

## TOWN BOARD

MARCH 8, 2000

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  
                  Doris M. Davis, Councilman  
                  Daniel G. Plummer, Councilman  
                  Susan Burns, Councilman  
                  Kathleen A. Newkirk, Town Clerk  
                  Bernard Kaplowitz, Esq., Town Attorney

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Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board and invited everyone to join in the pledge of allegiance.

The first item was a request from David Austin, Administrator, Parks and Recreation Department, for adoption of resolution pertaining to Expenditure from Recreation Capital Reserve Account for reconstruction of basketball courts at Elm Avenue Park and tennis courts at Selkirk Park, re-grading and improving drainage of soccer field area at Elm Avenue Park and continuation of utility work at baseball and softball fields at Elm Avenue Park. Mr. Austin gave a brief overview regarding the projects to be done. He explained the resolution was presented for adoption and noted there will be a permissive referendum. Questions were posed and answered by Mr. Austin who addressed the timing of the work to be done and if there will be a bid process for the work.

Supervisor Fuller thanked Mr. Austin and asked for a motion to approve the 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 8<sup>th</sup> day of March 2000, 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 make improvements to court areas at Elm Avenue Park and Selkirk Park and playing field areas at Elm Avenue Park and,

WHEREAS, it is estimated that the costs of said work will be approximately \$221,000 and,

WHEREAS, in recognition of these needs, funds for such work are in the Recreation Capital Reserve Account, and

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete this court and playing field work, and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve monies to fund these projects up to a maximum amount of \$221,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Recreation Capital Reserve Account the funds necessary up to \$221,000 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 Mrs. Davis, was seconded by Ms. Burns and duly adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer  
Noes: None.  
Absent: None.

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The following item was a request from Administrator David Austin, Parks and Recreation Department for authorization of Supervisor to sign the Concession Stand Agreement for the year 2000.

Supervisor Fuller said this is the same vendor but the company is now known as SOHO Sub, Thomas B. Rowlands, and the prices are indicated. Mr. Austin noted the prices have raised an average of 4 percent. Supervisor Fuller said she thinks we are very fortunate to have Mr. Rowlands back running this stand. Mr. Austin agreed. Councilman Lenhardt asked if anyone else has expressed interest in running the stand. Mr. Austin said no one has come forward, noting he has been the only respondent.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to authorize the supervisor to sign the Concession Stand Agreement as recommended by Mr. Austin, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer  
Noes: None.

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The following item was a request from David Austin, Administrator, Parks and Recreation Department, for approval of revised Policy for Use of Town Owned Facilities by organizations.

Supervisor Fuller explained the last time this was revised was in 1981. Mr. Austin verified this fact. He highlighted the changes for the Board Members.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the revised Policy for Use of Town Owned Facilities by organizations as recommended by Administrator, David Austin, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns,  
Mr. Plummer  
Noes: None.

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Supervisor Fuller thanked Mr. Austin.

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

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of seasonal personnel as listed in the Memorandum dated March 8, 2000 from David Austin, Administrator, Parks and Recreation Department at the titles and rates indicated and on file with the Town Clerk. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, and Mr. Plummer.  
Noes: None.

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The following item was to acknowledge receipt of a recommendation from the Planning Board regarding a request to amend the Code of the Town of Bethlehem, Zoning, permitting mini-storage use in "C" Commercial Districts. Supervisor Fuller said Mr. Zee and Mr. Walsh were in attendance

and noted they made the original request. Mr. Zee addressed the Board and gave a quick overview of the background information. Mr. Walsh also addressed the Board regarding the proposed use at the Route 9W, Glenmont site.

Supervisor Fuller noted the recommendation from the Planning Board was not to permit mini-storage facilities in the "C General Commercial District.

Discussion followed regarding this request and what action would be taken. Mr. John Flanigan, Building Inspector, and Mr. Jeffrey Lipnicky, Town Planner, gave information regarding the request. Questions were entertained and information presented by the Town Councilmen.

Supervisor Fuller accepted statements by the Town Board Members.

Councilman Davis made a motion that the recommendation of the Planning Board be accepted and action be taken to deny the request for mini-storage use in the "C" Commercial District. Mr. Lenhardt seconded the motion.

Supervisor Fuller said she would like to state for the record, prior to her vote, that her number one concern is that there are areas in this community that are zoned appropriately and that is where a mini-storage facility should be located. She said the other most important issue to her is the residential area and the impact this proposal would have there. She said certainly the tax dollars that were mentioned is exactly what the Town of Bethlehem is looking for and she hoped they would continue to get that and more. She said she would vote in favor.

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns.

Noes: Mr. Plummer.

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Councilman Davis noted she served on the Planning Board and the Town Board and Mr. Walsh has been before the Boards many, many times. She said he was always a gentleman and always presented a professional presentation and hoped that he does not see this as a reflection on him because it is not. Mr. Walsh said that was no problem.

Councilman Lenhardt asked Mr. Walsh if these facilities have ever had someone try to live in them. Mr. Walsh said he did not, noting there was a person who tried to. Mr. Lenhardt said he had someone in another town mention that he had someone removed that was living in one. Mr. Walsh said he had someone who rented 3 spaces, 2 inside and 1 outside. He said the person ended up on the weekend when no one was around, plugging a lead into their power supply and camping, however, they were.

Supervisor Fuller thanked Mr. Walsh.

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The following item was to discuss a proposed addition to 75 Meadowbrook Drive, Slingerlands, NY. Supervisor Fuller said Mr. Zee is representing the owner of the premises. She said the first item was to remove it from the table.

The motion was made by Ms. Burns and seconded by Mrs. Davis to remove from table the request for a modification to Building Project Approval for 75 Meadowbrook Drive, Slingerlands. The motion passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

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Mr. Zee gave background information pertaining to the previous Board meeting and what transpired. Mrs. Sternlicht was also in attendance to answer questions indicating they are the owners of 75 Meadowbrook Drive. They are seeking to construct an addition at the side of the premises.

Questions were posed and information given by the Building Inspector, John Flanigan and Town Planner, Jeffrey Lipnicky. Mrs. Sternlicht indicated

Mr. Minnick's health is such that this space will make his living circumstances easier. Mention was made that this addition will expand the living space on the first floor.

Councilman Davis questioned Councilman Burns regarding her contacting friends that live in this development and whether there was any objection to this proposal. Councilman Burns noted none of them had any concerns.

The Town Board after lengthy discussion took the following action:

The motion was made by Mr. Lenhardt to refer the request for a modification to permit construction of an addition at 75 Meadowbrook Drive, Slingerlands to the Planning Board. The motion was seconded by Mrs. Davis and voted as follows:

Ayes: Mr. Lenhardt, Mrs. Davis.

Noes: Mrs. Fuller, Ms. Burns, Mr. Plummer.

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Further discussion followed regarding the scheduling of the Planning Board and Town Board meetings and what information would have to be included for the Planning Board review. Supervisor Fuller indicated another motion was in order.

The motion was made by Ms. Burns and seconded by Mr. Plummer to grant the modification to the Building Project Approval to permit an addition to 75 Meadowbrook Drive, Slingerlands. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Ms. Burns, Mr. Plummer

Noes: Mr. Lenhardt, Mrs. Davis.

Supervisor Fuller noted the approval has been granted for the Building Project Approval for the unit 75 Meadowbrook Drive, Slingerlands. Attorney Kaplowitz noted a public hearing is not necessary.

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The next item was to authorize the Supervisor to sign the Emergency Medical Services Agreement with the Bethlehem Volunteer Ambulance Services.

The motion was made by Mrs. Davis and seconded by Ms. Burns to authorize the Supervisor to sign the Emergency Medical Services Agreement with Bethlehem Volunteer Ambulance Services. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns,  
Mr. Plummer.

Noes: None.

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The next item was a request from Department of Public Works, Engineering Division for permission to go to bid for Metal and Plastic Pipe. Could advertise March 15, 2000 and open bids on March 30, 2000 at 3 p.m.

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

WHEREAS, the Town desires to advertise for bids for Metal and Plastic Pipe, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 15th day of March 2000 and that bids be received up to 3:00 p.m. on the 30th day of March, 2000 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

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The next item was a recommendation from Commissioner of Public Works, Bruce Secor, for approval of out-of-district water service for property located on Wildwood Lane, Selkirk.

Mr. Secor said Mr. Crisafulli now lives on Wildwood Lane and his property is in the Water District. He said he and his neighbors did a water district extension in May of 1989. He said some time after that Mr. Olsen who owned the property came and asked for Town water. According to Mr. Secor, this permission was granted with 2 conditions. One was that some ductile iron pipe be placed in the ground to begin extending the water main and secondly, sign an agreement with the Town saying that at such time as the extension was formed, he would participate in it. Mr. Secor said the property has been resold and later a second application came in and permission was granted for water service for a new home also including the provision to place piping in the ground. He said this request is similar to the other 2 previous actions taken by the Board. He said there is an engineer's map, plan and report. He noted residents along Elm Avenue and Elm Avenue East have the benefit of having water mains put in, for the most part, by developers. He said this extension would bring all the parcels along Elm Avenue that currently have water service and the Wildwood Lane area that was developed under the Crisafulli subdivision and bring in the 3 pieces of property down on Wildwood Lane.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve out-of-district water service for property owned by Mr. and Mrs. Joseph Crisafulli and located on Wildwood Lane, Selkirk. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.

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The following item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of deed for highway and easement purposes in Cherryvale Subdivision, Phase 2.

The motion was made by Ms. Burns and seconded by Mrs. Davis to approve the acceptance of a deed for highway and easement purposes from Charlew Construction Company, Inc., Schenectady, NY for Cherryvale Subdivision, Phase 2 as recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.

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The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for acceptance of deed for easement purpose for 900 Delaware Avenue, Delmar, NY.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the acceptance of a deed for easement purpose from Bethlehem Ice Group, LLC, Delmar, NY for easement purposes at 900 Delaware Avenue, Delmar, NY as recommended by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.

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The following item was a recommendation from Engineering Services Administrator, Michael Cirillo, for approval of reduction in bonding for Cherryvale Subdivision, Phase 1.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the reduction in bonding for the Cherryvale Subdivision, Phase 1 from \$693,500 to a new reduced amount of \$57,550 as recommended by Michael

Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.

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The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for approval of reduction in bonding for the Clearview Subdivision.

The motion was made by Ms. Burns and seconded by Mr. Plummer to approve a reduction in bonding for the Clearview Subdivision from \$85,000 to a new bond amount of \$12,000 as recommended by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.

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The next item was a recommendation from Highway Superintendent, Gregg Sagendorph, for approval of award of bid for one (1) truck mounted street sweeper.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the award of bid for one (1) truck mounted street sweeper to William H. Clark Municipal Equipment, Inc., Rensselaer, NY as recommended by Gregg Sagendorph, Highway Superintendent. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.

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The following item was a recommendation from Highway Superintendent, Gregg Sagendorph, for award of bid for Household Hazardous Waste Day for the year 2000.

The motion was made by Ms. Burns and seconded by Mrs. Davis to approve the award of bid for the conduct of a Household Hazardous Waste Day to Environmental Products and Services, Inc., Albany, NY. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.

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The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval of disposal of vehicles at auction.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the disposal of six (6) vehicles at auction held by Northway Auto Exchange, Inc., Clifton Park, NY as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.

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The following item was a request from Town Clerk, Kathleen A. Newkirk, for approval of consolidation of polling locations for Registration Days to be held in October 2000.

The following resolution was offered by Mr. Plummer and seconded by Ms. Burns:

RESOLVED, that the Town Board of the Town of Bethlehem, hereby designates the following locations for consolidation of polling locations for the purpose of Voter Registration to be held in October 2000.

The following districts will register at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY 12054:

Districts 1, 2, 3, 4 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 20, and 21.

The following districts will register at the Bethlehem Ambulance Building on Route 9W, Selkirk, NY 12158:

Districts 22, 23, 24, 25, 26, 27, 28, 29 and 30.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

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Supervisor Fuller inquired about the date for the registration days. Town Clerk Newkirk noted the political calendar has not been set by Albany County so the dates are not available. It was mentioned that it will be held one evening and one Saturday.

Councilman Burns asked how the registration days are advertised. Town Clerk Newkirk said it is in the Spotlight so that it is in the local paper and Albany County Board of Elections is required to publish the information about the elections. She also noted registration is only held in a Presidential election year and it only comes up every 4 years.

Mr. Shafer, resident, asked if the number of sites will be reduced or just the configuration. Supervisor Fuller noted the location, indicating it will be consolidated into 2 sites rather than at every voting location. She noted all 30 locations will be represented. Town Clerk Newkirk said only for voter registration, noting it has been done for a number of years rather than open every polling location in Town. She said it makes it easier for the public and not all locations need to be open.

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The next item was to acknowledge receipt of Final Plat approval for the Porter Howard No. 2 Subdivision, Delmar, NY from the Planning Board for information purposes.

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The next item was to acknowledge receipt of Final Plat approval for the Clearview Subdivision, Wemple Road, Glenmont, NY from the Planning Board for information purposes.

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The following item was to approve the Town Board minutes of February 9, 2000.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the Town Board minutes of February 9, 2000 with correction. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

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Supervisor Fuller asked if anyone wished to address the Town Board. There were none.

The Supervisor asked for a motion to meet in Executive Session following the close of the regular meeting to discuss a personnel matter.

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

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

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The motion was made by Mr. Lenhardt and seconded by Ms. Burns to adjourn the regular Town Board meeting at 9:24 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

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Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.