

TOWN BOARD
MAY 22, 1996

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
Freeman T. Putney, Councilman
George Lenhardt, Councilman
Doris M. Davis, Councilman
Robert C. Johnson, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

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Supervisor Fuller welcomed everyone to the regular meeting of the Bethlehem Town Board. The Supervisor thanked Sharon Fisher, Recycling Coordinator and Gregg Sagendorph, Highway Superintendent, for Household Hazardous Waste Day held May 18, 1996.

Appointment
Animal Control
Officer | The first item on the agenda was a request from Richard LaChappelle, Chief of Police, for appointment of Animal Control Officer effective May 26, 1996 at an annual salary of \$21,926.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the appointment of Joseph D. Venne, Slingerlands, NY to the position of Animal Control Officer effective May 26, 1996 at an annual salary of \$21,926. as recommended by Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

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

Approval
retirement
of Police
K-9 Grando
Ownership
to Officer
LaChappelle | The next item was a recommendation from Chief of Police, Richard LaChappelle, for approval of retirement of Police K-9 Grando and allow ownership to be transferred to Office LaChappelle. It was noted that Officer LaChappelle will take full responsibility for his care and shelter.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the recommendaton, with thanks, of Chief of Police, Richard J. LaChappelle, for acceptance of retirement of Police K-9 Grando and transfer of ownership to Officer Wayne LaChappelle to provide care and shelter with approval to provide reasonable veterinary care. The motion was passed by the following vote:

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

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Supervisor Fuller wished Grando much success in his retirement.

Engineering
Services
acceptance
of deeds for
Hillside
Subdivision | The next item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deeds for Hillside Subdivision.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the acceptance of deeds for Hillside Subdivision from Andrew Chainyk, Albany, NY as recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

The following item was a recommendation from Town Planner, Jeffrey Lipnicky, for adoption of draft SEQR Resolution for the Town Park, Elm Avenue, Ball Field Construction Project.

Town Planner
SEQR Resolutio
Ball Field
Construction
Elm Park

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
CLASSIFICATION OF ACTION AND DETERMINATION OF SIGNIFICANCE
ELM AVENUE PARK
BALL FIELD CONSTRUCTION

WHEREAS, the Town Board of Town of Bethlehem is the project sponsor of a proposal to expand public recreation facilities at the existing Elm Avenue Park; and,
WHEREAS, the proposed project would entail the construction of 5 ball fields, including 2 softball fields, 2 baseball fields, 1 little league sized baseball field and accessory parking, encompassing approximately 16 acres of land; and,
WHEREAS, the total parcel area consists of approximately 40.9 acres of land located within the park and having access to the Delmar Bypass Extension; and,
WHEREAS, the proposed development project would occur in two phases, with Phase I incorporating the aforementioned development plan and Phase II incorporating the development of an additional play field, the nature of which is currently undetermined; and,
WHEREAS, the Town Board of the Town of Bethlehem has received preliminary development plans for the proposed project prepared by Clough, Harbour and Associates and a long Environmental Assessment Form prepared by the Town Planning Department addressing the proposed action; and,
WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency involved in an action may undertake, fund or approve the action until it has complied with the provisions of SEQR; and,
WHEREAS, 6 NYCRR 617.6(a) requires that as early as possible in an agency's formulation of an action it proposes to undertake the agency must determine: (1) whether the action is subject to SEQR; (2) whether the action involves a federal agency; (3) whether the action may involve one or more other agencies; and, (4) the appropriate classification of the action; and,
WHEREAS, 6 NYCRR 617.6(b) indicates: (1) that when a single agency is involved in an action that agency will be the lead agency for the purpose of SEQR review; and (2) that the lead agency must determine the significance of the action as early as possible in the design or formulation of the action; and,
WHEREAS, 6 NYCRR 617.7 identifies criteria to assist the lead agency in determining the significance of an action; and,
WHEREAS, the Town Board has independently reviewed the preliminary project plans for the ball field construction project, as well as the information contained in the Environmental Assessment Form, and has considered this information in the context of the criteria for determining significance;
NOW, THEREFORE, BE IT RESOLVED,
that the Town Board of the Town of Bethlehem hereby determines that the proposed action to construct additional ball fields at the Elm Avenue Park constitutes a Type I action subject to SEQR and that there are no other involved agencies with respect to this action; and,
BE IT FURTHER RESOLVED,
there being no other involved agencies, the Town Board hereby declares that it is lead agency for SEQR review of the proposed action; and,
BE IT FURTHER RESOLVED,
that based upon its independent review of the project plans, the Environmental Assessment Form, and comparison with the criteria for determining significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that the construction of additional ball fields at Elm Avenue Park

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 of Significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that this Determination shall apply only to that portion of the project identified as Phase I, there being insufficient information at this time concerning the type of play field or time frame for implementation of Phase II development; and,

BE IT FURTHER RESOLVED,

that the Town Planning Department is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out; and,

BE IT FURTHER RESOLVED,

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

1. The proposed ball fields are located within an existing park facility and in an area of the park where such development will be compatible with the surrounding neighborhood.
2. Review of the project site, project plans, and available environmental inventory data did not reveal any significant land, water, plant, animal, agricultural, aesthetic, historic, archeological or other resources that would be adversely impacted by construction of the ball fields.
3. The area proposed for development can be characterized primarily as an open field. At present, this field area is regularly mowed. A small area of second growth woodland would also be impacted.
4. Although site analysis did reveal the presence of Federal regulatory wetlands on the project site, project implementation would impact less than one acre of said wetlands, qualifying the project under Army Corps of Engineers Permit No. 26.
5. Recreational facilities within the Town will be enhanced by the project.

On a motion by Mrs. Davis, seconded by Mr. Putney and a vote of 5 for and 0 against, and 0 absent, this RESOLUTION was adopted on 22 May 1996.

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Councilwoman Davis asked Mr. Austin if he had any idea how long the process will take, time frame wise. Mr. Austin said they are looking at time to advertise the project, next week or the week after, and have the bid opening June 17th or 18th. He said then hopefully he will ask for award of the bid the last meeting in June. He said this would give about a 2 and 1/2 months for construction and hopefully be done by September 15. Mrs. Davis noted people have been asking.

The next item was a request from David Austin, Administrator, Parks and Recreation Department, to go to bid for the playing field project at Town Park, Elm Avenue, Delmar, NY.

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

WHEREAS, the Town desires to advertise for bids for the construction of Playing Fields at the Town Park, Elm Avenue, Delmar, NY, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 5th day of June, 1996 and that bids be received up to 2:00 p.m. on the 18th day of June, 1996 at which time the bids will be publicly opened and read.

To go to bid for playing field project for Town Park

The resolution was adopted by the following vote:

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

The following item was a request from Administrator, Parks & Recreation Department, David Austin, for approval of appointment of seasonal personnel as listed on the Memorandum dated May 22, 1996.

Approval
Parks and
recreation
seasonal Person

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as listed on the Memorandum dated May 22, 1996 from David Austin, Administrator of Parks and Recreation Department. The motion was passed by the following vote:

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

Supervisor Fuller asked Mr. Austin for the date of opening day at the park. Mr. Austin indicated it was June 8.

The following item was a request from Gregg Sagendorph, Highway Superintendent, for permission to go to bid for the purchase of biodegradable paper bags for the Town.

Highway Depart-
ment request fo
bids on
biodegradable
paper bags

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

WHEREAS, the Town desires to advertise for bids for the purchase of biodegradable paper bags for the Town, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 29th day of May, 1996 and that bids be received up to 2:00 p.m. on the 13th day of June, 1996 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Councilwoman Davis thanked Highway Superintendent Sagendorph for distributing all the bags for the clean up day. She noted people commented how helpful that was. Mr. Sagendorph said he was surprised at how successful it was with the inclement weather. Councilwoman Davis said it was really wonderful, noting the response was great. She said all the team leaders were surprised that all the people came out. She thanked him for his help.

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval to dispose of vehicles at auction held by Northway Auto Exchange, Inc., Clifton Park, NY.

Highway Supe
intendent
approval to
dispose of
vehicles

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the disposal of vehicles at auction to be held by Northway Auto Exchange, Inc., Clifton Park, NY as listed on the correspondence from Highway Superintendent, Gregg Sagendorph, dated May 16, 1996. The motion was passed by the following vote:

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

Highway
Super-
intendent
for permit
fee all
commercial
waste haulers
at \$250

The next item was a request from Highway Superintendent, for consideration of permit fee for all commercial waste haulers under the Town Code regulations. Supervisor Fuller noted the annual permit fee is being set at \$250. from each hauler and will help offset the administrative costs and work of the Town Recycling Coordinator and enforcement activity of the Solid Waste Code by the Building Department.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the setting of the permit fee at \$250. for each hauler within the Town of Bethlehem. The motion was passed by the following vote:

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

Noes: None.

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Supervisor
requests
Highway
Super-
intendent
to set
hours for
collection
by waste
haulers

Supervisor Fuller asked Mr. Sagendorph to look at the possibility of setting hours for the collection of solid waste. Mr. Sagendorph said he has spoken with a couple of the larger residential haulers in the Town. In the Town Code, the Highway Superintendent has permission, without Town Board approval, to set hours and other regulations for the collection of waste, according to Mr. Sagendorph. He said tentatively he is going to send this out along with the notice of the permit fee and request a new recycling plan from each hauler. He said he will demand that commercial waste be picked up between the hours of 5 a.m. and 6 p.m. and residential waste be picked up between the hours of 6 a.m. and 6 p.m., Monday through Saturday. He said that way there will be no collection on Sunday. He said they have to be given Saturday because the 2 largest haulers in Town when faced with a holiday in the work week, move their schedule and collect on Saturdays. He said he will listen to their pleas to exceptions and do it on a case by case basis. He said hopefully this will help.

Supervisor Fuller thanked Highway Superintendent Sagendorph.

Approval
for Highway
super-
intendent
to purchase
liquid
bituminous
materials
from state
contract and
Albany County
Contracts year
1996

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of purchase of liquid bituminous materials from State Contract and plant mixed bituminous concrete from Albany County Contracts for the year 1996.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the purchase of liquid bituminous materials from State Contract and plant mixed bituminous concrete from Albany County Contracts for the year 1996 as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

Noes: None.

Terrence Ritz
request
award of
bid for
Iron Casting
to Vellano
Bros.

The next item was a recommendation from Terrence Ritz, Engineering Division, DPW, for award of bid for Iron Castings to Vellano Bros., Inc., Latham, NY.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the award of bid for Iron Castings to Vellano Brothers, Inc., Latham, NY as recommended by Terrence Ritz, Engineering Division, Department of Public Works, at the bid prices submitted. The motion was passed by the following vote:

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

Noes: None.

The next item was to acknowledge receipt of Conditional Approval of Final Plat for the Vitillo Subdivision, Section 2 for information purposes from the Planning Board.

Conditional approval of Final Plat for Vitillo Subdivision

The next item was to approve Town Board minutes of April 24, 1996 and May 8, 1996.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the minutes of April 24, 1996. The motion was passed by the following vote:

Approval for minutes of April 24, 1996 and May 8, 1996

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

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the minutes of May 8, 1996, with correction by Mr. Putney. Councilman Putney noted his correction was filed with the Town Clerk and pertained to the dumping permit and the fact that Mr. Flanigan said the permit would not be issued until all the requirements have been met. The motion was passed by the following vote:

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

Supervisor Fuller asked if anyone in the audience wished to address the Board. No one spoke. The Supervisor thanked everyone for their attendance.

The motion was made by Mr. Putney and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 7:45 p.m. The motion was passed by the following vote:

Town Board Meeting adjourn

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

Kathleen A. Newkirk
Town Clerk