amount of \$280,000 for the purpose of constructing additional playing fields at Elm Avenue Park, and

WHEREAS, in recognition of these needs, partial funds are also in the Recreation Capital Reserve Account for the construction of additional playing fields, and

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to construct playing fields at Elm Avenue Park; and,

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve monies to partially fund this project up to a maximum amount of \$7,000; and

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Recreation Capital Reserve Account the funds necessary up to \$7,000 in said reserve fund and,

BE IT FURTHER RESOLVED, this resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Councilman Putney, was second by Councilman Lenhardt and duly adopted by the following vote:

AYES: Mrs. Fuller, Mr. Lenhardt, Mr. Putney, Mr. Johnson.  
NOES: None.  
ABSENT: Mrs. Davis.

Mr. Austin informed the Town Board construction for the playing fields should begin July 1, 1996 with completion in September, 1996.

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Parks and Recreation Seasonal personnel

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

Recreation Instructor I	Lifeguard
Scott Maybee	Meagan Tougher
155 Jordan Blvd.	30 Ruxton Road
Delmar, NY	Delmar, NY

The motion to approve the appointment of seasonal personnel was made by Mr. Putney and seconded by Mr. Lenhardt. The motion was carried by the following vote:

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

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Chief of Police accept resignation of per-diem telecommunicator

The next item was a request from the Richard LaChappelle, Chief of Police, for acceptance of resignation of per-diem Telecommunicator Gina M. Mohlenbrok, effective May 28, 1996.

Motion was made by Mr. Johnson and seconded by Mr. Lenhardt to accept with regret the resignation of per-diem Telecommunicator Gina M. Mohlenbrok, effective May 28, 1996. The motion was passed by the following vote:

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

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acceptance of deeds for Woodhill upon receipt of lean check

The next item was a recommendation from Bruce Secor, Commissioner of Public Works, for acceptance of deeds for Woodhill Section 4, Phase 1, upon receipt of lean check.

Motion to accept deeds for Woodhill Section 4, Phase 1, upon receipt of lean check which was received this date, as recommended by Commissioner of Public Works, Bruce Secor, was made by Mr. Lenhardt and seconded by Mr. Putney. The motion was passed by the following votes:

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

The following item was a request from Gregg Sagendorph, Highway Superintendent, for authorization of the Supervisor to sign the Section 284 Agreement concerning resurfacing and reconstruction of certain roads for 1996.

Highway Superintendent resurfacing certain roads

Motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the request from Highway Superintendent, Gregg Sagendorph, for authorization of the Supervisor to sign the Section 284 agreement concerning resurfacing and reconstruction of certain roads for 1996. The motion was passed by the following vote:

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

The next item was a recommendation from Highway Superintendent, Gregg Sagendorph, for award of bid for biodegradable paper bags to the low bidder, Set Point Paper Co., Inc., Mansfield, MA.

Highway Superintendent award bid biodegradable paper bags

The motion to award the bid for biodegradable paper bags to the low bidder, Set Point Paper Co., Inc., Mansfield, MA. at the bid price of \$16,403.00 per 64,000 bags per truck load, as recommended by Highway Superintendent, Gregg Sagendorph, was made by Mr. Putney and seconded by Mr. Lenhardt. The motion was passed by the following vote:

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

The following item was a request from Gregg Sagendorph, Highway Superintendent, for approval of disposal of Town vehicles at auction at Northway Auto in Clifton Park, NY -- a 1981 International Dump Truck; a 1984 Ford Dump Truck; and a 1989 Dodge Van.

Highway Superintendent for disposal of town vehicle

A motion was made by Mr. Lenhardt and seconded by Mr. Johnson to grant the request from Gregg Sagendorph, Highway Superintendent, for approval of disposal of Town vehicles at auction at Northway Auto in Clifton Park, NY -- a 1981 International Dump Truck; a 1984 Ford Dump Truck; and a 1989 Dodge Van. Motion was carried by the following votes:

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

The next agenda item was a recommendation from Commissioner of Public Works, Bruce Secor, for discussion of water service for residence located off of Krumkill Road, North Bethlehem. The Supervisor stated, individuals involved need to go to the Town of New Scotland and have their Board approve the water service also.

Commissioner of Public Work water service for residence off Krumkill

Mr. Secor informed the board, that the Town of New Scotland wants us to service these residents as out-of-district customers and he would recommend that these residents also get approval from the New Scotland Town Board.

A motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the recommendation from Commissioner of Public Works, Bruce Secor, for water service to Mr. and Mrs. Saccocio, residence located off of Krumkill Road, North Bethlehem upon the approval of the Town of New Scotland. The motion was passed by the following vote:

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

Reappointment  
of Marriage  
Officer Barbara  
Hodom

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The following item was a recommendation from Town Clerk,  
Kathleen A. Newkirk, CMC, for reappointment of Marriage Officer for  
the Town of Bethlehem.

Motion was made by Mr. Johnson and seconded by Mr. Lenhardt to  
approve the reappointment of Marriage Officer for the Town of  
Bethlehem, Barbara Hodom, Court Clerk as recommended by Town Clerk  
Kathleen A. Newkirk, CMC. The motion was passed by the following  
vote:

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

Annual Report  
Police Depart-  
ment

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The next agenda item was to acknowledge receipt of the 1995  
Annual Report of the Police Department of the Town of Bethlehem from  
Chief of Police, Richard LaChappelle.

Resolution  
Elm Avenue  
bike path

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The following agenda item was to consider adoption of proposed  
resolution pertaining to Elm Avenue bike path as requested by the  
Engineering Department. The design approval has been signed by NYS  
Department Of Transportation on June 18, 1996.

COUNCILMAN JOHNSON presented the following Resolution and moved  
its adoption:

WHEREAS, the Town Board of the Town of Bethlehem has heretofore  
determined that it is necessary to construct a bicycle path along the  
2.5 mile corridor described as follows: Beginning at the  
intersection of Delaware Avenue and Van Dyke Road at the Bethlehem  
Senior High School running southerly with an 8' wide two way Bike  
Path along the easterly side of Van Dyke Road - Town Highway to the  
intersection to the Delmar By-Pass extension with and 8' wide two way  
Bike Path to Albany County Route 52 - Elm Avenue; running from the  
intersection of Albany County Route 52 - and Axbridge Road southerly  
utilizing existing shoulders on side of the Albany County Route 52 as  
one-way bike lanes crossing the entrance to the CDTA Park and Ride  
lot and continuing southerly to the entrance to the Town of Bethlehem  
Elm Avenue Park; running easterly and running southerly with bike  
lanes along both sides of Elm Avenue - Town Highway to its  
intersection with Feura Bush Road and continuing southerly along both  
sides of Elm Avenue - Town Highway to its intersection with  
University Street, the northerly most street of a multi-phase  
development to meet the present and future needs of the citizens of  
the Town, and that such improvement is in the public interest and  
will promote the safety and general welfare of the community; and

WHEREAS, the proposed improvement as prepared by the Town's  
Department of Public Works, has been submitted to, and approved by,  
the Town Board as to design and location; and

WHEREAS, the construction of the bicycle paths requires the  
acquisition of additional interest in real property, among other  
things; and

WHEREAS, it is the policy of the Town of Bethlehem to negotiate  
the conveyance of the required interest in real property whenever and  
wherever possible, recognizing that in some instances it may be  
necessary to have to resort to the Town's right to exercise its  
powers of eminent domain to acquire the necessary interests in real  
property; and

WHEREAS, all necessary interests in real property have been acquired except for interests in real property owned by Yvonne Deming, Richard F. Seegal and E. Ann Seegal and the Bethlehem Central School District, which interests in real property the respective owners have heretofore not conveyed to the Town of Bethlehem;

NOW, THEREFORE, BE IT RESOLVED:

- (1) that the Town Board does hereby determine that it is necessary to acquire, pursuant tot he provisions of the Eminent Domain Procedure Law, those interests in real property which are required to construct the bicycle paths but which have not been conveyed to the Town of Bethlehem;
- (2) that the acquisition of these interests in real property is for the public use, benefit and purpose and project of constructing the bicycle paths in the Town of Bethlehem;
- (3) that the design and location selected by the Town's Department of Public Works is the most economical and efficient to accomplish the aforesaid purpose;
- (4) that the Town of Bethlehem is exempt from compliance with the provisions of Article 2, Eminent Domain Procedure Law because it is the opinion of the Town Board of the Town of Bethlehem, and is hereby so found and determined by said Board, that the acquisition of the necessary interests in real property from Yvonne Deming, Richard F. Seegal and E. Ann Seegal and the Bethlehem Central School District is deminimis in nature so that the public interest will not be prejudiced by the construction of the project; and be it further

RESOLVED, that, for the purpose of carrying out these determinations, the Supervisor be, and he/she hereby is, authorized and directed to proceed in accordance with the applicable provisions of the Eminent Domain Procedure Law to acquire said interests in real property as is necessary for the construction of the bicycle paths as has not already been acquired by negotiation and to enter into and execute such documents as may be necessary to carry out the purpose of this Resolution; and be it further

RESOLVED, that the Supervisor be, and he/she hereby is, empowered to employ the services of Special Counsel and a consultant fee appraiser for these purposes.

The Resolution having been duly seconded by Mr. Lenhardt, it was adopted by the following vote:

AYES: Mrs. Fuller, Mr. Johnson, Mr. Lenhardt, Mr. Putney.  
NOES: None.  
ABSENT: Mrs. Davis.

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The last item was a request from Comptroller, Judith Kehoe, for appointment of part-time Account Clerk to fill vacancy. This is a 20 hour per week position. Mary Tremblay who has already been working with the Town Clerk's office is recommended.

Comptroller  
Part-time  
Account Clerk

Motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the request from Judith Kehoe, Comptroller, for appointment of part-time Account Clerk, Mary Tremblay, Albany, NY effective July 2, 1996. The motion was passed by the following vote:

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

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Supervisor Fuller asked for a motion to meet in Executive Session following the close of the regular meeting.

Meet Executive  
Session

The motion to meet in Executive Session following the close of the regular meeting to discuss personnel matters was made by Mr.

Putney and seconded by Mr. Lenhardt. The motion was passed by the following vote:

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

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Motion to adjourn the meeting of the Bethlehem Town Board at 7:46 p.m. was made by Mr. Lenhardt and seconded by Mr. Putney. The motion was passed by the following vote:

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

No formal  
action taken  
at executive  
session

*Catherine T. Kocay*  
Deputy Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.