

TOWN BOARD
MAY 10, 2000

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 Supervisor called the meeting to order 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
Bernard Kaplowitz, Esq., Town Attorney

- - -

SUPERVISOR FULLER: Welcome to a meeting of the Bethlehem Town Board. I ask all of you to join us in the pledge of allegiance.

First item on tonight's agenda is a public hearing, I will ask the clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

RESOLUTION APPROVING ENGINEER'S MAP AND PLAN FOR THE CONSTRUCTION OF A REPLACEMENT WATER MAIN UNDER THE NORMANSILL TO SERVE THE NORTH BETHLEHEM AREA OF THE TOWN FOR THE BETHLEHEM, WATER DISTRICT NO. 1, TOWN OF BEHTLEHEM, COUNTY OF ALBANY, NEW YORK AND CALLING A PUBLIC HEARING.

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem, Albany County, New York on the day of May 10, 2000 at 7:30 p.m. to consider as follows:

WHEREAS, Bethlehem Water District No.1 is a duly established and existing water district of the Town of Bethlehem, County of Albany, New York, pursuant to the Town Law;

WHEREAS, the Town Board of the Town of Bethlehem, located in the Count of Albany, New York, desires to improve Bethlehem Water District No. 1 of said Town by replacing the 12 inch water main between Scotland Road and Eastmount Drive, in the Town of Bethlehem, to ensure the reliable, break-free transmission of water to the area of the Town north of the Normanskill; and

WHEREAS, said Town Board has caused a map and plan of such facilities to be prepared for Bethlehem Water District No. 1 of such town, which facilities include a replacement connecting pipeline, all located within said County, to be prepared by C.T. Male Associates, P.C., consulting engineers, licensed in the State of New York.

NOW, THEREFORE, BE IT RESOLVED as follows:

(1) The map and plan, prepared by such consulting engineers of such facilities for Bethlehem Water District No. 1 of such Town to be constructed and acquired at a cost estimated in said map and plan of \$450,000, is hereby approved.

(2) A public hearing is hereby called pursuant to the Town Law, to be held on May 10, 2000, at 7:30 o'clock P.M., at Town Hall, 445 Delaware Avenue,

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

Delmar, New York, in the Town of Bethlehem, New York, at which time and place the Town Board shall hear all persons interested in the above-mentioned subject matter.

(3) The Town Clerk is hereby authorized and directed to cause a Notice of Public Hearing to be published at least once in the official newspaper of said Town not more than 20 days nor less than 10 days before the date set herein for said public hearing, and a copy thereof to be posted on the sign-board of said Town maintained pursuant to subdivision 6 of Section 30.00 of the Town Law not more than 20 days nor less than 10 days before the date set herein for said public hearing.

(4) This resolution shall take effect immediately upon its adoption.

The motion was made by Mr. Plummer and seconded by Ms. Burns. It was adopted by a vote of 5 in favor and 0 against.

By order of the Town Board
Town of Bethlehem
Kathleen A. Newkirk, CMC/AAE
Town Clerk

- - -

State of New York
County of Albany

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for the SPOTLIGHT, a weekly newspapers published in Albany County, and that the notice of which the an annexed is a true copy, has been regularly published in said SPOTLIGHT, once a week for one week consecutively, commencing on the 26th day of April, 2000.

/s/Elizabeth Bradt

Sworn to before this 26th day of April 2000.

/s/Mary P. Lee

Notary Public, Albany County

- - -

I have not received the proof of publication from the SPOTLIGHT, but I do know that it was published.

The motion to indent the Notice of Public Hearing, Affidavit of Publications and Affidavit of Posting in the minutes of the meeting was made by Mrs. Davis and seconded by George Lenhardt. The motion was carried by the following vote:

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

NOES: None.

- - -

SUPERVISOR FULLER: Mr. Gary Hoffman is here from C. T. Male and he will do a brief overview.

MR. HOFFMAN: Thank you very much. My name is Gary Hoffman. I'm from C.T. Male. This is a project to accentuate a 12-inch water main as a replacement to the existing transmission main. It runs from down along Route 85, the Slingerlands By-pass. It is going to run along Slingerlands By-pass across the Normanskill and ultimately go up to Eastmount Drive. The existing main was put in, I guess about 1970 and it's shown some amazing amount of corrosion and it's been very undependable for the last few years. So the purpose of this project, is essentially to replace that main because this is the only feed for the northerly end of town. Briefly, there is about 3,060 feet of new 12-inch ductile iron pipe that will be installed and all this pipe will be polyetholited encased. That is actually a wrap like a baggy that actually goes over the pipe to keep away the corrosive soils. There is 180 feet of 8" pipe, 937 feet of 16" polyethylene pipe and the reason for the

increase from 12 to 16" pipe of the polyethylene is that is high pressure like Niagara Mohawk uses for gases. It's a very heavy vault pipe. And a 12" pipe in that particular style is used, the inside diameter would only be about 10.7 inches and that would actually cause a restriction in the pipe. As long as it is being put in new, there is really no reason to do that. There will also be two directional borings, one will be under Route 85 and that's 70 feet long and the other will actually be under the Normanskill and that is supposed to be 135 feet long.

If this pipe is installed the residents that presently are connected to this pipe will be able to remain in service. There will probably be sometime during construction when the feed from the tower has to be shut off and in the meantime the connection, I guess it is existing from the Town of Guilderland will be utilized to keep everybody in service. This project will also be beneficial in the fact that it will increase flows and eliminate some dead end, especially near the area of Meadowbrook Drive. If anybody can see on this plan, I have appropriately colored yellow, the existing water line and how it comes around on the south side of the Normanskill across from the road up until this point. And then as you head up along this slope, apparently there has been some problems over the last few years with slope failures, with large fill in this area.

There is plans for DOT to replace the bridge over the Normanskill and knowing that in advance a new bridge will supposedly going to be constructed on the south side of the existing bridge and then this bridge will ultimately be replaced someday when Route 85 becomes four lanes. The new water main, as you can see, is actually this blue line, it will be kept away from all the bridge construction so it will be no disruption of service when they are building the bridge and also make it easier to reconstruct the bridge and keep it out of everybody's way.

This project has been to the Parks Commission, The Historic Preservation and it has gotten a clean bill of health from SHPO, apparently its an area along the Normanskill, especially there has been artifacts from probably the native Americans but I guess largely what with the construction on the roadway and all the construction and the work that has gone on the last few years in this area, it is basically that everything findable is pretty well being disturbed and there is really no reason to go out and look for artifacts in these particular locations. Well I guess that pretty well sums it up. Are there any questions?

SUPERVISOR FULLER: Are there any questions from the Board?

COUNCILMAN DAVIS: The only question I would have had or that I had you answered and that was in regard to the construction of the bridge over the Normanskill. And that is being dealt with.

MR. HOFFMAN: Yes. I guess the DOT permits are in place.

COUNCILMAN DAVIS: Right.

MR. HOFFMAN: I guess all the permits are in place and down here is in process of scooping and obtained. The DEC screen permit for crossing the stream, is the one permit that is still in the works. We are not anticipating any problems with that one.

SUPERVISOR FULLER; Thank you.

COUNCILMAN PLUMMER: What is your schedule?

MR. HOFFMAN: I believe it is for fall construction this year and Bruce can probably help me, I don't know exactly how long the duration is, he can probably tell you.

MR. SECOR: Hopefully, if the board approves this, we will get it out to bid. It takes about 120 days to go from bid to construction. It should be done this fall.

COUNCILMAN LENHARDT: I just have one question, it is hard to see that map, but I am looking at the one that is in our packet. Where you cross and connect the Blessing Road with the new line, is that going to connect the one place only into the existing system on Blessing Road, two places that's what was difficult to see, so there will be a loop there? Okay. Thank you.

SUPERVISOR FULLER: Okay. Any other questions?

COUNCILMAN BURNS: I have a question. According to your memo Bruce, the project could be \$450,000 and bonded? Is that...

MR. SECOR: Yes. We included the bond resolution with that first package. We do expect to bond this. So again, pending what happens tonight, the board was to...

SUPERVISOR FULLER: We have to go through the public hearing process first and then the bonding will be after the vote. We will do it all this evening.

COUNCILMAN BURNS: Okay.

SUPERVISOR FULLER: Okay, is there anyone in the audience who may have questions? Anyone in the audience wishing to speak in favor? Anyone... sure.

UNKNOWN RESIDENT: I have a question.

SUPERVISOR FULLER: Sure.

UNKNOWN RESIDENT: Unable to hear.

SUPERVISOR FULLER: We need you to come up to the microphone, because it is a public hearing. And we need your name for the record please.

MR. SILVER: My name is Nate Silver. I heard something mentioned about Native American artifacts? And I was wondering if the construction would, how bad it would affect that.

MR. HOFFMAN: I can answer that. We have actually Hartgen Archeological was out on the site and they investigated, they sent a report down to SHPO, that's the Historic Preservation Office and again with the, with the large cut and fills that were done with the construction of the Route 85 By-pass and also there is a large cut where Blessing Road comes into 85, they basically deemed that the area where the new utilities are going to be installed has previously been destroyed, or disturbed, I guess is a better word. And its not impossible I guess that in during construction, something could be dug up. But they are kind of assuming that anything that was there, has either been largely covered over or has been excavated and trucked somewhere else. So, it's a disturbed site so, its not a area next to the river or next to the Normanskill that has been basically, just kind of left that way for the last few hundred years where artifacts would still remain, they are assuming that most likely nothing will be found here. So it's not impossible, I guess you can always arrowheads and whatever but, they are assuming that they have been pretty well dug up and moved.

MR. SILVER: Okay. Thanks.

COUNCILMAN BURNS: Bruce, I just have a general question. How old is this water main and I know according to your memo its, there is numerous leaks and breaks and if this is, there are numerous leaks and breaks on this water main, will we or do we have problems with other water mains in the town?

MR. SECOR: This particular area and really its parallel to the Blue Cross Blue Shield building, from there down towards the crossing under the Normanskill, apparently there is a spot there of aggressive soils and we have sent sample of the pipe to the Duct Alarm Pipe Research People. Use to be the Cast Iron Research

People. And that area, is, the pipe is actually corroding from the outside in, just like a car rusts. To the best our knowledge, that only happens in spots where there are these types of soils and basically in wetland areas, where there can be aggressive soils. So we are replacing this with hard high-density polyethylene, the HDPE, pipe which is not corrosive.

Other areas in the town we have found some spots where we do have that problem and we have a program in place that is trying to replace mains. We have replaced the one on Corning Hill, there again we are doing that with HDPE and also a portion of the duct iron there are a couple of others, for the most part, most of the breaks we have in the system, are sheer breaks, where the soil settles or there are temperature differences and the pipe just snaps. And we put a stainless steel repair clamp on it. There is not a lot in the areas where we have corrosion problems, either from the inside out or the outside in. Cast iron pipe or ductile iron pipe is supposedly good for 100 –150 years. This pipe was put in, in either the late 60's or early 70's whatever the construction date was.

COUNCILMAN DAVIS: I think Gary mentioned 70. Did you mention 70?

MR. HOFFMAN: Yes.

COUNCILMAN DAVIS: Yes he mentioned that. He gave that date earlier in his presentation.

MR. SECOR: Okay. But this particular area is showing corrosive activity that we are not experiencing in other places.

The second area that Gary mentioned, was a hill slide problem up behind the apartments. We are not sure if the water main leaked first and then the hillside got loose and moved or if the hillside got loose first and moved and made the waterline leak. It doesn't really matter. We have had three or four breaks up in there and it's not an area that we can continue to maintain. By putting it out in the roadway, its easier for us to maintain and its also a much more stable area to be in. So this is kind of win, win situation. But town wide, we certainly have a lot of old pipes, which we just spent all last summer out on New Scotland Road, and that was more of a pipe that was 100 years old and it was at the end of its service life. We do have a program in place to work on areas that we have identified as having corrosive problems.

COUNCILMAN BURNS: Thank you.

SUPERVISOR FULLER: Okay. Those wishing to speak in favor. Those wishing to speak in opposition. May I have a motion to close the public hearing?

The motion to close the public hearing at 7:45 p.m. was made by Mr. Lenhardt and seconded by Mrs. Davis. Motion was carried by the following votes:

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

NOES: None.

Town Clerk

Supervisor Fuller convened the regular Town Board meeting following the close of the public hearing. She asked if the Board wished to adopt the engineers' map and plan to permit the construction of a replacement water main under the Normanskill Creek to serve the North Bethlehem area of the Town for the Bethlehem Water District.

The motion to approve the construction of a replacement 12 inch water main under the Normanskill between New Scotland and Eastmount Drive to serve the North Bethlehem area of the Town of Bethlehem Water District No. 1, was made by Ms. Burns and seconded by Mrs. Davis. Motion was carried by the following vote:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer.
NOES: None.

- - -

BOND RESOLUTION, DATED May 10, 2000, AUTHORIZING THE ISSUANCE OF UP TO \$450,000.00 SERIAL BONDS OF THE TOWN OF BETHLEHEM, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE REPLACEMENT OF THE 12 INCH WATER MAIN BETWEEN NEW COTLAND ROAD AND EASTMOUNT DRIVE, WITHIN SAID TOWN AND APPROPRIATING THE PROCEEDS TO SUCH PURPOSE.

Recital

WHEREAS, following the review of Engineer's Report for the replacement of the 12 inch water main between New Scotland Road and Eastmount Drive (the "Project"), in the Town of Bethlehem (herein called "Town"), Water District No. 1 and to ensure the reliable, break-free transmission of water to the area of the Town north of the Normanskill and after a public hearing duly called and held, the Town Board of the Town determined, that the Project is in the public interest, and ordered that the Project be carried out and that the estimated total cost of the Project is approximately \$450,000.00;

NOW, THEREFORE, BE IT REOLSVED by the Town Board of the Town of Bethlehem in the County of Albany, New York (by the favorable vote of not less than two-thirds of all members of said Town Board), as follows:

Section 1. The Town of Bethlehem, in the County of Albany, State of New York, shall issue its serial bonds in the aggregate principal amount not to exceed \$450,000 pursuant to the Local Finance Law of New York, to finance the specific object or purpose hereinafter described.

Section 2. The specific object or purpose (hereinafter referred to as "purpose") to be financed by the issuance of such serial bonds is the Project, all in accordance with the report drawings prepared by C.T. Male Associates, P.C. and detailed plans to be prepared by a qualified engineer or planning consultant to be selected. The proceeds of such obligations are hereby appropriated to such purposes.

Section 3. It is hereby determined and stated that the estimated maximum cost of such purpose as heretofore determined by the Town Board is \$450,000 and that no money has heretofore been authorized to the payment of the cost of such purpose and the Town Board plans to finance the cost of such purpose entirely from funds raised by the issuance of the obligations authorized by this bond resolution.

Section 4. IT is hereby determined that the purpose described in Section 2 is

a purpose described in Subdivision 1 of Paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is forty (40) years.

Section 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said serial bonds shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said serial bonds and any notes issued in anticipation of said serial bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and any notes issued in anticipation of the sale of said serial bonds. Such bonds and notes shall be general obligations of the Town, and the Town shall be obligated to levy ad valorem taxes on all property taxable by the Town as may be necessary to pay such bonds or notes and the interest thereon, without limitation as to rate or amount. Provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the serial bonds and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year. If the Town incurs any cost with respect to the purpose described in Section 2 prior to the issuance of any such serial bonds or any such bond anticipation notes, the Town expects to utilize general or special fund revenues to pay such cost and intends to reimburse itself therefore for such costs with the proceeds of such serial bonds or such bond anticipation notes. This declaration of intent to reimburse is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a declaration of official intent under such regulations.

Section 6. Subject to the terms and conditions of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00, inclusive, of the Local Finance Law the power to authorize bond anticipation notes in anticipation of the issuance of the Serial Bonds authorized by this resolution and the renewal of such notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, the power to determine to issue said Bonds providing for substantially level or declining debt service, and the power to sell and deliver such serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds is hereby delegated to the Supervisor, the Chief Fiscal Officer of the Town. The Supervisor is hereby authorized to sign any serial bonds, and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of such Town to any such serial bonds or such bond anticipation notes and to attest such seal.

Section 7. The Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and, to the extent applicable, to designate the bonds authorized by this resolution and any notes issued in anticipation thereof as "qualified tax-exempt bonds" for purposes of Section 265(b)(3)(B)(i) of the Code.

Section 8. The Supervisor is further authorized, in her discretion, to make application for an execute a project financing and loan agreement and any other agreements with the New York State Environmental Facilities Corporation and/or the New York State Department of Environmental Conservation and/or the New York State Department of Health, and amendments thereto, and to take such actions and execute such documents as may be necessary to provide for the financing or refinancing of the specific object or purpose set forth in Section 2, or a portion thereof, by a serial bond issue of the Town and the sale of such issue to the New York State Environmental Facilities Corporation.

Section 9. This resolution shall be published in full by the Town Clerk of such Town together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law and such publication shall be in a newspaper having a general circulation in said Town and published in Delmar, in the County of Albany and State of New York. The validity of such serial bonds or any bond anticipation notes issued in anticipation of the sale of such bonds, may be contested

only if such obligations are authorized for an object or purpose for which such Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. This resolution shall take effect immediately.

On motion made by Mr. Lenhardt and seconded by Mrs. Davis the foregoing bond resolution regarding the construction of a replacement 12 inch water main between New Scotland Road and Eastmount Drive, within said Town, was adopted. The motion was carried by the following votes:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer.
NOES: None.

Supervisor Fuller explained, the next public hearing is set for 8:00 p.m. and the board will move to the next item on the agenda until that time.

The next agenda item was a presentation regarding a proposed water district extension for Elm Avenue East and Wildwood Lane/Dowerskill Village and then to set a public hearing for June 14, 2000 at 7:30 p.m.

Supervisor Fuller stated, this extension does not need bonding because the developer will be paying for it.

Mr. Hoffman gave a brief presentation describing the project. The following resolution was presented.

IN THE MATTER OF EXTENDING WATER DISTRICT NO. 1 FOR THE TOWN OF BETHLEHEM.

ALBANY COUNTY, NEW YORK.

ELM AVE EAST/ELM AVE WILDWOOD LANE AND DOWERSKILL PLANNED RESIDENTIAL DISTRICT #4, SECTION #3

WHEREAS, a map and report have been prepared by CT Male and Associates, P.C., engineers, duly licensed by the State of New York, and filed in the Office of the Town Clerk of the Town of Bethlehem in such manner and detail as is hereby approved by the Town Board, relating to a proposed extension of Water District No. 1 of said Town, and showing the boundaries of the proposed extension, with a general plan of the proposed water system and a report of the proposed method of operators, and

WHEREAS, the boundaries of the proposed extension to the district are as described in Exhibit "A" attached hereto and made part hereof, containing 329 acres more or less; and the above described area being more fully shown on a map entitled "Water District No. 1, Town of Bethlehem, Albany County, New York, Proposed water District Extension for Elm Avenue East/Elm Avenue, Wildwood Lane and Dower skill Planned Residential District #4, Section #3, dated July 15, 1998, revised 3/23/2000, and made by CT Male and Associates, P.C. Consulting Engineers, Latham, New York.

WHEREAS, the total costs of all said improvements, and the maximum amount proposed to be expended therefore is \$766,000. which will be borne by the developer of Dower skill PRD #4 within said proposed extension and

WHEREAS, the improvements proposed to be made consist of the construction of a new water supply system, and which will be paid for by the developer and, therefore no bonds will be issued by the Town of Bethlehem, and

WHEREAS, it is proposed that the cost of making such improvements shall be paid for by the developer and shall not be assessed, levied and collected by the Town board from the several lots and parcels of land within the extension in the same manner and at the same time as other charges and,

WHEREAS, said map. Planed and report describing said improvements are on file in the Bethlehem Town Clerk's office for public inspection.

NOW, on motion of Mr. Plummer, and seconded by Ms. Burns it is hereby ORDERED, that the town Board of the Town of Bethlehem shall meet and hold a public hearing at the Town Hall, 445 Delaware Avenue, Delmar, New York on the 14th day of June, 2000 at 7:30 p.m. on that day to consider said map, plan and report and to hear all persons interested in the subject thereof concerning the same, and to take such action thereon as Is required or authorized by law, and it is further ORDERED, that the Town Clerk be and she hereby is directed to publish and post certified copies of this order at the time and in the manner provided by law.

The adoption of the foregoing order was put to a vote and upon roll call, the vote was as follows:

AYES: Mrs. Fuller, Mr. Lenhardt, and Mrs. Davis, Ms. Burns, Mr Plummer.
NOES: None.

The next agenda item was a request from Mr. Austin, Administrator of Parks and Recreation Department for approval of summer personnel.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the appointment of seasonal personnel as recommended by David Austin, Administrator, Parks and Recreation Department, as follows:

Recreation Instructor I at a rate of \$5.40 per hour.

Patricia C. Sandison
34 Longwood Drive
Delmar, NY 12054

Recreation Instructor I at a rate of \$5.90 per hour.

Richard J. Bailey, Jr.
309 Bender Lane
Glenmont, NY 12077

The motion was passed by the following votes:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer.
NOES None.

The following agenda item was a request from the Commissioner of Public Works for approval of award of bid was for a Submersible Non-Clog Centrifugal Sewage Pump to Siewert Equipment of Troy, NY in the amount of \$27,498.00

The motion was made by Mrs. Davis and seconded by Mr. Plummer to award the bid for one (1) submersible Non-Clog Centrifugal Sewage Pump to the low bidder Siewert Equipment of Troy, NY for the amount of \$27,498.00 as recommended by Bruce Secor, Commissioner of Public Works. The motion was carried by the following votes:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer.
NOES: None.

The next agenda item was a request from the Commissioner of Public Works for approval of award of bid for Chlorine to JCI Jones Chemicals, Merrimack, NH, for the amount of \$.47 per pound/ton.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to award the bid for Chlorine to the low bidder JCI Jones Chemicals, Merrimack, NH for the amount of \$.47 per pound/ton, as recommended by Bruce Secor, Commissioner of Public Works. The motion was carried by the following votes:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer.
NOES: None.

The following agenda item was a request from the Commissioner of Public Works for the award of bid for LBA-100 Coagulant to Holland Co., Adams, MA in the amount of \$.060 per gallon.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to award the bid for LBA-100 Coagulant to the low bidder Holland Co., Adams, MA, in the amount of \$.060 per gallon as recommended by Bruce Secor, Commissioner of Public Works. The motion was carried by the following votes:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer.
NOES: None.

The next agenda item was a recommendation from the Supervisor to consider a proposed change in the Code of the Town of Bethlehem regarding Time Limit Parking in the area of the high school. Could advertise May 17, 2000 and hold a public hearing May 24, 2000 at 7:45 p.m.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to set a public hearing for a proposed change in the Code of the Town of Bethlehem regarding Time Limit Parking in the area of the high school, as requested by Supervisor Sheila Fuller. Could advertise May 17, 2000 and hold the public hearing on May 24, 2000 at 7:45 p.m. The motion was carried by the following votes:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer.
NOES: None.

The following request was from Police Lieutenant Beebe for a proposed change in the Code of the Town of Bethlehem to permit Prohibited Parking at all times on Elm Avenue, Delmar. Could advertise May 17, 2000 and hold public hearing May 24, 2000 at 8:00 p.m. Supervisor Fuller explained, this is to address a hazardous traffic situation in the area of Stewarts. Car carriers are parking on both sides of the street causing a traffic problem.

The motion was made by Ms. Burns and seconded by Mr. Plummer to set a public hearing for May 24, 2000 at 8:00 p.m., for Prohibited Parking at All Times on Elm Avenue and advertise on May 17, 2000, as requested by Lt. Beebe, Bethlehem Police Department. The motion was carried by the following votes:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer.
NOES: None.

Councilman Davis questioned Lt. Beebe, about the parking at particular times of day or is it at all times. Lt. Beebe responded, he didn't think it was at any particular time of day.

The next agenda item was from the Cable Administrator for approval of a creation of a Committee to review Franchise Negotiations and to set a public comment period for the next meeting of May 24, 2000.

Supervisor Fuller stated the members of this committee would be Councilman Plummer, Judith Kehoe, Comptroller; Nancy Pieri and Michael Farley, Bethlehem Public Library; and Mac Carlton from the Bethlehem Central High School. The advisor for the committee is Steve Shea from the NYS Public Service Commission.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve a committee for Franchise Negotiations and their members being, Councilman Daniel Plummer, Judith Kehoe, Comptroller; Nancy Pieri and Michael Farley, Bethlehem Public Library; and Mac Carlton from the Bethlehem Central High School. The advisor for the committee is Steve Shea from the NYS Public Service, as requested by Judith Kehoe, Cable Administrator. The motion was carried by the following votes:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer
NOES: None.

Supervisor Fuller asked the community to contact Judith Kehoe if they had any questions or concerns and they would be included in the May 24, 2000 public comment period.

The last item on the agenda was to acknowledge receipt the First Quarter Quarterly Franchise fee from Time Warner Cable in the amount of \$50,726.98.

Supervisor Fuller acknowledged a letter received from Superintendent, Dr. Leslie G. Loomis of the Bethlehem Central School District. The Board of Education is in the process of costing out various option for expanded student and event parking. He noted the District recognizes the need and interest in arriving at a cost effective solution. He further noted they are hopeful the District and Town can share the cost of this effort. He said any contribution of goods or services would be helpful. Mention was made of student registration fees to assist in defraying the expenses involved in this project.

Supervisor Fuller asked the students in the audience if they heard anything about the parking at the High School. A student answered but did not come to the microphone and could not be heard. Supervisor Fuller asked if any of the students were using Line Drive. A student answered but did not come to the microphone and could not be heard. There was a lengthy discussion of the situation, including Administrator, David Austin, of the Department of Parks and Recreation of the Town of Bethlehem indicating students were allowed to use Line Drive.

Supervisor Fuller noted all options will continue to be looked at and indicated the school district is also reviewing the lands available to them. She said nothing has been discounted at this time. A student mentioned that they have only a certain amount of pressure that they can exert on the School Board. Supervisor Fuller encouraged students to sign up on a sheet of paper in the back of the room to meet and discuss possible options.

A resident asked if a meeting had been set. Supervisor Fuller noted that a meeting has not been set but Dr. Loomis will be in touch when they can get

together. She said she hopes this can be resolved before the start of the next year.

A resident indicated he thought Dr. Loomis was unapproachable and the school taxes keep going higher. He asked where the money goes. He said he is very unhappy and very disenchanted with Dr. Loomis. He said he has tried to call the School Board to get information and said they are not programmed to give information to people. He thanked the Board. There was applause from the audience.

Supervisor Fuller asked if there was anyone who would like to address the Board.

Someone from the audience asked about the new development on New Scotland Road and wanted to know if it was going to go across the old creek. Mr. Lenhardt answered that Terreamere would eventually connect to McCormack Road, but it will not span the Normanskill.

Someone from the audience questioned Bruce Secor but they did not come to the microphone and could not be heard. Mr. Secor explained that an archaeologist stated they did not have to dig for artifacts. There is always a possibility of finding artifacts and then they would recommend fieldwork. Due to the fact that it has already been filled they do expect to find any artifacts.

Audience could not be heard. Mr. Secor answered but was unable to be heard.

A question was asked but was not heard, Supervisor Fuller answered, where the high school students are presently parking is seven tenths of a mile from the high school. Line drive is sixth tenths of a mile. A public hearing was held about this a few weeks ago. The town offered Line Drive for student parking because students are parking on Grantwood and walking from this area and it is the same distance.

Public hearing began: 8:00 p.m.

The public hearing for an amendment to the Code of the Town of Bethlehem prohibiting U turns on LaGrange Road, Slingerlands started at 8:00 p.m.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 10th day of May, 2000 at 8:00 p.m. to consider a proposed Local Law, Amending the Code of the Town of Bethlehem as follows:

ADD:

Section 119-8.1 Prohibited U-turns. No person shall make a –turn at any time upon any of the streets or parts of streets described in said Schedule XVIII, attached to and made a part of this chapter.

And

ADD:

To Vehicle and Traffic Chapter 119, Section 119-8.1, Schedule XVIII,

Prohibited U-turns as follows:

LaGrange Road, Slingerlands.

All interested persons 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 are in need of 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/AAE
TOWN CLERK

STATE OF NEW YORK
COUNTY OF ALBANY

ELIZABETH BRADT

Of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspapers published in Albany County, and that the notice of which the annexed is a true copy, has been regularly published in said SPOTLIGHT, once a week for one week, consecutively, commencing on the 26th day of April, 2000.

/s/Elizabeth Bradt

Sworn to me before the 26th day of April 2000.

/s/Mary P. Lee

Notary Public

The motion to indent the public hearing notices was made by Ms. Burns and seconded by Mrs. Davis. Motion was carried by the following votes:

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

NOES: None.

LT. BEEBE: I had made this recommendation for the change in code only because, as you are all aware, the traffic situation it has created almost every morning from commuters going to work on Route 85 at 140. And the majority of offenses that we have seen are created when people are going straight through the intersection from 140 into the Price Chopper driveway executing a u-turn coming out and then taking a left turn and sometimes not yielding to traffic that is taking a right turn from 140 onto 85 northbound.

There has actually been one accident on LaGrange Road from a motorist who had gone straight through the intersection, pulled off to the right to execute a u-turn and didn't look to see what was coming to the left of her and pulled into a side of a car that was coming straight through into the Price Chopper. I am just looking for this to give some teeth, or some section the police will be able to enforce, hopefully to put an end to this situation.

SUPERVISOR FULLER: We do get a lot of calls about that issue. Everyone trying to get to work, everybody is in a hurry, hurry up and wait and they have been using the u-turn as an advantage to get out there ahead of others.

LT. BEEBE: Our experience has been that at the most the delay is about 4 minutes, even when traffic is backed up beyond McCormack Road. The maximum you are going to have to wait in line for the change in the traffic lights is approximately 4 minutes if they were to be patient and just take the right lane like they are supposed to be doing. It isn't really going to create a major hardship for anyone here.

COUNCILMAN DAVIS: If this is approved Tim, I assume number 1, there will be enforcement there for a period of time and also there will be signage.

LT. BEEBE: Definitely. The signage will be necessary in order for us to enforce this. It will have to be up before we can enforce it.

COUNCILMAN DAVIS: Is there anyway that when the signage is put up, little red flags can be put on the sign, so that people actually notice them?

LT. BEEBE: Yes.

COUNCILMAN DAVIS: It is a busy intersection and I am just afraid that people won't see it because they are not used to seeing it. Those red flags do seem to work when new signs go up...

LT. BEEBE: Right.

COUNCILMAN DAVIS: ... in a location that people are not accustomed to seeing them.

LT. BEEBE: That is a pretty common practice. I am sure we will be able to work something out.

COUNCILMAN DAVIS: Okay. Thanks.

COUNCILMAN LENHARDT: I have to make the comment, I don't go that way every morning, but on any given morning that I have gone that way, if there isn't only on the mornings that a police car that is posted there, are the only mornings that I do not witness one or two going straight, doing u-turn and getting back on the right.

COUNCILMAN DAVIS: Right.

SUPERVISOR FULLER: Thank you, Tim. All those in favor of prohibiting u-turns at Price Chopper?

COUNCILMAN LENHARDT: LaGrange Road.

COUNCILMAN DAVIS: LaGrange Road.

SUPERVISOR FULLER: LaGrange Road. You are correct. Anyone wishing to speak in opposition? You need to come to the mic.

A RESIDENT had a question and was told to come to the mic because it was a public hearing.

RESIDENT: That causes more problems as far as the cops perusing people that do u-turns.

SUPERVISOR FULLER: Will it cause more...

RESIDENT: There will be more tickets written. A lot more.

SUPERVISOR FULLER: They will be able to write tickets.

RESIDENT: Will it cost more money?

SUPERVISOR FULLER: No.

RESIDENT: Will you make more money off it?

SUPERVISOR FULLER: No, we don't make more money off of it. It's a safety issue. So we have to do it, it's been a request from the taxpayers that are on that road.

RESIDENT: Okay.

SUPERVISOR FULLER: They are asking for some enforcement.

RESIDENT: Okay. Just a question, I was curious. Thanks.

SUPERVISOR FULLER: You're welcome. Do you wish to speak in favor or opposition? No. May I have a motion to close the public hearing?

The motion to close the public hearing at 8:07 p.m. was made by Mrs. Davis and seconded by Ms. Burns. The motion was carried by the following votes:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer.
NOES: None.

Town Clerk

Supervisor Fuller reconvened the regular Town Board meeting following the close of the public hearing. She asked if the Board wished to take action on the previous public hearing.

The motion to adopt the Local Law Amending the Code of the Town of Bethlehem, Vehicle and Traffic Chapter 119, Section 119-8.1, Schedule XVIII, Prohibiting u-turns as requested by Police Lt. Beebe, was made by Mr. Lenhardt and seconded by Mrs. Davis. The motion was carried by the following votes:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer.
NOES: None.

A resident asked what was being done about potholes. Mrs. Fuller said she would give him the telephone number for New York State Department Of Transportation.

Supervisor Fuller asked for a motion to adjourn to executive session to discuss litigation. Councilman Burns questioned if this was the pending litigation

on the Niagara Mohawk litigation. She felt the Board needed to be specific. Supervisor Fuller said that was a possibility. Councilman Burns still felt it should be stated. Supervisor Fuller stated, it is the results of litigation with Niagara Mohawk and also the Public Service Commission. It is more complicated than just Niagara Mohawk.

Councilman Burns stated, the Public Service Commission orders the Board's public information, and if there is any discussion of that it should be open. Supervisor Fuller informed Councilman Burns, that the Public Service Commission decision is public. The information is not. Councilman Burns concurred.

Supervisor Fuller stated it has been out since either the 18th or the 20th of April. Councilman Burns questioned if, the discussion was for pending, current or proposed litigation. Supervisor Fuller answered the past also. Councilman Burns questioned, if it was Niagara Mohawk. Supervisor Fuller answered, it was the certiorari and sale which is a two-way litigation.

Councilman Burns again informed, that if there was any discussion on the PSC orders that it should be an open forum. Councilman Davis stated it always has been.

The motion to adjourn to executive session to discuss litigation was made by Mrs. Davis and seconded by Mr. Lenhardt. The motion was carried by the following votes:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer.
NOES: None.

- - -

The motion to adjourn the regular meeting of the Bethlehem Town Board was made at 8:14 p.m. was made by Mr. Lenhardt and seconded by Mrs. Davis. Motion was carried by the following vote:

AYES: Mrs. Fuller, Mrs. Davis, Ms. Burns, Mr. Lenhardt, Mr. Plummer.
NOES: None.

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.