

TOWN BOARD
MAY 25, 1994

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
Frederick C. Webster, Councilman
George Lenhardt, Councilman
Freeman T. Putney, Councilman
Doris M. Davis, Councilman
Donald DeAngelis, Esq., Acting Town Attorney
Kathleen A. Newkirk, Town Clerk

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Presentation
Revisions to
Master Plan

Supervisor Fuller noted the first item concerned a recommendation from Jeffrey Lipnicky, Town Planner, regarding revisions to the Master Plan of the Town of Bethlehem. The Supervisor asked Mr. Lipnicky to explain this proposal. She indicated there will be a special meeting for thorough discussion of this information. She said it will be separate from a Town Board meeting and has not been scheduled at this time.

Town Planner Lipnicky thanked the Supervisor, indicating this was the second draft and that it included an appendices. He said 5 public meetings were held and input has been incorporated into the draft Master Plan. Mr. Lipnicky indicated he had met with the Chamber of Commerce, the Farm Bureau, individual property owners and representatives of the various neighborhood associations around Town. He said he felt the reaction was supportive, noting questions and issues raised along with some concerns. As a result of these meetings, Mr. Lipnicky said he reanalyzed a couple of the items. He felt two primary concerns were raised by the residents, (1) the proposal for a community commercial shopping center along the Cherry Avenue extension and (2) traffic options that were developed for the Delaware Avenue corridor. One significant item added, according to Mr. Lipnicky, was a pedestrian/bicycle system.

Town Planner Lipnicky noted that the Master Plan should be adopted by the Town Board by Local Law. He said there are no formal requirements for adoption at the present time. He did indicate SEQOR is required under Type I action. He said this will require the preparation of a draft Environmental Impact Statement. He noted there would also have to be a final EIS. He indicated this gets complicated and could be time consuming, stating a time table had been distributed to the Town Board members for information.

Supervisor Fuller thanked the LUMAC committee, noting members present at the Board meeting. She thanked Mr. Lipnicky, indicating this will be addressed soon.

Discussion
Cablevision
underground
cable t.v.
lines

Supervisor Fuller noted the next item was a recommendation by Bruce Secor, Commissioner of Public Works, regarding installation of Cablevision underground cable t.v. lines. Mr. Secor indicated the representatives were in attendance and would explain the project. He said this is an upgrading of the service in Town, indicating on the drawings exhibited areas where the cable is installed in the rear yards. Mr. Secor thought this should be brought to the Board due to the extent and cost of the project involved.

Mr. Joe Gregory indicated he was the engineer and manager for Cablevision in this area and noted the sales manager and Eugene St. John, construction supervisor, were also in attendance. Mr. Gregory said Cablevision is in the process of doing a rebuild to update the system, indicating they are on schedule. He said there will be 192 miles of new cable -- both 136 miles of aerial wire and 56 miles of underground wire installed. He said there is 120 miles of the 136 miles completed of the aerial rebuild and 56 miles of the underground has not started. As of June and July they will start splicing the cable that is installed. He said there is 48 miles of fiberoptics

included in this rebuild. He also noted they will have to cross the Hudson River.

Mr. Gregory felt they are making good progress and noted property owners are notified before the work is done. He said letters go to all subscribers and homeowners advising of what is being done, the impact and providing telephone numbers in case of any questions.

Information was given regarding the contractor and their obligations with regard to the installation. He said they are required to have other utilities located prior to any work being done. Supervisor Fuller asked who will be locating the utilities. Mr. Gregory indicated each utility, it is a State law that the utilities locate their services.

Mr. Gregory noted these areas will be reseeded by hydroseeding machine. He said newer, lower pedestals will be used for the equipment. Roadways and driveways will be bored under rather than trenched for cable installation. Only in cases of a problem will a trench be used. Councilwoman Davis asked in what type of situation he might have to trench. Mr. Gregory said there are various situations, boulders and/or rocks. He said the machine that they use to do the boring has a mind of its own. He said it is like a piston pushing a bullet type object underneath and through the dirt. He said if it hits a rock, it may come up through the driveway.

Mr. Gregory further said the cable in the backyards will be moved to the front yards to the Town right-of-way. He said the main reason is for access, maintenance and cost. Question was raised in regard to whether the cable in the backyards will be removed. Mr. Gregory said they are not removing this cable, due to the fact there is a plan to use the old system.

Question was raised regarding the service to the houses. Mr. Gregory indicated the service will be installed for hook-up to the houses. Discussion was held regarding the physical layout of the current cable and the new lines and the laying of a service line to the houses. Quality of the cable was also discussed.

Comments were made regarding the new Federal guidelines imposed on the cable companies.

Residents are notified, according to Mr. Gregory, as well as the Police Department regarding the work area and this makes it better for everyone.

The Supervisor said she thought they were aware of the concerns the Town has and asked how they have addressed the concerns expressed by Mr. Secor at the present time and in the past. Mr. Gregory indicated they were asked to provide maps. He said they did get the maps, however, the maps do not contain all the information that was requested. Mr. Gregory said the work involved in compiling this information is not chargeable to the cable company according to the franchise, referring to page 11 paragraph a. He said a bond has been posted with the Town. The Supervisor asked what the amount of the bond was. Mr. Gregory said he did not know. Attorney DeAngelis indicated it was a \$50,000 performance bond. Mr. Gregory suggested they could work with Mr. Secor and probably do this as a combined effort. He said Code 53 helps because the underground services have to be marked.

Mr. Secor indicated complete information has not been supplied and accurate maps must be presented. A lengthy discussion ensued regarding the necessary maps, personnel to do the inspections and costs involved. Suggestions were made that alternatives need to be looked at. The concerns are to be addressed with Mr. Secor and information brought back to the Town Board.

The next item on the agenda was a recommendation from Jeffrey Lipnicky, Town Planner, regarding Southgate Commons project review and the draft environmental impact statement.

Discussion
DEIS
Southgate
Commons
Shopping
Center

Mr. Lipnicky said basically the situation is the receipt of a draft environmental impact statement from Southgate. There is limited staff time for review of this big, complicated project. The need exists to hire a consultant to review this proposal. Mr. Lipnicky noted under the provisions of SEQR, the Town is permitted to collect fees in regard to the review of the DEIS. Mr. Lipnicky said he thinks the costs should be borne by the developer for the consultant. He suggested the range might be between \$30,000 to \$50,000. The quality of the DEIS will determine the cost for this review.

Mr. Lipnicky noted the attorneys should draw up the escrow agreement and adopt the resolution for the invoking of the SEQR provisions and naming a consultant at that time.

Mr. Lipnicky said from the group interviewed, most said they could start within a week's time and that review for a recommendation on completeness -- which is the first step in this review process of the DEIS -- between 45 and 60 days. Basically, his and Mr. Secor's recommendation is that we pursue this course of action.

Mr. Grayson from the Rubin Organization said he was pleased to hear mention of the LUMAC study laying out the SEQR process for the Town Board. He said they have been at this since last March and he distributed a letter to the Board indicating the schedule that has been followed since that time. He mentioned the fact that Mr. Lipnicky told them the most expeditious way to expedite this is with a consultant and noted they are in agreement to do it this way. He said based on this reassurance, they are willing to do that. He noted also that they would like to see it move along more quickly. He said they would like to see the consultant named at the meeting; let them start work immediately; that the determination for completeness should be done in, perhaps, 30 days. He feels a consultant should be able to review this in a short period of time. He said he just wished the Board to be aware that they would like an expeditious review. He basically agree with Mr. Lipnicky but hoped the Board would try to expedite this as soon as possible.

Supervisor Fuller thanked Mr. Grayson, asking if there were any questions. There were none. Mrs. Fuller asked Mr. Lipnicky if he is still interviewing consultants. Mr. Lipnicky said he was. Mr. Lipnicky indicated he thought the consultant should be pretty well firmed up by the middle of the next week. He said it is important to ensure that the Town does not, in fact, pay for this review. He felt it important that the Town Board receive fees for the review and an escrow account be set up by the attorneys. Mr. Grayson said they are prepared to move ahead on this and will send a check up to the Town.

Approve
Hiring
Consultant
re: Southgate
Commons DEIS

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the hiring of a consultant regarding Southgate Commons project and draft environmental impact statement review and to authorize the Supervisor to sign the escrow agreement and establish the escrow account. The motion was adopted by the following vote:

AYES: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney, Mrs. Mrs. Davis.
Noes: None.

Seminar
Comptroller
"When Workers
Can't Work."

The following item on the agenda was a request from Judith Kehoe, Comptroller, for approval of attendance at a seminar, When Workers Can't Work - How To Comply With Workplace Leave Laws, to be held June 8, 1994 at Albany, NY with expenses paid.

The motion was made by Mr. Webster and seconded by Mr. Lenhardt for approval for Mrs. Kehoe, Comptroller, to attend the seminar, When Workers Can't Work - How To Comply with Workplace Leave Laws, to be held June 8, 1994 at Albany, NY with expenses paid. The motion was adopted by the following vote:

AYES: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney, Mrs. Mrs. Davis.
Noes: None.

The next agenda item was a request from Chief of Police, Richard LaChappelle, for appointment of Adam C. Sutton to the position of per-diem Telecommunicator, effective May 16, 1994.

Approve
appointment
per diem
Telecomm.
Police Dept.
eff.5/16/94

The motion was made by Mr. Webster and Mr. Putney to appoint Adam C. Sutton to the position of per-diem Telecommunicator, effective May 16, 1994. The motion was adopted by the following vote:

AYES: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney, Mrs. Mrs. Davis.
Noes: None.

The next item on the agenda was a request from Richard LaChappelle, Chief of Police, for appointment of Gina Mohlenbrok to the position of Telecommunicator, effective May 29, 1994.

Appoint
Telecommun.
effective
5/29/94

The motion was made by Mr. Webster and seconded by Mr. Lenhardt to appoint Gina Mohlenbrok to the position of Telecommunicator, effective May 29, 1994. The motion was passed by the following vote:

AYES: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney, Mrs. Mrs. Davis.
Noes: None.

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

Appoint
Seasonal
Personnel
Parks &
Rec. Dept.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the appointment of seasonal personnel as recommended by David Austin, Administrator of Parks & Recreation Department, as listed at the recommended titles and rates of pay in his Memorandum dated May 25, 1994. The motion was adopted by the following vote:

AYES: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney, Mrs. Mrs. Davis.
Noes: None.

Next, was a request from Bruce Secor, Commissioner of Public Works, for approval of Supervisor to sign revised grinder pump agreement.

The motion was made by Mr. Webster and seconded by Mr. Lenhardt to authorize the Supervisor to sign the revised grinder pump agreement between Marie H. Tompkins and the Town of Bethlehem. The motion was adopted by the following vote:

Authorize
Supervisor
to sign
grinder
pump
agreement

AYES: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney, Mrs. Mrs. Davis.
Noes: None.

The following agenda item was a request from Bruce H. Secor, Commissioner of Public Works, for approval of two Department of Public Works employees at the Training and Certification of Backflow Prevention Device Testers to be held June 9, 1994 at Glens Falls, NY with registration fee paid and transportation paid by the Town.

Seminar
Public Works

The motion was made by Mr. Putney and seconded by Mr. Lenhardt for approval of two Department of Public Works employees to attend the Training and Certification of Backflow Prevention Device Testers to be held June 9, 1994 at Glens Falls, NY with registration paid and transportation paid by the Town. The motion was adopted by the following vote:

AYES: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney, Mrs.
Mrs. Davis.
Noes: None.

 Cond. Approval The next item on the agenda was to acknowledge receipt of
 Final Plat Certificate of Conditional Approval of Final Plat No. 163-CF, dated
 Bittersweet 17 May 1994, for the Bittersweet Knolls subdivision for information
 Knolls purposes from the Planning Board.
 Subdivision

 Dumping The following item on the agenda was a recommendation from John
 Permit Flanigan, Building Inspector, for renewal of Dumping Permit for
 William Jones, William S. Jones, LaGrange Road, Slingerlands, Town of Bethlehem.
 Slingerlands

The motion was made by Mr. Webster and seconded by Mr. Putney to
approve the renewal of dumping permit for William S. Jones, LaGrange
Road, Slingerlands, Town of Bethlehem, with recommendations as
stated.

Question was raised regarding inspections of the premises. Mr.
Secor indicated either John Flanigan or one of his employees
follow-up on these when they see trucks hauling material into the
site.

The motion was adopted by the following vote:

AYES: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney, Mrs.
Mrs. Davis.
Noes: None.

 Approve
 Minutes
 4/27/94

The next item on the agenda was to approve the Town Board
Minutes of April 27, 1994.

The motion was made by Mr. Webster and seconded by Mr. Putney to
approve the Town Board minutes of April 27, 1994. The motion was
passed by the following vote:

AYES: Mrs. Fuller, Mr. Webster, Mr. Putney, Mrs. Davis.
Noes: None.
Abstain: Mr. Lenhardt.

 Accept
 Deeds
 Beacon Road
 Phase III.

The next item on the agenda was a recommendation from Michael
Cirillo, Engineering Services Administrator, for acceptance of deeds
for the Beacon Road, Phase III reconstruction project.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis
to approve the acceptance of deeds for the Beacon Road, Phase III
reconstruction project. The motion was passed by the following vote:

AYES: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney, Mrs.
Mrs. Davis.
Noes: None.

 Supervisor Fuller noted the Board is appreciative of the effort
by Mr. Cirillo in regard to this project.

 Dispose of
 Vehicles at
 Auction -
 Highway Dept.

The following item was a request from Gregg Sagendorph, Highway
Superintendent, for approval to dispose of vehicles at auction.

The motion was made by Mr. Webster and seconded by Mr. Putney to
approve the disposal of vehicles at auction as listed on the letter
from Highway Superintendent Sagendorph, dated May 20, 1994. The
motion was passed by the following vote:

AYES: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney, Mrs. Mrs. Davis.

Noes: None.

The next agenda item was a recommendation from Bruce Secor, Commissioner of Public Works, for award of bid of Contract 6A, Water Transmission Main, Expansion of Water Supply.

Award Bid
Water
Transmission
Main --
Suburban
Pipeline Co.

The motion to award the bid for Contract 6A, Water Transmission Main, Expansion of Water Supply, to Suburban Pipeline Company, Inc., Syracuse, New York was made by Mr. Putney and seconded by Mr. Lenhardt. The motion was adopted by the following vote:

AYES: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney, Mrs. Mrs. Davis.

Noes: None.

The Supervisor asked if anyone had anything they would like to speak to the Board about. Mrs. Dorothy Alliger had a comment after reading the Spotlight regarding an article relative to the school activities out here. She said she was wondering why so many parents are on committees trying to solve problems out here concerning the school children. She said she wondered if it was because it seems that the school has a highly paid staff and she would think that it was their job to run the school system. She noted the school president comment that they want parent input because of their expertise. End of my comment.

The Supervisor thanked Mrs. Alliger.

Supervisor Fuller next acknowledged Sherwood Davies. Mr. Davies said he refuted the Bethlehem Report and the article planning to meet Bethlehem's water needs. He said he had a number of comments and questions. He read the last of the article. He said he assumed the project was going to be financed over the next 20 to 30 years. He questioned the legality of this Board being able to make this commitment as to the resident and industrial rates next year or 5 years or 10 years down the road.

Discussion
Bethlehem's
Water Needs

Mr. Davies said he went back and in January 1992 there was a hearing on the new water supply system and the question was asked is there any anticipated increase in water property tax rate. He said Mr. Secor answered no. Mr. Davies said he went back in 1992 and 1993 we had reassessment. He said if you look at the reassessment, where the problems were, the water property tax rate on the tax rate increased about 19 percent. In terms of water department revenue reported by the Town, that includes 21 percent.

Mr. Davies stated there was also in the Bethlehem Report the statement the industrial water rate has been increased and one of the major consumers in the industrial area is paying a higher rate which will essentially pay the majority -- he referred to the word majority -- of the costs of this new system.

Again, Mr. Davies said going back to the public hearing record of January 8, 1992 and subsequent comments by the Town administration up through September 1993, it was clearly stated that this new water facility will be subsidized or paid for by industry. He said clearly there is an inconsistency.

Mr. Davies stated he believes that the residential water users and this Town Board deserve and should have a written explanation, as well as, a cost comparison and analysis of the water rates and property tax rates for residential, industrial and commercial water users. He said and a further explanation as to the reasons for the property tax increase in 1993 and the fact that industry will not be subsidizing this project completely.

The Supervisor thanked Mr. Davies and asked if anyone else wished to speak to the Board.

The regular Town Board meeting was adjourned at 9:20 p.m. The motion was made by Mr. Webster and seconded by Mr. Putney. The motion to adjourn was carried by the following vote:

AYES: Mrs. Fuller, Mr. Webster, Mr. Lenhardt, Mr. Putney, Mrs. Mrs. Davis.

Noes: None.


Town Clerk