

TOWN BOARD  
MARCH 12, 2003

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  
Daniel G. Plummer, Councilman  
Thomas Marcelle, Councilman  
Kathleen A. Newkirk, Town Clerk  
Robert J. Alessi, Esq., Town Attorney

ABSENT: Doris M. Davis, Councilman

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

The first item on the agenda was a request from the Communications Committee for approval of award of bid for Radio Communications System. Supervisor Fuller noted the committee was in attendance and noted they have met for a very long time, noting it has been 3 years recently. Mr. Robert Johnson thanked the Board for their time. He said he did want to introduce the committee and noted this is a blue ribbon committee. He acknowledged the committee – Deputy Chief of Police Tim Beebe, Bill Eck who represented the Town Fire Officers as well as the County and a little bit of everybody, Gregg Sagendorph Highway Superintendent and Citizen of the Year, Rick Webster Deputy Comptroller, Chuck Wickham Deputy Commissioner of Public Works and himself. He said he wanted the audience and Board to have a feel for the knowledge, talent and expertise that went into this proposal.

Mr. Johnson said the present system was installed in 1964. He said the Committee started in 1998 and seems like 30 rather than 3. He said they struggled, took in some proposals, contacted FCC to do this and after a couple years, they recognized they did not have the horsepower or talent, the know-how to do this. At that time, he said they approached Trott Industries of Irvine, Texas and hired them who is probably the National expert in this type of work. He said they assigned Mr. John Griessel who is an engineer and has been working with the committee. Mr. Johnson said they have also worked with police, ambulance personnel, and the fire departments.

Mr. Johnson said he was here to answer questions and noted he had given the Board some briefing material. Supervisor Fuller opened it up to the Board for questions. Councilman Marcelle thanked Mr. Johnson and the Committee for all the work they did

with regard to this proposal. He said 5 years is a long time to dedicate to a project. He said the Town owes all of them a debt of gratitude for their unselfish service. He thanked them. Mr. Marcelle inquired about there being just one acceptable bid and said sometimes when he sees one bidder, it gets him concerned. He said he also noted there was Northeast Radio Spectrum who apparently put in a bid that lists the defects in the bid. He asked if there was an effort to get Northeast Radio to comply with the items so there would be a more competitive structure. Mr. Johnson said there were 2 letters from the engineer, noting actually to both companies, for clarification of things that did not fall right into the answers of the RFP. He said yes, communications had been done.

Councilman Marcelle further inquired about the fact that Northeast Radio never submitted a bid which was in compliance with the RFP. Mr. Johnson said that was correct.

Councilman Marcelle asked if Mr. Johnson knew what the dollar amount was of the Northeast Radio bid. Mr. Webster said \$288,569. Mr. Marcelle thanked Mr. Johnson and Mr. Webster.

Mr. Webster said in regard to the number of bidders that there are not a lot of players in the game anyway. He said when they posed that particular question to Motorola, who is probably the biggest manufacturer, generally on projects less than a million dollars, Motorola will not bid on it directly. He said they will throw it back to the company they consider their local agent. Mr. Marcelle thanked Mr. Webster.

Councilman Lenhardt added as being part of the Committee when it began, he understood that they chose this consultant because of their location and not having any vested interest in designing a system that would be designated toward one vendor over another. Mr. Johnson said that was correct and said there are not a lot of those people around to do this exact work either. He said they searched around the country and written out for bids from various companies, noting these people seemed to have the most experience and reputation in that line. Mr. Webster said that was something requested by some of the Fire Commissioners. He said they did not want something designed by a particular vendor, they wanted an independent engineering firm to actually do the design. He said they did not want it geared to one manufacturer.

Supervisor Fuller noted that they had spent quite a bit of time looking at a tower location. Mr. Johnson said that was another couple of years, noting they had some concerns for a lot of security reasons even back in that time whether that was the right thing to do or not.

Councilman Plummer asked what the expected lifetime of this system would be. Mr. Johnson said it is better than the old one and that one has been in since 1964. He said one of the things early on that they looked at, noting this really is a relatively inexpensive system, was that most of the stuff available today you are looking at 5 million dollars and up. He said there is talk that some where down the road they may look at a State-wide 700 system which may come along with new technology, 10-15 years, from now. He said they feel they are in a position that if something marvelous comes along, they would

be able to buy into something like that. He said this will last definitely as long as they need it to last. Mr. Webster noted it is usually 15-20 years. Councilman Lenhardt said there was a letter that said this plan provides for reliable emergency communication for the police department estimated at another 15-20 years or more.

Councilman Plummer asked if this allowed, noting he can see the benefits of this clearly, but does it also allow communication with other police agencies and the Sheriff's Department. He asked if this will allow Bethlehem to talk to other police departments, asking further if they have similar systems. Deputy Chief Beebe said they have that ability now. Mr. Plummer said this is not an added value, this allows strictly our police and other departments or other emergency and fire to communicate. Deputy Chief Beebe said probably the biggest benefits of this system is the fire departments can be first line. Mr. Plummer said this allows all the departments to communicate. Deputy Chief Beebe said one of the biggest benefits of this system is the fire department .....(inaudible).

Supervisor Fuller asked if the different channels for the different departments have been discussed. Deputy Chief Beebe said yes they had but there is some fine tuning to be done. Mr. Johnson said there was a memorandum with attendance of the people who came that tentatively the channels have been earmarked. He said the nicest thing about the system is that if there is a big police or fire concern, they can manually assign as many channels as they need to that particular emergency or whatever it is. He said the other point was that when they started this project, one of the primary concerns was that we would not do anything that was not in concert with the Chief of Police. He said the chief and his representatives have been with the committee right from day one.

Councilman Plummer asked Comptroller Kehoe how we were going to pay for this system. Comptroller Kehoe said there is an easy answer, given the economic times that we are in, she recommends that it is a wise decision for the Town to hold onto any cash we have. She said being the interest rates are low, she would recommend that we finance this project. She said with the Board's approval of this, she would solicit bids from the financial institutions which are designated as designated depositories and other leasing companies. She said she would ask for quotes for both a bond and leasing and compare them. She said she put out some feelers already and each bank has a different need for their own portfolios. She said the rates are low but they do vary. She said the bids will be evaluated when they come back in and make a recommendation at that time.

Mrs. Kehoe said just for an idea of what the implications would be, assuming worst case scenario that it was a million dollars, she ran some amortization schedules on the debt service for a 5, 7 and 10 term. She said the lion share of the costs would be going to the General Fund. She said it is inconsequential for the highway, water and sewer. She said those charges would be just for the radios that they need to purchase. She said the 5 year debt service payment would be about \$200,000 a year. She said the 7 year would be about \$150,000 and then the 10 year would be about \$112,000. She said she thinks the 7 year is reasonable, given the components with the radios. She said it would be about \$150,000 impact per year which is not significant. She said there is cash available within the General Fund Capital Reserve which would be an eligible source but

she said the monies have been unofficially earmarked for other projects that are coming up and if the funds were used for this project, we would then end bonding at a later time for that.

Supervisor Fuller said they had \$700,000 set aside but Mrs. Kehoe said they had kind of earmarked that for infrastructure improvements which other than the \$45,000 approved recently, there is about 1.1 million available. Mrs. Kehoe said it is earmarked for other funds but they could be taped into that. She said if that is consumed now, if an escape valve in the General Fund is needed for other large projects, we would not have it. Supervisor Fuller said we cannot spend it twice.

Town Attorney Alessi said as he understands it, although there is a difference in the price, is part of the reason explained because Northeast did not include items that were required in the bid and if they did, that the price difference would narrow. Mr. Webster said that would be correct. Mr. Alessi thanked Mr. Webster.

Supervisor Fuller said she thought the decision for the Board is to move forward, award the bid to Wells Communication and ask Comptroller Kehoe to come back with the financial plan. She said there is a SEQR resolution that needs to be adopted.

Mr. Paul LaComb, Northeast Radio, addressed the Board with information and comments regarding this proposal. He stated his company was proposing a different system because of more modern technology. He offered to answer any questions the Board might have. Some questions were posed to Mr. LaComb and Mr. Johnson.

Supervisor Fuller thanked Mr. LaComb. She asked if there were any further questions by the Board. She said for those who have worked so hard, the Town Board thanks them and appreciate the time spent on this proposal. She noted we are a very fortunate community to have so many people willing to volunteer with this type of project. She thanked all of them.

Supervisor Fuller said there is a SEQR resolution which must be adopted with regard to this proposal. The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the negative declaration pertaining to the award of bid for the Radio Communications System. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the award of bid for the radio communications system to Wells Communication Service, Inc., Troy, New York at the bid price of \$541,599 as recommended by the Committee of Deputy Chief Beebe, Robert Johnson, Richard Webster, Walter Eck, Jr., Gregg Sagendorph and Chuck Wickham. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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Supervisor Fuller noted that Councilman Davis was on vacation but sent a letter asking that it be mentioned that if she were in attendance, she would cast a vote in favor of this award of bid. She said she realizes this is essential and she appreciated the many hours of work that was spent on this issue by the Committee members and especially Robert Johnson. Mrs. Davis thanked the Supervisor for reading the letter.

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Councilman Plummer said when there is a bid that is designed by people that are directly involved with it – the police, the fire, the ambulance, all the departments in the Town – and they choose a process or mechanism that is most productive for the Town and it is designed and bids made available for companies to participate, he thinks it is important that the community understand that the bids that come in have to meet the specifications. He said that is why if someone is going to propose something entirely different, it could be less expensive, but that does not mean that it is going to accomplish the things that are needed. He said that was why he voted yes and he thanked everyone.

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The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department for approval and authorization of the Supervisor to sign the 2003 Agreement to Operate Concession Stand at Elm Avenue Town Park.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve and authorize the Supervisor to sign the 2003 Agreement to Operate the Concession Stand at the Elm Avenue Town Park with Thomas B. Rowlands, doing business as Ellisson Enterprises, Albany, New York as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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The following item was a request from Administrator, Nan Lanahan, Parks and Recreation Department. for approval of appointment of seasonal personnel.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department and listed in her Memorandum dated March 12, 2003 at the

titles and salaries listed. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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The next item was a request from Commissioner of Public Works, Bruce Secor, for approval of award of bid for Generator Service Contract to the low bidder, Atlantic Detroit Diesel-Allison, LLC, Albany, NY.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the award of bid for Generator Service Contract to the low bidder, Atlantic Detroit Diesel-Allison, LLC, Albany, New York as requested by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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The next item was a request from Commissioner of Public Works, Bruce Secor, for approval of award of bid for Sanitary Sewer Grouting Service to the two (2) low bidders, New England Pipe Cleaning, Watertown, CT and Severn Trent Pipeline Services, Saratoga Springs, NY.

The motion was made by Mr. Lenhardt and Mr. Marcelle to approve the award of bid for Sanitary Sewer Grouting Service to the two low bidders, New England Pipe Cleaning, Watertown, CT and Severn Trent Pipeline Services, Saratoga Springs, NY as requested by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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The following item was a request from Bruce Secor, Commissioner of Public Works, for approval of award of bid for Materials as indicated in Memorandum dated March 5, 2003.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the award of bid for Materials as requested by Bruce Secor, Commissioner of Public Works, to the companies listed for the items listed at the bid prices submitted and listed in his Memorandum dated March 5, 2003. The motion was passed by the following vote:

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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The next item was a request from Richard LaChappelle, Chief of Police, for approval of appointment of Police Officer effective March 15, 2003 at an annual salary of \$37,077. Supervisor Fuller noted this was a lateral transfer from the Village of Greenwich in Washington County. She said it is made with the approval of the Albany County Civil Service Department. She said within 30 days of his appointment, he will meet all residency requirements as required by collective bargaining agreement between the Town and the PBA.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of Adam H. Cobb, Saratoga Springs, New York to the position of Police Officer at an annual salary of \$37,077 effective March 15, 2003 as requested by Richard LaChappelle, Chief of Police. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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Supervisor Fuller said this appointment was to fill a vacancy created by a retirement and so was the next appointment.

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The next item was a request from Chief of Police, Richard LaChappelle, for approval of appointment of Police Officer effective March 15, 2003 at an annual salary of \$37,077. Supervisor Fuller said he is a lateral transfer from the Albany County Sheriff's Department and has served as a Deputy. She said this also is made with the Albany County Civil Service Department.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of Michael A. Cozzy, Albany, New York to the position of Police Officer at an annual salary of \$37,077 effective March 15, 2003 as requested by Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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The next item was a request from Chief of Police, Richard LaChappelle, for approval of transfer from insurance recovery account to collision repairs account for repair of damages to police vehicle.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the transfer of \$1,355.24 from insurance recovery account to 43-15 collision repairs account for repair of damages to police vehicle 714 as requested by Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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The next item was to approve the Town Board minutes of February 26, 2003. The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the Town Board minutes of February 26, 2003 with one correction. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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The following item was to acknowledge receipt of Conditional Approval of Final Plat for the Kontogiannis Subdivision on Elm Avenue from the Planning Board for information purposes.

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Supervisor Fuller asked if anyone wished to address the Board. Mrs. Capone mentioned that the tulips in front of the building are up about 2 inches. She said it is unfortunate that the Spotlight ignored it but last week the peace march was very impressive and very well done. She congratulated the students.

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Mr. Michael Fitzpatrick of Bender Lane, wrote a letter and had a couple issues about the Bethlehem Town Center. He said they still feel Nigro was wrong about the noise and visual impact of the proposal for the Walmart and the Lowe's. He said the noise is loud now and he knows it is the construction. He said a lot of clearing has taken place also. He said they repeatedly asked for some mitigation measures to these problems. He said they requested a fence and Mr. Nigro mentioned putting in a berm but noted this never made it to the proposal. He said he thought it was considered but he did not know if it was put in the final project proposal. He asked that the Town Board take a

look at it and again indicated there is a lot of noise.

Mr. Fitzpatrick said he spoke with Building Inspector, Kevin Shea, and learned about the limitation on the hours of work. He said when they were looked up, the hours are between 7 a.m. and 5 p.m. and then some extension to 7 p.m. He noted they were working well beyond this time and one night it was beyond 10 p.m. Mr. Shea indicated to Mr. Fitzpatrick that they have spoke with them and requested he notify the Building Department if the work continues. He said they also were working at 5:45 a.m. and 6:15 a.m. on Monday. He said he had his windows closed but he still heard the construction. He said the evening before it was 10:20 p.m. and they were still working.

Supervisor Fuller noted she spoke with Mr. Nigro and sent Mr. Fitzpatrick's letter to him. She said Mr. Nigro said he would more than willing to be in touch and address the concerns. She said she talked to Mr. Nigro about the hours and he provided a letter for the Board, asking permission and the Board has granted him the time to work 7:00 a.m. to 10:00 p.m. until Friday night, March 14, 2003. She said the work will then go back to the regular schedule. She noted the problem has been the ground being frozen and with the warm weather predicted for this weekend, they went ahead to work through and get this pad done for Walmart. She noted the regular hours are 7:00 a.m. to 7:00 p.m. and she did not believe Sunday hours.

Mr. Fitzpatrick thanked the Board. Supervisor Fuller thanked Mr. Fitzpatrick.

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Supervisor Fuller asked if anyone else wished to address the Board. Mr. Bill Bannon spoke with regard to his water bill and the fact that it has risen 200 percent. He said he would like to know if that was prorated for the year. He also asked how much all the building was going to affect the bills. Supervisor Fuller noted that would not affect the bills but everyone's water bill went up because the tax rate and the amount of water used has changed the rate. She asked Mr. Bannon if he has used more water this time around. Mr. Bannon said he used less water than the same period last year. He said by 100 gallons and the bill went up by 200 percent.

Supervisor Fuller asked if he had called the Public Works Department and had them check it. Mr. Bannon noted they told him to come to the meeting. Mr. Bruce Secor was in attendance and Supervisor Fuller referred Mr. Bannon to him.

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

The Supervisor asked for a motion to adjourn to Executive Session to discuss negotiations.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve adjourning to Executive Session to discuss negotiations. The motion was passed by the

following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to adjourn the regular Town Board meeting at 8:35 p.m. The motion was carried by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: Mrs. Davis.

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Town Clerk

#### EXECUTIVE SESSION

There was no formal action taken at the Executive Session.