

TOWN BOARD  
MARCH 12, 1997

A public hearing 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  
Doris M. Davis, Councilman  
Robert C. Johnson, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. We begin our meeting this evening with the pledge of allegiance and I believe Eric Kerr is here, is he the volunteer? Both Erics can come up if you would like. (Boy Scouts from Troop 58, Elsmere).

Thank you, Eric and Eric. We begin tonight's meeting with a public hearing on Vehicle and Traffic Law to add a traffic signal light to the entrance to the Town Park. I would ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

Public Hearing  
traffic Signal  
Light at Park  
entrance

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on March 12, 1997 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York to consider Local Law No. 6 of 1997, amending the Code of the Town of Bethlehem, Chapter 119, Vehicle and Traffic, Article VI, Section 119-27, Schedule 1, Traffic Signal System to add a traffic signal at the intersection of Elm Avenue at CR-52, Elm Avenue Park, Delmar.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk, CMC  
TOWN CLERK

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State of New York)  
County of Albany )

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 26th day of February 1997.

/s/ Mary A. Ahlstrom

Sworn to before me this 28th day of Feb. 1997.

/s/ Kathryn Olsen  
Notary Public, Albany County

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STATE OF NEW YORK)  
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York

and that I posted on Feb. 26, 1997, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this  
3rd day of March 1997.  
/s/ Catherine T. Picarazzi  
Notary Public

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The motion was made by Mr. Putney and seconded by Mrs. Davis to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

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SUPERVISOR FULLER: Mr. Cirillo, who is the man responsible for the Elm Avenue Bike Path and traffic signal and how many years is this, Mike?

MR. CIRILLO: Little over 3, getting through the paper basically. As you mentioned, it is... the signal is proposed for the intersection of County Route 52, also known as Elm Avenue, and... opposite the Town Park entrance. This will be in conjunction with the Elm Avenue bike path and a little background. Back in the '90s... early '90s, the Town requested from the County and the State to put a signal light at this intersection based on concerns from the residents and users of the park. In May of '96 we requested a highway work permit from Albany County to construct a portion of the bike path within their right-of-way. They did issue the permit and at that time they issued it with a condition that we install a signal light as part of this project. The Capital District Transportation Committee examined this and checked the warrants out for installing a light at this intersection and it was determined it did meet the warrants. Albany County Department of Public Works is also in agreement with that finding.

The cost of the light will be distributed, federal funding, county funding and Town funding at a ratio of 80 percent, 15 percent and 5 percent.

I have a map, couple maps posted over here. The red denotes State highways -- Delaware Avenue, Delmar Bypass, Feura Bush Road. Yellow denotes Town maintenance and that is Elm Avenue from the park entrance southerly, Delmar Bypass Extension, Juniper Drive, Axbridge. And, the orange is County Route 52 from basically Delaware Avenue southerly to Feura Bush Road. Once you look at the intersection, northerly is in this direction toward the Delmar Bypass, this is southerly, to the east of Elm Avenue, the Town portion of Elm Avenue and the westerly side is the current park entrance. Presently we have a right turn lane into the park and a through lane heading southbound, a left turn lane and a northerly lane... north bound lane and a southerly portion is a right turn lane onto Elm Avenue, north bound through lane and a south bound relatively wide south bound lane.

With the future, as part of the signal light installation, we are going to have restripe this and shade... put shading in here. We are proposing a right turn lane, the same right turn lane but ... with a through lane 12 foot wide, a left turn lane 10 foot wide and a north bound lane 12 foot wide. On the south side, we also have the right turn lane at a 10 foot width, 12 foot through lane and a 10 foot left turn lane and a 12 foot south bound lane. So, that improvement would be made prior to the light being installed. And, then we would put the necessary shading to divert the through traffic and it will indicate that is a turn lane. Basically that is it. That is a

requirement from Albany County in order to follow through on this... the Elm Avenue bike path.

SUPERVISOR FULLER: Thank you, Mike. Is there anyone wishing to speak in favor of the traffic signal at the Town park? With all of the high school students here, we need your help, come on.

MR. NICHOLSON: I live right by the Town Park and... Should I use the microphone?

COUNCILMAN LENHARDT: Please.

TOWN CLERK NEWKIRK: And, please state your name.

MR. NICHOLSON: My name is Austin Nicholson. I live right across the street from the Town park at the first house on your left coming up to the Town park. And, sometimes when I am pulling into my house, depending upon the weather or something, people don't even see me going into my house. They think I am going to turn left on Elm Avenue south, I think it is and I don't know, I think it might help some because if there is a stop light there, they would slow down or something. That is all I have to say. I am in favor of it. Thank you.

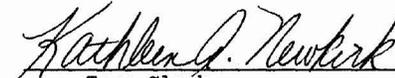
SUPERVISOR FULLER: Thank you, Austin. Is there anyone else wishing to speak in favor? Is there anyone wishing to speak in opposition?

You notice I didn't ask for volunteers on that one. Okay. May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to close the public hearing at 7:42 p.m. The motion was passed by the following vote:

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

Noes: None.

  
Town Clerk

Supervisor Fuller convened the regular Town Board meeting following the close of the public hearing. She asked for a motion to adopt Local Law No. 6 of 1997.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adopt Local Law No. 6 of 1997 amending the Code of the Town of Bethlehem, Chapter 119, Vehicle and Traffic, Article VI, Section 119-27, Schedule 1, Traffic Signal System to add a traffic signal at the intersection of Elm Avenue at CR-52, Elm Avenue Park, Delmar. The motion was passed by the following vote:

Local Law No. 6  
Traffic Signal  
Elm Ave Park

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

Noes: None.

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The next item was a request from Michael Cirillo, Engineering Services Administrator, Department of Public Works, for approval to go to bid for construction of the Elm Avenue Bike Path.

Engineering  
to go to bid  
Elm Ave Bike  
Path

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve going to bid for construction of the Elm Avenue Bike Path, advertising on March 19, 1997 and opening bids on April 16, 1997 at 2:00 p.m. The motion was passed by the following vote:

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

Noes: None.

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Supervisor Fuller said once again, thank you to Mr. Cirillo for making this happen for the Town of Bethlehem.

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The following item was to set a public hearing regarding adoption of the LUMAC plan as a land use planning reference resource. Supervisor Fuller said this item is to set a public hearing for April 9th at 7:30 p.m.

Set Public  
Hearing on  
Lumac as  
Planning  
reference  
resource April  
9, 1997 7:30PM

The motion was made by Mr. Putney and seconded by Mrs. Davis to set a public hearing for April 9, 1997 at 7:30 p.m. regarding adoption of the LUMAC plan as a land use planning reference resource. The motion was passed by the following vote:

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

Noes: None.

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Supervisor Fuller noted all of the information will be available in the Library, at the Clerk's office, the Planning office, her office and the public hearing is set for April 9 at 7:30 p.m.

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The next item was a recommendation from Bruce Secor, Commissioner of Public Works, for approval of project and hiring of Architecture Plus, Troy, NY to prepare plans for a proposed addition to Town Hall including new fire exit, handicap accessibility and elevator. Supervisor Fuller noted the Board Members have had the information before them and asked if a brief presentation would be done. Commissioner of Public Works, Bruce Secor, introduced Joe Lomonaco, who is the architect from Architecture Plus and was available to answer any questions the Board might have.

Public Works  
approval to  
project and h:  
Architecture  
Plus for  
Addition and  
Elevator for  
Town Hall

Mr. Secor said as the Supervisor stated, this is a building addition which will include a fire escape or a fully enclosed stairway from the second floor down to the parking lot. It will also improve the handicap accessibility for the building and an elevator which will go from parking lot level to first floor and then up to the second floor. One of the reasons an elevator has never been added to Town Hall is that it was very expensive and has been put off and we have had the service of the small lift in the back which was put in in 1979. He said it has served us well but has outgrown its

useful life. He said new wheel chairs, more modern wheel chairs are larger and heavier and that lift is no longer capable of servicing that. He said there has also been problems where some handicapped individuals have to have someone assist them and if you stand on the platform it is very, very small. He said it is a problem to have someone assist people, noting there is also a head room problem. He said to rectify the problem requires structural modifications to the building and it is more complicated than just a simple elevator.

Mr. Joseph Lomonaco, Architect, said they were asked to do a schematic design for a handicap elevator addition, including a secondary means of egress from the upper floors and from the first floor level. He said the addition is a 2 and 1/2 masonry addition put on the northeast corner of the building. The area was chosen because there is a logic to adding a stairwell, as well as, an elevator addition. The building consists of about a 2,000 square foot addition that would include a small entrance plaza to protect people coming into the building. He said there would be a central focus from both of the parking lot areas. He said there would be an entrance vestibule on the first floor and then because the ground level is 5 feet below the first floor level, there will be an elevator located in the new addition to take you up to the first level or take you up to the second level. He said they have also added an interior stair to replace the exterior fire escape that now is on the outside. He said it will be safer, code acceptable, means of egress, as well as, an entranceway to both the first and second floors. The second floor will provide some additional space which will be dedicated to the Building Department for office space.

Mr. Domonaco said the exterior of the addition will conform to the existing architecture and be made of masonry, with the trim of the building. He said visually it will be quite compatible with the existing area.

The cost of the project will be in the range of \$500,000 to \$550,000, according to Mr. Domonaco. He said there are some things that add to this price. He said it includes an elevator and the complete electric service to the building has to be upgraded. He said this is a secondary cost that adds to the construction costs of this project.

Mr. Secor said the only thing he wished to add is that we will not lose any parking spaces. He said this is being done in a corner where there are no parking spaces now. He said it will have a little green space outside of it and a sidewalk to protect the pedestrians. He said it will not interfere with any of the handicap parking spaces now existing.

Supervisor Fuller asked if the Board Members had any questions. Mr. Kaplowitz asked if we are increasing the parking that is existing. Mr. Secor said we are not, there is no change in parking with this project. Mr. Kaplowitz said when the building was bought, there was an agreement to maintain a certain amount of green space and asked if this is violating that. Mr. Secor said no.

Councilwoman Davis asked what the elevator machine room is and why it is on the opposite side of the new vestibule/lobby area rather than under or over or next to the elevator. Mr. Lomonaco said this is a hydraulic elevator. He said it is activated by hydraulics and all the machinery for the elevator and hydraulic equipment is located within the elevator machine room, further explaining it has to be within 20 feet or so of the actual elevator shaft. He said it needs about 7 feet or 8 feet of headroom for the equipment in that room. He said they decided this was the most appropriate place to put it. He said it balanced out the design so that as you came into the entrance vestibule which would be a glass exterior and interior door, there is a small storage room associated adjacent to that for shovels, salt, etc. and they balanced it out by putting the machine room on the other side.

Councilwoman Davis asked in the vestibule area, if the new access to the building is also handicap accessible. Mr. Lomonaco said yes. Mrs. Davis further asked if the doors will automatically open and close. Mr. Lomonaco said it is not actually necessary that

the doors automatically open and close. He said that is a feature that can be built in by push button if the Board so decided. He explained in the ADA or the building codes, the door must open with a certain amount of pull force. He said as long as it opens with a certain amount of force, and there is the right amount of clearance adjacent to the door, it is not necessary. He said as long as someone in a wheel chair can come up and have enough room to operate the door it is okay. He said it is not necessary for the door to have an electrical opener or anything. He said if the space constraints are so tight that it does not have the correct amount of clearance, then you probably would put in an electronic operator so the clearance issue would go away.

Councilman Johnson asked what the cost might be for the addition of the push button opener. Mr. Lomonaco said it would probably be a few thousand dollars on the door, about \$5,000., because you would have the 2 doors to operate.

Supervisor Fuller asked if there were any other questions. She asked for a motion to approve hiring Architecture Plus to prepare plans for a proposed addition to Town Hall.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the hiring of Architecture Plus, Troy, NY to prepare plans for a proposed addition to Town Hall including new fire exit, handicap accessibility and elevator as recommended by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

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

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Supervisor Fuller thanked Mr. Secor and Mr. Lomonaco.

Resident Marie Capone asked about the arrangement with the school as to the green space, whether this was written in stone or was there some flexibility. Mr. Kaplowitz said it was a long time ago and his recollection is that there is something in the deed that requires us to maintain certain play areas. He said there is no change to these areas. Mrs. Capone said she would like to have seen the design very different. She said she thinks the Town should put the addition across the entire back of the building and everyone would benefit from it.

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The next item was a request for authorization of the Supervisor to sign the Advanced Life Support Program Agreement for the period January 1, 1997 through December 31, 1997 in the amount of \$296,933. She noted it is certainly a decrease from the year before. Councilman Lenhardt said he would like to comment that when this was first started, Mr. Fargione's initial estimate came very close. He said it was slightly less than what it actually is but his estimate was very close. Councilman Davis said considering the success of the program and the positive feedback consistently received, she would like to make the motion.

Approval for  
Supervisor to  
sign Advanced  
Life Support  
Program Agree-  
ment 1/1/97 -  
12/31/97

The motion was made by Mrs. Davis and seconded by Mr. Putney to authorize the Supervisor to sign the Advanced Life Support Program Agreement for the period January 1, 1997 through December 31, 1997 at a cost of \$296,933. The motion was passed by the following vote:

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

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The following item was a request from David Austin, Administrator, Parks & Recreation Department, for approval of seasonal personnel.

Parks and  
Recreation  
Seasonal Personne

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the appointment of seasonal personnel as requested by David Austin, Administrator, Parks and Recreation Department as listed in his Memorandum dated February 26, 1997. The motion was passed by the following vote:

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

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Award of bid  
Parks and  
Recreation  
fence work  
AFSCO Fence  
supply

The next item was a recommendation from Administrator, David Austin, Parks & Recreation Department, for award of bid for fencing work at the new baseball/softball area at the Elm Avenue Town Park to AFSCO Fence Supply Co., Inc., Latham, NY.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the award of bid for fencing work at the new baseball/softball area at the Elm Avenue Town Park to AFSCO Fence Supply Co., Inc., Latham, NY at a bid price of \$53,189. The motion was passed by the following vote:

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

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Department  
of Public  
Works approval  
to go to bid  
Metal and  
Plastic Pipe

The following item was a recommendation from Terrence Ritz, Department of Public Works, for approval to go to bid for Metal and Plastic Pipe. Could advertise on March 19, 1997 and open bids on March 31, 1997.

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

WHEREAS, the Town desires to advertise for bids for the purchase of 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 19th day of March, 1997 and that bids be received up to 2:00, 2:10 and 2:25 p.m. on the 31st day of March, 1997 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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Public Works  
go to bid  
for Four  
Wheel Drive  
Loader/Backhoe

The next item was a request from Bruce Secor, Commissioner of Public Works, for approval to go to bid for one (1) Four Wheel Drive Loader/Backhoe. Could advertise March 19, 1997 and open bids on April 1, 1997 at 2:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) four-wheel drive loader/backhoe, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 19th day of March, 1997 and that bids be received up to 2:00 p.m. on the 1st day of April, 1997 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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The next item was a request from Building Inspector, John Flanigan, for approval of dumping permit for premises of Timothy O'Brien, 24 McCombe Drive, Delmar.

Building  
Inspector  
approval  
dumping permi

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the renewal of a dumping permit for premises of Timothy O'Brien, 24 McCombe Drive, Delmar, New York with the recommendations stipulated by the Building Inspector. The motion was passed by the following vote:

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

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The next item was a recommendation from Gregg Sagendorph, Highway Superintendent, for award of contract for the Household Hazardous Waste Collection Day to Care Environmental Corporation of Denville, New Jersey and authorize the Supervisor to sign a resolution for application of grant money for partial reimbursement of covered costs associated with this collection day. Supervisor Fuller noted the day will be held May 3, 1997.

Highway  
Superintenden  
contract for  
Household  
Hazardous  
Waste collec-  
tion Day to  
Care Environ-  
mental Corp

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the award of contract for the Household Hazardous Waste Collection Day to Care Environmental Corporation of Denville, New Jersey and authorize the Supervisor to sign a resolution for application of grant money for partial reimbursement of covered costs associated with this collection day. The motion was passed by the following vote:

Resolution fo  
grant money

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

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Supervisor Fuller said she was putting Mr. Sagendorph in charge of the weather this year. She said they are all volunteering if it is a nice sunny day.

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The following item was to acknowledge receipt of Certificate of Final Plat Approval of Cedar Ridge, Section 2 from the Planning Board for information purposes.

Planning  
Board Final  
Plat approva  
of Cecar Rid

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The following item was to acknowledge receipt of Final Plat Approval for The Meadows at Bethlehem, Section 2A from the Planning Board for information purposes.

Approval Fin  
Plat The  
Meadows at  
Bethlehem

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The next item was to acknowledge receipt of Final Plat Approval amendment for The Meadows at Bethlehem, Section 2A from the Planning Board for information purposes.

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The next item was a recommendation from Supervisor Fuller for approval of change in meeting date to April 30 instead of April 23, 1997.

Change in  
meeting dat  
April 30  
instead of  
April 23.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the change in meeting date from April 23, 1997 to April 30, 1997 at 7:30 p.m. The motion was passed by the following vote:

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

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Minutes of February 12, 1997 approval      The following item was a request to approve the Town Board minutes of February 12, 1997 as submitted.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the Town Board minutes of February 12, 1997 as submitted. The motion was passed by the following vote:

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

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Supervisor Fuller asked if anyone wished to address the Board. There were none. The Supervisor thanked everyone for attending the meeting.

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

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to meet in Executive Session following the close of the regular Town Board meeting to discuss negotiations. The motion was passed by the following vote:

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

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Adjourn to executive session. No formal action taken.      The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to adjourn the regular Town Board meeting at 8:00 p.m. The motion was passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.