

TOWN BOARD  
MARCH 10, 1993

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 Councilman Gunner, Acting Supervisor, at 7:30 p.m.

PRESENT: Charles Gunner, Councilman, Acting Supervisor  
M. Sheila Galvin, Councilwoman  
Sheila Fuller, Councilwoman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

ABSENT: Kenneth J. Ringler, Supervisor  
Frederick C. Webster, Councilman

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COUNCILMAN GUNNER: Good evening, welcome to the March 10, 1993 Town Board meeting for the Town of Bethlehem. Particularly want to welcome the Participation in Government's students from the High School. Hope we get over quickly tonight for you so you can get home safely -- all of us for that matter.

This is not an official hearing so it isn't necessary for your to come up to the microphone unless you find that you would need it.

TOWN CLERK NEWKIRK: If we can't hear them, we will have to ask them.

COUNCILMAN GUNNER: If we need it, we will ask you to come up to the microphone. As you know, we had made available copies of the Disabilities... the Americans with Disabilities act that was passed out at our last meeting. And, we would like to know if there is anybody who would like to make any comments. I particularly be interested in those who would like to make comments for.

Discussion  
Americans  
With  
Disabilities  
Act

There were none. There are additional copies here if any of you, perhaps if some of you students may want a copy to bring back in case you didn't get one because that is a good point.

Also, is there anybody who would like to say anything against, or to correct on the act? It is very informal. Anybody on the Board that would like to say anything at this point?

COUNCILWOMAN GALVIN: For the record, Charlie, at the last meeting when this matter came up, I had indicated that there were some problems that I had technically primarily with Sections V and VI, just in wording. And, I had been asked by Ken to prepare a memo for Bernie's review with respect to the areas that were in question and where I had some problems, primary, as I said, Sections V and VI. Most of it deals with procedure, basis of establishment or procedure, definition of terms and specific legal compliance requirements. I have given my memo to Bernie and a copy to all members of the Town Board so rather than sit here and read it line for line, I would just like Bernie to review those and I think we need some corrective language in those two sections.

ATTORNEY KAPLOWITZ: I just got it tonight, I will have to look at it and then get together with Dave and see if we can't respond to some of it or take a look at it.

COUNCILMAN GUNNER: All right. No other comments, we will move onto the second item.

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Go To Bid  
Pipes

COUNCILMAN GUNNER: Request from Terrence Ritz, concerning... Department of Public Works, for permission to go to bid on all types of pipe for the period April 15, 1993 through April 14, 1994. We could advertise on March 17, 1993 and open bids April 1st, 1993 at 2:00, 2:10, 2:25 p.m. respectively.

The following resolution was offered by Ms. Galvin and seconded by Mrs. Fuller:

WHEREAS, the Town desires to advertise for bids for ALL TYPES OF PIPE for the period April 15, 1993 through April 14, 1994, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 17th day of March, 1993 and that bids be received up to 2:00, 2:10 and 2:25 p.m. respectively on the 1st day of April, 1993 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

COUNCILMAN GUNNER: Next item on the agenda, is a request from John Flanigan. I request the Town Board to authorize the use of a Town vehicle for Kevin Shea and myself to attend the meeting on March 19, 1993 in Binghamton. We would leave in the afternoon of the 18th and return on the 19th on that afternoon. Thank you for your consideration.

Authorize  
Bldg. Inspect.  
To use  
Town Vehicle  
To attend  
Meeting of  
Building  
Officials

The motion was made by Mrs. Fuller and seconded by Ms. Galvin to approve the use of a Town vehicle by Kevin Shea and John Flanigan to attend a Building Officials meeting in Binghamton, NY, leaving on the 18th of March and return on the afternoon of March 19, 1993. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

COUNCILMAN GUNNER: Next thing is another recommendation from John Flanigan, Building Inspector, for renewal of dumping permit for Robert Hillmann. I have reviewed Mr. Hillmann's permit application, visited the site. Having discussed the permit with Mr. Wickham, from Engineering, I would recommend the approval of the permit subject to the conditions of this memo. More specifically, that the waste material be limited to earth, sand, dirt and soil and the permit is limited to 2,000 cubic yards. Even though the applicant had several previous permits, very little filling has been accomplished on this property.

Dumping  
Permit  
Robert  
Hillmann

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the renewal of the dumping permit for Robert Hillmann for Lasher Road, Selkirk, New York subject to the conditions in the Memorandum from the Engineering Division of the Department of Public Works. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

COUNCILMAN GUNNER: Next item is a acknowledgement of the approval, Final Plat No. 156-F dated 23rd of February, 1993 for the Upper Parker Road 3 lot subdivision submitted by Mrs. Cirillo.

Acknowledge  
Approval of  
Final Plat  
Upper Parker  
Road 3 lot  
Subdivision

ATTORNEY KAPLOWITZ: That was on my birthday.

COUNCILMAN GUNNER: That was on your birthday, how nice.

ATTORNEY KAPLOWITZ: You didn't have to announce it.

COUNCILMAN GUNNER: Well, we could sing him happy birthday but we'll wait.

ATTORNEY KAPLOWITZ: It is too late.

COUNCILMAN GUNNER: Too late, okay, fine.

Accept  
Deeds  
Upper Parker  
Road  
Subdivision

COUNCILMAN GUNNER: Next item is the recommendation by John Fenzi from the Department of Public Works for acceptance of 2 deeds of easement and the highway purpose of Upper Parker Road Subdivision that we just acknowledged.

The motion was made by Mrs. Fuller and seconded by Ms. Galvin to accept the 2 deeds for easement and highway purposes for the Upper Parker Road Subdivision.

COUNCILWOMAN GALVIN: Question. Has... Bernie, have you reviewed those documents?

ATTORNEY KAPLOWITZ: I don't recall seeing them.

COUNCILWOMAN GALVIN: Subject to the approval of the Town Attorney.

The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

Appoint  
Seasonal  
Personnel

COUNCILMAN GUNNER: Next a request from David Austin, Administrator of Parks & Recreation Dept., for the appointment of seasonal personnel as listed.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the appointment of seasonal personnel as per the Memorandum from David Austin, Administrator of Parks & Recreation Dept., dated March 10, 1993 at the rates of pay indicated. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

Authorize  
Supervisor  
To sign  
Clarksville  
Playground  
Agreement  
Subject to  
Hold Harmless  
proviso

COUNCILMAN GUNNER: Next a recommendation of David Austin, Administrator of Parks & Recreation, to authorize the Supervisor to sign the agreement regarding the Clarksville playground.

The motion was made by Mrs. Fuller to authorize the Supervisor to sign the agreement regarding the Agreement for the Clarksville Playground.

ATTORNEY KAPLOWITZ: Before you vote on that -- after reviewing this, I gave Dave a ring to get the history of it and it appears that what we are doing is strictly for the benefit of the school district and primarily really, the Town of New Scotland. We are running a program for them and with that history in mind, Dave and I talked about the possibility of telling them we thought we ought to have a hold harmless agreement. You can either pass it tonight on the condition that we get one or put it... adjourn it to another night, whatever you are comfortable with. But, I think it is something we ought to approach them on. It is not a program we are running for the Town of Bethlehem's benefit. The Town of New Scotland does reimburse us entirely, dollar-for-dollar.

COUNCILMAN GUNNER: Yes, right.

ATTORNEY KAPLOWITZ: I think under those circumstances and it is for their benefit, we perhaps ought to have something more from them in the way of hold harmless agreement or indemnification agreement.

COUNCILMAN GUNNER: I agree, want to add it to the motion?

COUNCILWOMAN GALVIN: I would like to amend the motion to include provision that we approve the agreement subject to the review and approval by the Town Attorney to include specific language relative to hold harmless and if necessary, the possibility of providing us with a certificate of insurance.

The motion was seconded by Ms. Galvin with the approval being subject to review and approve by the Town Attorney included specific language relative to hold harmless and if necessary, the possibility of providing us with a certificate of insurance. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.

Noes: None.

Absent: Mr. Ringler, Mr. Webster.

ATTORNEY KAPLOWITZ: Thank you.

COUNCILMAN GUNNER: Thank you.

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COUNCILMAN GUNNER: Next one is a recommendation by Terrence Ritz, Department of Public Works, for assignment of house numbers on Hampton Street.

House Nos.  
Hampton St.

The motion was made by Mrs. Fuller and seconded by Ms. Galvin to approve the house numbers as recommended by Terrence Ritz, Department of Public Works, for Hampton Street as noted indicating numbers are effective 6 months following this approval. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.

Noes: None.

Absent: Mr. Ringler, Mr. Webster.

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COUNCILMAN GUNNER: Next a request from Kathleen Newkirk, Town Clerk, for approval to attend the 11th Annual New York State Clerk's Association Conference to be held April 25-28, 1993 in Amherst, NY with expenses paid.

NYS Town  
Clerks'  
Association  
Annual  
Meeting

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the attendance of Kathleen Newkirk, Town Clerk, at the 11th Annual New York State Town Clerk's Association Conference to be held April 25-28, 1993 at Amherst, NY with expenses paid. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.

Noes: None.

Absent: Mr. Ringler, Mr. Webster.

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COUNCILMAN GUNNER: The next item is approval of the minutes. We will be postponing this til the next meeting because we would not have sufficient votes since some of the members present were not present at the days of those meetings, unless...

MS. GALVIN: I can vote on everything except March 1st. That was the only one I missed.

COUNCILMAN GUNNER: And, you can't vote on that date...

COUNCILWOMAN FULLER: I can, the only one I can't vote for is February 24th. But, I think the Town Board minutes of January 27th were carried over the last time.

TOWN CLERK NEWKIRK: Yes, they were.

COUNCILWOMAN GALVIN: Yes.

COUNCILWOMAN FULLER: Is there enough of us to vote on it now?

COUNCILWOMAN GALVIN: I can't vote, in addition, on the 27th. It is March 1st and the 27th.

COUNCILWOMAN FULLER: So, you are missing two, I am missing one.

COUNCILMAN GUNNER: To avoid any confusion, could I suggest we just postpone them all.

COUNCILWOMAN FULLER: Yes, leave them until next meeting.

COUNCILMAN GUNNER: And do them all together or otherwise, we... I'll back to Christmas.

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Award Bid  
Two Vehicles  
Highway  
Dept.

COUNCILMAN GUNNER: Next the recommendation from Gregg Sagendorph, Highway Superintendent, to award a bid for two vehicles. That is 2 vehicles, right Gregg?

MR. SAGENDORPH: Right, two door and four door type vehicles.

COUNCILMAN GUNNER: I will read the recommendation.

On February 17, 1993, the Town Advertised for bids on a two-door and four-door utility hardtop vehicle. On March 2, 1993, six bids were received from New Country Truck Sales, Arthur Glick Truck Sales, Orange Motors, Action Chevrolet, DeNooyer Chevrolet and Marshalls' Auto Exchange.

After careful review of all bids, I find that Arthur Glick Truck Sales, the low bidder for both models, meets the Town's specifications.

Therefore, I find it in the best interest of the Town of Bethlehem to award the contract for the two-door and four-door utility hardtop vehicles to Arthur Glick Truck Sales of Monticello, New York.

At this time, I respectfully request the permission of the Town Board to purchase one 4-door utility hardtop vehicle for use by the Town Highway Superintendent.

This new four-wheel drive vehicle will replace a 1987 Plymouth Caravelle currently owned by the Highway Department. Cost of the new truck will be \$16,259.

Funds for the purchase of this new vehicle were included in the 1993 Highway Department budget. The car being replaced will be sold at auction.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to award the bid for two-door and four-door utility hardtop vehicles to Arthur Glick Truck Sales, Monticello, New York and approved the purchase of one four-wheel drive utility hardtop vehicle for use by the Town Highway Superintendent. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.

Noes: None.

Absent: Mr. Ringler, Mr. Webster.

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Seminar  
Legal Updates  
Police Dept.

COUNCILMAN GUNNER: Next a request by Richard J. LaChappelle, Chief of Police, for approval of Sergeant Roberts, Detective Cox and Sergeant Corsi to attend a seminar on Legal Updates at a cost of \$20.00 each and transportation by Police vehicle.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the attendance of Sergeant Roberts, Detective Cox and Sergeant Corsi to attend a seminar on Legal Updates sponsored by the Zone 5 Law Enforcement Academy at a cost of \$20.00 each and transportation by police vehicle. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

COUNCILMAN GUNNER: Next one is a from Richard J. LaChappelle, Chief of Police, for approval of Officer Rinaldi to attend a one-day seminar on the use of O.C. Aerosol Spray to be held on March 20, 1993 at Springfield, Massachusetts at a cost of \$125. and transportation by Police vehicle.

Seminar  
Use of  
O.C.  
Aerosol  
Spray  
Police Dept.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the attendance of Officer Rinaldi at a one day seminar on the use of O.C. Aerosol Spray to be held March 20, 1993 at Springfield, Mass. at a cost of \$125. and transportation by Police vehicle. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

COUNCILMAN GUNNER: Next one is a request from the Chief of Police, Richard J. LaChappelle, for approval of Officer Demarest to attend the Remington Armorsers Training Program to be held April 26-30, 1993 at Ilion, NY at a cost of \$250. and transportation by Police vehicle.

Seminar  
Remington  
Armorsers  
Training  
Program  
Police Dept.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the attendance of Officer Demarest to attend a training program at Remington Armorsers, April 26-30, 1993 at Ilion, NY at a cost of \$250. and transportation by Police vehicle. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

COUNCILMAN GUNNER: Next is a request from Bruce Secor, Commissioner of Public Works, for approval of 10 employees attending the Annual Spring Meeting of the Adirondack Waterworks Conference to be held March 25, 1993 at Albany, NY with registration fee paid.

Annual  
Spring  
Meeting  
Adirondack  
Waterworks  
Conference  
DPW

The motion was made by Mrs. Fuller and seconded by Ms. Galvin to approve the attendance of ten (10) Department of Public Works employees attending the Annual Spring Meeting of the Adirondack Waterworks Conference to be held March 25, 1993 at Albany, NY at a cost of \$29.50 per person. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

TOWN CLERK NEWKIRK: You skipped one.

COUNCILMAN GUNNER: All right. Excuse me, I skipped one there. A request also from the Chief of Police, Richard J. LaChappelle, for the appointment of Leonard F. Tompkins as part-time Telecommunicator at a rate of \$9.41 per hour, effective March 6, 1993.

Appoint  
Part-time  
Telecommunicator

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the appointment of Leonard F. Tompkins as part-time Telecommunicator at a rate of \$9.41 per hour effective March 6, 1993. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

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COUNCILWOMAN GALVIN: Before we move on, I would just like to make a suggestion. I am voting in favor of this and it has nothing to do with person whose name is on the application or his qualifications. But, I think it might be helpful if we looked into expanding the amount of space that we have on those application forms because in this particular instance it only allowed room for the applicant to show experience going back to 1990.

COUNCILMAN GUNNER: I noticed that.

TOWN CLERK NEWKIRK: It indicates on there that they can attach additional sheets but I don't know why it didn't go back further.

COUNCILWOMAN GALVIN: I think it would be helpful to have it.

TOWN CLERK NEWKIRK: Okay.

COUNCILMAN GUNNER: To request it. Thank you.

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COUNCILMAN GUNNER: The next item on there request by Bruce Secor for authorization for the Supervisor...

COUNCILWOMAN FULLER: We approved that, Charlie.

COUNCILMAN GUNNER: Pardon.

COUNCILWOMAN FULLER: All right, you are on to the next one.

COUNCILMAN GUNNER: Yes.

COUNCILWOMAN FULLER: Okay.

COUNCILMAN GUNNER: We will not be taking any action on that at this time because of the Board...

ATTORNEY KAPLOWITZ: Why don't you pass a motion to table it.

COUNCILMAN GUNNER: Could we have a motion to table that?

Request from  
Commissioner  
Public Works  
for authoriz.  
of Supervisor  
to sign permit  
Expansion Water  
Supply Tabled

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to table a request from Bruce H. Secor, P.E., Commissioner of Public Works, for authorization of the Supervisor to sign a permit in regard to Expansion of Water Supply, as well as, authorize fee payment. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

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Appoint  
Part-time  
Clerk  
Board of  
Appeals

COUNCILMAN GUNNER: Next one is the motion by John Flanigan for approval of appointment of a part time clerk for the Board of Appeals.

The motion was made by Ms. Galvin and seconded by Mr. Fuller to approve the appointment of Catherine T. Picarazzi to the position of part-time Clerk for the Board of Appeals at her hourly rate of pay as Deputy Town Clerk, effective immediately. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

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COUNCILMAN GUNNER: The last action of the day is recommendation from Kenneth Ringler, Supervisor, for approval to appoint Karen Granito to the Board of Assessment Review.

Appoint  
Member  
Board of  
Assessment  
Review

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the appointment of Karen Granito to the Board of Assessment Review effective immediately. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

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COUNCILMAN GUNNER: Anything else that anybody would like to bring up from the floor? There was nothing. I would like to entertain a motion for adjournment.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to adjourn the regular Town Board meeting at 7:47 p.m. The motion was passed by the following vote:

Ayes: Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
Noes: None.  
Absent: Mr. Ringler, Mr. Webster.

*Kathleen A. Newkirk*  
Town Clerk