

TOWN BOARD
MARCH 28, 2001

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
Robert J. Alessi, Esq., Town Attorney

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

The first item was to acknowledge receipt of a communication from Chief of Police, Richard LaChappelle, regarding Retirement of Police Officer Raymond Linstruth. She presented Officer Linstruth with a proclamation recognizing his three decades of service to the Town of Bethlehem and noted his reputation as one of the most reliable, caring and compassionate members of the Bethlehem police force. She extended sincere well wishes to Officer Linstruth.

The next item was a request from Chief of Police, Richard LaChappelle, for appointment of Detective Supervisor effective March 31, 2001 at an annual salary of \$49,991. The Supervisor said Officer Michael F. McMillen is being appointed to this position. She noted he has served as a DARE officer, School Resource Officer, former President of the New York State Juvenile Officers Association, acting member of the New York State Police Juvenile Officers Association and recently as acting Youth Bureau supervisor. According to Supervisor Fuller, Officer McMillen is a 20 year veteran of the Police Department and has consistently shown leadership skills needed to respond to the increasing demand for youth and family services.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the appointment of Officer Michael F. McMillen to the position of Detective Supervisor at an annual salary of \$49,991, effective March 31, 2001. The motion was passed by the following vote:

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

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Supervisor Fuller congratulated Officer McMillen.

The following item was a request from Richard LaChappelle, Chief of Police, for approval of appointment of police officer, effective March 31, 2001 at an annual salary of \$34,263. Supervisor Fuller noted the appointee is Scott Galough, Selkirk, NY and explained he is currently a Deputy with the Albany County Sheriff's Department noting this is a lateral transfer.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of Scott Galough, Selkirk, NY to the position of Police

Officer for the Bethlehem Police Department at an annual salary of \$34,263, effective March 31, 2001. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from Administrator, David Austin, Parks and Recreation Department, for approval of use of Recreation Capital Reserve Funds for construction of additional parking area with small connector roadway at new soccer area, Elm Avenue Town Park, Delmar. Supervisor Fuller said the amount is \$57,000 and was approved by the Board and placed in a Capital Reserve account back in December.

The following resolution was presented for adoption:

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 28th day of March 2001 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 add parking lots and a connector roadway at Elm Avenue park, and

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to add parking lots and a connector roadway at Elm Avenue Park, and

WHEREAS, it is estimated that the costs of said work will be approximately \$57,000, and

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

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest in complete the parking lots and connector road; and

BE IT FURTHER RESOLVED that the Town Board authorizes the expenditure of the reserve monies to fund this project up to a maximum amount of \$57,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Recreation Capital Reserve Account the funds necessary up to \$57,000 in said reserve fund; and

The resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Mrs. Davis and 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.

The following item was a request from David Austin, Administrator, Parks and Recreation Department, for approval to go to bid for Sodium Hypochlorite Solution for use at the Elm Avenue Park swimming pools. Could advertise April 4, 2001 and open bids on April 30, 2001 at 3:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of

Sodium Hypochlorite Solution for the Elm Avenue Swimming Pools, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 4th day of April, 2001 and that bids be received up to 3:00 p.m. on the 30th day of April, 2001 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.
Absent: None.

The next item was a request from David Austin, Administrator, Parks and Recreation Department, for approval of appointment of seasonal personnel. Supervisor Fuller explained this is the summer personnel list.

Councilman Burns noted she would be abstaining on this item due to a couple family members on the list. She said she knows a lot of these hard working young people and she thinks they will be great assets to the Town. She said she wishes all the young people well.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator, Parks and Recreation Department, dated March 28, 2001 at the titles and salaries indicated. The motion was passed by the following vote:

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

The next item was a request from Bruce Secor, Commissioner of Public Works, for authorization of the Supervisor to sign a Lease Agreement for an antenna on the water tank at 308 Kenwood Avenue, Delmar.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to authorize the Supervisor to sign the Lease Agreement with XM Satellite Radio, Inc., Washington, D.C. pertaining to the location of an antenna on the water tank at the Department of Public Works location, 308 Kenwood Avenue, Delmar. The motion was passed by the following vote:

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

The following item was a recommendation from Commissioner of Public Works, Bruce Secor, for approval of negative declaration regarding SEQR and adoption of resolution approving Water District and Sewer District Extensions for Orchard Estates Subdivision and Outer Orchard Street. Supervisor Fuller asked if there were any questions, noting the presentation was at the end of February.

Mr. Secor pointed out that the Water District extension resolution was the same as presented previously. He noted that the Sewer District boundary was changed due to the comments at the public hearing. He said there were a number of people who wanted to be included so the lines will be the same as the Water District extension. He said the only difference is that the piece of property that was

already in the Water District extension has been included in the Sewer District. Mr. Secor presented an amended map for the Sewer District.

The following SEQR resolution was presented for adoption:

SEQR RESOLUTION
NEGATIVE DECLARATION

WHEREAS, Orchard Street Associates has submitted an application for Extension of Water and Sewer Districts to the Town of Bethlehem Town Board for an 11-lot residential subdivision located on Orchard Street opposite Game Farm Road and adjoining areas along Orchard Street, and,

WHEREAS, Orchard Street Associates has submitted a completed full Environmental Assessment Form (EAF) to the Town Board; and,

WHEREAS, the Town Board has independently considered the information provided in the EAF; and,

WHEREAS, the application constitutes an "action" pursuant to the New York State Environmental Quality Review Act (SEQRA), and specifically the SEQRA regulations provided in 6 NYCRR Section 617.2(b); and,

WHEREAS, 6 NYCRR 617.6(d) indicates that for uncoordinated review of an Unlisted action each involved agency is considered lead agency when making its determination of significance;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board hereby declares it is lead agency with respect to SEQR review of the proposed extension of the Water and Sewer Districts; and,

BE IT FURTHER RESOLVED,

that the Town Board has considered the action as defined in sections 617.2(b) and 617.3(k) of 6 NYCRR and classified the application as an Unlisted action; and,

BE IT FURTHER RESOLVED,

that based upon its review of the project, the EAF, other supplemental information submitted by the applicant, review of the proposal and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.11, the Town Board hereby finds that approval of the Extension of the Water and Sewer Districts constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination is based upon the following facts and conclusions:

1. The proposed 11-lot subdivision is located within a Residence "AA" District and meets the zoning requirements of that district, as well as the requirements of the Interim Development Density Act.
2. All of the proposed lots have access to an existing Town highway; therefore no roadway construction is involved.
3. The owners will install the necessary infrastructure to provide public water and sanitary sewer service to the site contingent upon the approval of the Bethlehem Sewer District and Water District No. 1 of the Town of Bethlehem.
4. A line indicating a safe setback distance from the steep ravine slopes within the subdivision shall be shown on the final plat submitted to the Town Planning Board for approval. Any proposed construction or filling on the ravine side (downhill side) of these lines will require the submission of a site-specific soils report prior to the issuance of a building permit.
5. The owners have indicated that less than one acre of the 7.03 acres of federal wetlands within the site will be disturbed.
6. Restrictions appropriate to prohibiting disturbance of the existing cemetery will be included in any subsequent approvals of the subdivision.

7. The New York State Department of Environmental Conservation indicated in a March 26, 1992 letter (signed by Burrell Buffington of the Significant Habitat Unit) that they did not identify any potential impacts on endangered, threatened, or special concern wildlife species, rare plant, animal or natural community occurrences, or other significant habitats.
8. Review of the site in the field and with available environmental data (such as State designated wetlands maps, archeological sensitivity information, flood-plain maps, etc.) revealed no environmentally sensitive characteristics or areas requiring greater study.

BE IT FURTHER RESOLVED,

that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Supervisor of the Town of Bethlehem is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Mr. Lenhardt, seconded by Mrs. Davis, and by a vote of 5 for, 0 against, and 0 absent, this RESOLUTION was adopted March 28, 2001.

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The following resolutions were presented for adoption:

IN THE MATTER OF
 EXTENDING WATER DISTRICT NO. 1
 of the Town of BETHLEHEM,
 ALBANY COUNTY, NEW YORK
 PURSUANT TO ARTICLE 12-A OF
 THE TOWN LAW

ORDER APPROVING
 OUTER ORCHARD STREET
 WATER EXTENSION

WHEREAS, a map, plan and report dated October 1992 and revised January 2001 relating to the proposed Outer Orchard Street extension of Water District No. 1 of the Town of Bethlehem, N.Y., prepared by J. Kenneth Fraser and Associates, P.C. competent engineers duly licensed by the State of New York, in manner and such as has been determined by the Town Board of the Town of Bethlehem, has been duly filed with the Town Clerk of the Town of Bethlehem in accordance with the requirements of Article 12-A of Town Law, and

WHEREAS, said map, plan and report provide for the construction of a water supply system in the proposed extension of said water district, and

WHEREAS, the boundaries of said proposed extension as set forth in said map, plan and report are as follows: (See suggested description attached, labeled as "Exhibit C".)

The above described being shown on a map entitled " Water District No.1, proposed Outer Orchard Street Extension Town of Bethlehem, Albany County, New York, dated October 1992 and revised January 2001, and made by J. Kenneth Fraser and Associates, P.C., Consulting Engineers, Rensselaer, New York., and

WHEREAS, the total cost of all of said improvements and the maximum amount proposed to be expended therefore is \$223,000., which will be borne by the developers of the subdivision within said proposed extension, and

WHEREAS, it is proposed that the cost of making said improvements shall be paid for by the developer and not assessed, levied and collected by the Town Board from the several lots and parcels of land within the extension, and

WHEREAS, said map, plan and report is on file in the office of the Town Clerk for public inspection; and

WHEREAS, said Town Board duly adopted on the 24th day of January 2001 an order providing that said Town Board meet at the Town Hall, 445 Delaware Avenue, Delmar, New York, on the 28th day

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

February 2001, at 7:30 o'clock p.m., Eastern Standard Time, to hold a public hearing on the extension of said district, at which time all persons interested in the subject thereof may be heard concerning the same, and certified copies of said order have been duly published and posted as prescribed by law, and said Town Board has, at the time and place specified in said order, duly met and considered the extension of said District and heard all persons interested in the subject thereof who appeared at such time and place, concerning the same; and

WHEREAS, the evidence at such time and place requires that the Town Board make the determination hereinafter made; NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Bethlehem in the County of Albany that it be and hereby is determined as follows: (a) the notice of hearing held on February 28, 2001 was published and posted as required by law, and is otherwise sufficient; (b) all property and property owners within the proposed extension of the Bethlehem Water District of said District are benefited thereby; (c) all the property and property owners benefited are included within the limits of said proposed extension, and (d) the extension of such district is in the public interest; and

FURTHER RESOLVED, that the Town Board does hereby approve the Outer Orchard Street extension of said Bethlehem Water District so as to include the boundaries set forth in this resolution and the construction of a water supply system in said district, in accordance with the map and plan on file in the office of the Town Clerk; and

FURTHER RESOLVED that this resolution is subject to permissive referendum as provided by Section 209-e of the Town Law, and the Town Clerk is directed to published and post a notice which shall set forth the date of the adoption of this resolution and contain an abstract therefore concisely stating the purpose and effect thereof in accordance with the provision of Section 90 and 209-e Town Law, and it is

FURTHER RESOLVED that if no petition for referendum has been filed within the time set by law, that the Supervisor be authorized to sign and execute all forms and applications required to complete this extension including an application to the Department of Environmental Conservation of the approval of said extension, and it is

FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized to file a certified copy of this resolution, in duplicate, with the office of the state Department of Audit and Control, at Albany, New York, together with application, in duplicate, for permission to extend said District, duly executed by the Town Supervisor of said Town and complying in all respects with Section 209 of the Town Law of New York;

The foregoing resolution was presented for adoption by Mrs. Davis, was seconded by Mr. Lenhardt and was duly adopted by the following vote:

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

Noes: None.

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IN THE MATTER OF
EXTENDING BETHLEHEM SEWER DISTRICT
of the Town of BETHLEHEM,
ALBANY COUNTY, NEW YORK
PURSUANT TO ARTICLE 12-A OF
THE TOWN LAW

ORDER APPROVING
ORCHARD ESTATES
SEWER EXTENSION

WHEREAS, a map, plan and report DATED April 1997 relating to the proposed extension of the Bethlehem Sewer District of the Town of Bethlehem, N.Y., prepared by J. Kenneth Fraser and Associates, P.C. competent engineers duly licensed by the State of New York, in manner and such as has been determined by the Town Board of the Town of Bethlehem, has been duly filed with the Town Clerk of the Town of Bethlehem in accordance with the requirements of Article 12-A of Town Law, and

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

WHEREAS, said map, plan and report provide for the construction of an extension of the sanitary sewer system in the proposed extension of said sewer district, and

WHEREAS, the boundaries of said proposed extension as set forth in said map, plan and report are as follows: (See Exhibit "A" attached)

The above described being fully shown on a map entitled "PROPOSED SEWER DISTRICT EXTENSION #26, ORCHARD ESTATES SUBDIVISION, Town of Bethlehem, Albany County, New York, dated April 22, 1997, and made by Edward W. Boutelle & Sons, a division of J. Kenneth Fraser and Associates, P.C., Consulting Engineers, Delmar, New York.

WHEREAS, the total cost of all of said improvements and the maximum amount proposed to be expended therefore is \$80,000, which will be borne by the developer of the Orchard Estates Subdivision within said proposed extension, and

WHEREAS, the improvements proposed to be made in said proposed extension consist of the construction of a pressure sewer system, as described in said engineer's report and is to be paid for by the developer of the Orchard Estates Subdivision, and

WHEREAS, said map, plan and report is on file in the office of the Town Clerk for public inspection; and

WHEREAS, said Town Board duly adopted on the 24th day of January 2001 an order providing that said Town Board meet at the Town Hall, 445 Delaware Avenue, Delmar, New York, on the 28th day February 2001, at 7:45 o'clock p.m., Eastern Standard Time, to hold a public hearing on the extension of said sewer district, at which time all persons interested in the subject thereof may be heard concerning the same, and certified copies of said order have been duly published and posted as prescribed by law, and said Town Board has, at the time and place specified in said order, duly met and considered the extension of said District and heard all persons interested in the subject thereof who appeared at such time and place, concerning the same; and

WHEREAS, the evidence at such time and place requires that the Town Board make the determination hereinafter made; NOW, THEREFORE,

BE IT RESOLVED by the Town Board of the Town of Bethlehem in the County of Albany that it be and hereby is determined as follows: (a) the notice of hearing held on February 28, 2001 was published and posted as required by law, and is otherwise sufficient; (b) all property and property owners within the proposed extension of the Bethlehem Sewer District of said District are benefited thereby; (c) all the property and property owners benefited are included within the limits of said proposed extension, and (d) the extension of such district is in the public interest; and

FURTHER RESOLVED, that the Town Board does hereby approve the extension of said Bethlehem Sewer District so as to include the boundaries set forth in this resolution and the construction of a pressure sanitary sewer system in said district, in accordance with the map and plan on file in the office of the Town Clerk; and

FURTHER RESOLVED that this resolution is subject to permissive referendum as provided by Section 209-e of the Town Law, and the Town Clerk is directed to published and post a notice which shall set forth the date of the adoption of this resolution and contain an abstract therefore concisely stating the purpose and effect thereof in accordance with the provision of Section 90 and 209-e Town Law, and it is

FURTHER RESOLVED that if no petition for referendum has been filed within the time set by law, that the Supervisor be authorized to sign and execute all forms and applications required to complete this extension including an application to the Department of Environmental Conservation of the approval of said extension, and it is

FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized to file a certified copy of this resolution, in duplicate, with the office of the state Department of Audit and Control, at Albany, New York, together with application, in duplicate, for permission to extend said District, duly executed by the Town Supervisor of said Town and complying in all respects with Section 209 of the Town Law of New York;

The foregoing resolution was presented for adoption by Ms. Burns, seconded by Mrs. Davis, and was duly adopted by the following vote:

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

The next item was a recommendation from Bruce Secor, Commissioner of Public Works, for authorization of the Supervisor to sign the Proposed Water and Sewer Service Agreement for Five Rivers Environmental Center. Mr. Secor said there was one change and there was a wording change. He distributed a new page 2 for the document. He noted also it is not a large change. He said an addition of the wording -- set forth provided that such sanitary waste complies with the requirements of the Town of Bethlehem Sewer Ordinance, Local Law Number 5 of 1986. He said basically anyone who is in the Town of Bethlehem is connected to the Sewer District and is subject to the local law which governs the Sewer District. He said since this is outside of the Town and the State of New York, he wanted to tie this back into the Sewer Ordinance. He said it was an oversight that this wording was left out, so it was added back in and he asked the Board to incorporate that into what is approved at the meeting.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to authorize the Supervisor to sign the Proposed Water and Sewer Service Agreement for Five Rivers Environmental Center with the State of New York. The motion was passed by the following vote:

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

The following item was a request from Commissioner of Public Works, Bruce Secor, and Highway Superintendent, Gregg Sagendorph, for the Town Board to adopt the SEQR resolution declaring the Board's intention to become lead agency for coordinated review of the proposed project to construct a new connector road from School House Road to Blessing Road in North Bethlehem. Supervisor Fuller asked Mr. Secor to give information regarding this item.

Mr. Secor exhibited maps relating to this item and said last summer there was a presentation to the Board about a traffic flow problem in North Bethlehem. He said the area is all vacant land and the road will go through and connect with School House Road. He said they have moved forward in getting permits as per the permission granted. He said they are back to the Board in order to move forward and begin the State Environmental Quality Review. He said this is what is referred to as an unlisted action. He said they are asking the Town Board to declare its intention to be lead agent and there is a coordination process which must be followed. He said they will file forms with the Department of Environmental Conservation and Albany County Department of General Services to advise them that the Board wishes to be lead agency. He further noted, assuming no one challenges that, this can be moved further along in the permitting process.

Mr. Secor said they are working with the Corps of Engineers on wetland permits and the Department of Environmental Conservation on a water quality permit. He said they need to move these forward and a SEQR determination will have to be made in the future.

Mr. Secor said the only action at the meeting for the Board was to declare lead agency and they can move forward on the permits. He said they will come back with more details once the permit conditions are determined. He said they

will give a more detailed environmental analysis and make a recommendation at the conclusion of SEQRA.

Councilman Plummer asked Mr. Secor if he had a cost estimate at this time. Mr. Secor noted unfortunately until all the permit conditions are received, there is no way to come up with a good cost estimate. He said they are in the range of \$600,000 to \$700,000 as a project. He said he thinks at the next meeting when this is brought back, the estimate should be presented. Councilman Plummer asked if the action tonight obligates the Town in any way. Mr. Secor said they have not spent a dollar yet.

Councilman Plummer further asked if the site has approval from the Planning Board for development. Mr. Secor noted they do not, indicating when the developer first came in he was going to develop this parcel in 2 phases. He said once the road pattern is known, the developer will be able to figure out how to develop the additional land. Mr. Secor said this is being presented to the Town as a transportation improvement and once that is done, the developer can configure his subdivision.

Councilman Plummer said he supports this resolution to declare lead agency but noted in the resolution it reads that the Board is authorizing the construction of the roadway. He said he feels it is important to come back with a cost estimate and he wanted to make it clear for the record.

The following resolution was presented for adoption:

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF BETHLEHEM TO
DECLARE THE TOWN BOARD'S INTENT TO BE LEAD AGENCY FOR THE
ENVIRONMENTAL REVIEW PURSUANT TO THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT OF THE PROPOSED NEW
TOWN CONNECTOR ROAD ACROSS THE QUADRINI PROPERTY**

WHEREAS, the Town Board on July 12, 2000 adopted a resolution authorizing the Town Engineer to apply for and obtain the necessary approvals to construct the proposed Town connector road between the Krumkill Road/Schoolhouse Road intersection and Blessing Road,

WHEREAS, the Town Engineers has proceeded with the design and other supporting documentation, including a completed, full Environmental Assessment Form (EAF) for the project, necessary to apply for the permits required for the road construction,

WHEREAS, the Town Engineer and the Town Board have reviewed the EAF and have determined that the proposed connector road is an unlisted action pursuant to the State Environmental Quality Review Act and its regulations,

WHEREAS, the Town Board is an involved agency for the review of the proposed connector road because the Town will own the road upon its completion,

WHEREAS, the New York State Department of Environmental Conservation and the Albany County Highway Department are also involved agencies for the project,

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby declares its intent to be SEQRA lead agency for the review of this unlisted project and directs the Town Engineer to take the necessary procedural steps to coordinate with the DEC and the County and any Other involved agencies to establish the Town Board as lead agency.

The foregoing resolution was adopted on a motion made by Mrs. Davis, seconded by Mr. Plummer and passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds for Wildwood Subdivision, Wildwood Lane, Selkirk. Supervisor Fuller noted it is the Crisafulli property and it is a right-of-way and easement conveyance.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the acceptance of deeds for the Wildwood Subdivision, Wildwood Lane, Selkirk, New York from Mr. and Mrs. Carmelo Crisafulli as requested 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.
Absent: None.

The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval of bond reduction for Autumn Woods Subdivision.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the reduction in bonding for the Autumn Woods Subdivision as requested by Engineering Services Administrator, Michael Cirillo, from the original amount of \$94,000 to a new bond amount of \$18,500. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of acceptance of deed for 38 Voyage Drive, Glenmont. The Supervisor noted this was requested by the owners of 38 Voyage Drive, Glenmont, New York due to the installation of a swimming pool on a neighboring property. This easement is required as part of the solution.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the acceptance of deed from Mr. and Mrs. John Kowalski, 38 Voyage Drive, Glenmont, New York for a varying width drainage easement across their land within the Crossroad Subdivision as requested 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.
Absent: None.

The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for approval of right-of-way acquisition for the Fisher Boulevard reconstruction project.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the right-of-way acquisition from Carol A. Richards, as Trustee of the Carol A. Richards Separate Property Trust, at a cost of \$5,770 for the reconstruction project on Fisher Boulevard, Slingerlands 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.
Absent: None.

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Councilman Davis asked Mr. Secor if he had a time frame for this work. Mr. Secor asked Mr. Sagendorph about this and he noted this work is to be done this year. He said it is about 800 feet by the Bethlehem School out on New Scotland Road. Councilman Davis thanked Mr. Sagendorph.

The following item was a request from Commissioner of Public Works, Bruce Secor, for acceptance of replacement bonding for Woodhill, Phase 4, Subdivision, Glenmont.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve acceptance of replacement bonding for Woodhill Subdivision, Phase 4, Glenmont from T.P. Builders, Inc., Thomas Paonessa and Laura Paonessa. The motion was passed by the following vote:

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

The next item was a recommendation from Karen Pellettier, Senior Services Director, for acceptance of resignation of Outreach Worker, Senior Citizens Services Department, effective March 28, 2001. Supervisor Fuller noted Linda Sinuc is the Outreach Worker who has submitted her letter of resignation. She noted Linda began her association with Senior Citizens Services Department in 1992 as a college intern. She said Linda will certainly be missed, noting when she is referred to as a part time employee, she was far more than part time. She said her dedication was something to be admired everyday. She said it is with regret that the Board accepts her resignation.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to accept with regret the resignation of Linda Sinuc, Glenmont, NY as Outreach Worker, Senior Citizens Services Department. The motion was passed by the following vote:

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

The following item was to acknowledge receipt of communication regarding Disclosure of Interest from Town Attorney, Robert J. Alessi. Supervisor Fuller read the following letter:

March 21, 2001

Town Board of the Town of Bethlehem
445 Delaware Avenue
Delmar, New York 12054

Dear Supervisor Fuller:

As the Town Board was award before appointing me Town Attorney, my law firm, LeBoeuf, Lamb, Greene & MacRae, L.L.P. has an "interest in a contract" with the Town of Bethlehem, of which I am now a public officer. Specifically, my law firm has a contract-retainer to prosecute the lawsuit against the firms which

designed and constructed the Town's water infiltration and treatment facilities. Pursuant to the contract, my law firm is paid on an hourly basis per attorney and other timekeepers; and my law firm is also reimbursed for costs and disbursements it incurs. Because the contract pre-existed my appointment, by approximately three years, the interest in the contract is permissible and lawful and remains permissible and lawful up to and including the conclusion of the dispute, as determined by the Office of the State Comptroller.

Please make this disclosure part of, and set forth in, the official record of the proceedings of the Town Board.

Very truly yours,
/s/ Robert J. Alessi

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Supervisor Fuller noted Mr. Alessi was appointed Town Attorney back in January of this year. She said he represents the Town of Bethlehem in the lawsuit with regard to the Clapper Road, Selkirk water facility.

The next item was a request from Highway Superintendent, Gregg Sagendorph, for rejection of bids received regarding the purchase of a four-wheel drive dump truck with plow equipment and dump body sander; approval of purchase of cab and chassis with full plow equipment from State Contract; and approval to advertise and receive bids for one (1) dump body sander to be mounted on purchased truck from State Contract. Could advertise April 4, 2001 and open bids on April 17, 2001 at 3:00 p.m.

Councilman Burns asked if the new request for this 2 wheel vehicle will be able to handle what was proposed for the 4 wheel drive more expensive vehicle. Mr. Sagendorph said it is not really what he was looking for when he started out. He said in the budget workshops last year, he earmarked \$95,000 for a 4 wheel drive truck with full plow equipment. He said what he is trying to do is economically replace the Walters Snowfighters that the Town has had for many years. He said what they wound up doing is taking a medium duty truck, one size smaller than most of the ones on the road today, and making it an all wheel drive vehicle with full plow equipment. He said it is not going to replace the Walters vehicles that are 1950 vintage trucks that are specifically made to plow snow. He said the estimated cost of a new Walters this year is \$170,000 to \$180,000. He said they make do with what they have. He said he thought he had a buffer in the \$95,000 figure but when he attempted to purchase a truck from State Contract and the plow equipment and dump body separately, the bid came in over \$107,000. He said it is not cost effective, in his eyes, because he is not getting what he wants for the money being spent. He said they are going back to buy the truck type that are being used and it seems to work. He said the last time they used the all wheel drive trucks was in the 1993 blizzard and they haven't been on the road since. He said he is afraid if there is another tremendous snow year, the Town will be lacking. He said he will look into the reserve account balances and perhaps buy it with those monies.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) dump body sander to be mounted on purchased truck from State Contract, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 4th day of April, 2001 and that bids be received up to 3:00 p.m. on the 17th day of April, 2001 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.
Absent: None.

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The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the purchase of a 2 wheel drive heavy duty diesel powered cab and chassis with full plow equipment from State Contract at a cost of \$65,048 as requested 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.
Absent: None.

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Supervisor Fuller asked Mr. Sagendorph if she has addressed all the concerns. Mr. Sagendorph said there may be one more motion. He said with the money that he has saved by purchasing the 2 wheel drive truck, which is approximately \$13,000, they bought a used compressor rather than a new air compressor and saved another \$5,000. He said with that money, the last request is to purchase a $\frac{3}{4}$ ton pickup from State Contract at an approximate cost of \$17,000 to \$18,000.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the purchase of one (1) $\frac{3}{4}$ ton pickup truck from State Contract at an approximate cost of \$17,000 to \$18,000 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.
Absent: None.

The following item was a request from Highway Superintendent, Gregg Sagendorph, for award of contract for the 2001 Household Hazardous Waste Collection Day to Care Environmental Corp., Landing, New Jersey. Collection Day to be May 5, 2001 from 8 a.m. to 1 p.m.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the award of contract for the 2001 Household Hazardous Waste Collection Day to Care Environmental Corp., Landing, New Jersey for collection day May 5, 2001 from 8 a.m. to 1 p.m. The motion was passed by the following vote:

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

The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval of a budget transfer to cover vehicle repairs.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve a budget transfer in the amount of \$4,812.26 from Insurance to Collision Repairs for repair of Highway Department pickup truck and a track loader vandalized at the Rupert Road Transfer Station 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.

Absent: None.

The next item was to approve Town Board minutes of February 28, March 14, and March 20, 2001.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the Town Board minutes of February 28, 2001 with correction. The motion was passed by the following vote:

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

Noes: None.

Abstain: Mrs. Davis.

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The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the Town Board minutes of March 14, 2001 as submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the Town Board minutes of March 20, 2001 as submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Fuller asked if anyone wished to address the Board. Mr. Howard Shafer of Selkirk said he was a school board member for the Ravena-Coeymans-Selkirk School District. He said he would like the Town Board to give consideration and discuss the issue of having the Ravena-Coeymans-Selkirk School District on the Town's website. He said the RCS School District represents about one-half of the Town and the only school district represented on the website is the Bethlehem Central School District. He said he believes that Guilderland Central School District also has representation in the Town. He said it would be nice to know that the Town represents more than just 1 school district.

Supervisor Fuller said there are 3 and she did not understand why it is not on the website. Councilman Davis noted that if RCS is added, she would like to see Guilderland added as well. She said she thought that was a good point. Supervisor Fuller said she will make arrangements to have this done in the morning by the computer department.

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The motion was made by Mrs. Davis and seconded by Ms. Burns to adjourn the regular Town Board meeting at 8:11 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

Town Clerk

