

TOWN BOARD  
MARCH 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, Councilwoman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

ABSENT: Frederick C. Webster, Councilman

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Go to Bid  
Iron Castings,  
Precast  
Concrete Manhole  
Blocks and  
Precast  
Reinforced  
Concrete Manhole  
Sections

Supervisor Fuller welcomed all in attendance to the regular Town Board meeting. The first item was a request from Terrence Ritz, Engineering Division, Dept. of Public Works, for approval to go to bid for Iron Castings, Precast Concrete Manhole Blocks and Precast Reinforced Concrete Manhole Sections.

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

WHEREAS, the Town desires to advertise for bids for Iron Castings, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of March, 1994 and that bids be received up to 2:00 p.m. on the 29th day of March, 1994 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mrs. Davis, Mr. Lenhardt, Mr. Putney.  
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 Precast Concrete Manhole Blocks, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of March, 1994 and that bids be received up to 2:10 p.m. on the 29th day of March, 1994 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mrs. Davis, Mr. Lenhardt, Mr. Putney.  
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 Precast Reinforced Concrete Manhole Sections, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of March, 1994 and that bids be received up to 2:20 p.m. on the 29th day of March, 1994 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mrs. Davis, Mr. Lenhardt, Mr. Putney.

Noes: None.

Absent: Mr. Webster

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Supervisor Fuller said the next item was to acknowledge receipt of Preliminary Plat Approval for the Trinity Manor Subdivision from the Planning Board for information purposes.

Acknowledge  
receipt of  
Preliminary  
Plat Approval  
Trinity  
Manor Sub.

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Supervisor Fuller noted the following item was to acknowledge receipt of the Preliminary Plat Approval for Cedar Ridge, Sections 2, 3 and 4 from the Planning Board for information purposes.

Acknowledge  
receipt of  
Preliminary  
Plat  
Cedar Ridge  
Sect.2 Sub.

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Supervisor Fuller said the next item was to acknowledge receipt of Conditional Approval and Final Plat Approval for a 1 lot subdivision for Stephen and Joan Coffey from the Planning Board for information purposes.

Ack. receipt  
Final Plat-  
Coffey

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Supervisor Fuller said the next item was a recommendation from Michael Cirillo, Engineering Services Administrator, Dept. of Public Works, for approval of release of Letter of Credit for the Deerfield Subdivision, indicating the work has been completed.

Release  
Letter of  
Credit  
Deerfield  
Subdivision

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the release of Letter of Credit No. 8601211 in the amount of \$34,000. pertaining to the Deerfield Subdivision. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis.

Noes: None.

Absent: Mr. Webster.

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Supervisor Fuller said the following item was a recommendation from Michael J. Cirillo, Engineering Services Administrator, Dept. of Public Works, for acceptance of deeds for Stratton Place.

Accept Deeds  
Stratton  
Place

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the acceptance of of deeds for Stratton Place right-of-way and turnaround easement from Mr. Stephen Bolduc, Greenville, NY and Mr. Michael Sullivan, Feura Bush, NY. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Putney.

Noes: None.

Absent: Mr. Webster.

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The Supervisor said the following item was a request from Michael J. Cirillo, Engineering Services Administrator, Dept. of Public Works, for authorization to proceed with land acquisition in regard to Beacon Road.

Authorize  
Land  
Acquisition  
Beacon Road  
Reconstruct.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to authorize the Department of Public Works to proceed with land acquisition in regard to Beacon Road reconstruction, Phase 3. 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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Rural Water  
Training  
Session -  
DPW  
Employees

Supervisor Fuller said the next item was a request from Bruce Secor, Commissioner of Public Works, for approval of attendance of employees at the New York Rural Water Association training session.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the attendance of thirteen (13) Department of Public Works employees at the New York Rural Water Association training session to be held March 30, 1994 at the Saratoga Holiday Inn, Saratoga Springs, NY with registration fee of \$17. each paid. The motion was passed by the following vote:

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

Annual Spring  
Meeting  
Adirondack  
Waterworks  
DPW employees.

Supervisor Fuller said the next item was a request from Bruce Secor, Commissioner of Public Works, for approval of attendance of employees at the Annual Spring Meeting of the Adirondack Waterworks Conference.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the attendance of fourteen (14) Department of Public Works employees at the Annual Spring Meeting of the Adirondack Waterworks Conference to be held March 24, 1994 at Guilderland, NY with registration fee paid. The motion was passed by the following vote:

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

Municipal  
Purchasing  
Officials  
Seminar -  
Deputy Comptroller

The Supervisor said the next item was a request from Judith Kehoe, Comptroller, for approval of attendance of Deputy Comptroller Richard Webster at the NYS Municipal Purchasing Officials seminar.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the attendance of Richard Webster, Deputy Comptroller, at the NYS Municipal Purchasing Officials Seminar to be held May 4, 5 and 6, 1994 at Saratoga, New York with registration fee paid. The motion was passed by the following vote:

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

Appoint  
Detective  
Police Dept.

Supervisor Fuller said the following item was a request from Chief of Police for approval of appointment of Officer Bowdish to the position of Detective. The Supervisor noted Officer Bowdish has been with the Bethlehem Police Department for 13 years and been in the Youth Division twice.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of Officer Christopher W. Bowdish to the position of Detective, Town of Bethlehem Police Department, as recommended by Police Chief Richard J. LaChappelle, effective April 9, 1994. The motion was passed by the following vote:

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

Discussion  
Cogen  
Refinancing

Supervisor Fuller asked if there was anyone in the audience who would like to speak to the Board. Mr. Sherwood Davies inquired about an item on the last Town Board meeting agenda regarding the recommendation from Bruce Secor, Commissioner of Public Works, for authorization for the Supervisor to sign a confirmation agreement for the refinancing of Selkirk Cogen project. He said he looked into

this item a little, indicating it refers to a principal amount of \$417,000,000. He said there was no reference here to this amount. He said it refers to the confirmation agreement between the Town of Bethlehem and Chase Manhattan Bank. He noted there was no discussion. His asked if this was an obligation on the part of the Town of Bethlehem for that sum of money in any way and does it have the attorney's blessing. Supervisor Fuller indicated the Attorney would respond. Attorney Kaplowitz said none of the Industrial Development projects, at any time, have full faith and credit of the IDA or the Town. The Town has no responsibility at all for any of the money, according to Attorney Kaplowitz. He said Selkirk Cogen project will now have to try to sell the bonds. He noted this is an investment in the project by the purchasers of the bonds. Mr. Kaplowitz further noted, it has nothing to do with the Town and the Town is not at risk for a dime nor is the Town of Bethlehem IDA at risk for a dime.

This was on the agenda as opposed to the IDA agenda, according to Mr. Kaplowitz, because of the water agreement with Selkirk Cogen. He indicated the agreement was between the Town and Selkirk Cogen. Mr. Kaplowitz said the IDA could not agree to the changes, it was up to the Town. Attorney Kaplowitz said this is a question of Selkirk Cogen changing their financing. He said the Town was consenting to this and confirming that all the agreements that had been previously signed were still in effect.

Attorney Kaplowitz noted for information purposes, the fact that a similar thing was done by the Bethlehem IDA last week for all the other agreements that the IDA was a party to.

Mr. Putney explained Selkirk Cogen is going to the permanent financing. Attorney Kaplowitz said most IDA Projects anticipate the sale of bonds for raising the money. Selkirk Cogen did not do that when they first got involved. He said the Chase Manhattan financing was based on an 8 year basis and he thinks they feel they can do better now, interest wise, if they go out and sell the bonds. He said the Town does not stand behind that in any way. Attorney Kaplowitz said this is one of the nice things about this because from the Town's point of view, there is no responsibility or liability.

Attorney Kaplowitz indicated the last thing he saw indicated Selkirk Cogen did not know how much it was going to be but it would be between \$392,000,000 and \$417,000,00. He further indicated there is not a lot of difference between the 2 figures.

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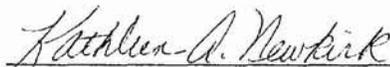
The motion was made by Mr. Putney and seconded by Mr. Lenhardt to hold an Executive Session following the close of the regular Town Board meeting to discuss pending litigation. The motion was passed by the following vote:

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

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The motion was made by Mr. Lenhardt and seconded by Mr. Putney to adjourn the regular Town Board meeting at 7:38 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 at the Executive Session.

Executive  
Session