

TOWN BOARD  
MAY 28, 2003

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Daniel G. Plummer, Councilman  
Thomas Marcelle, Councilman  
Kathleen A. Newkirk, Town Clerk  
Robert J. Alessi, Esq., Town Attorney

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

The first item on the agenda was a request from Bruce Secor, Commissioner of Public Works, to prepare an Engineering map, plan and report as required by town law for public hearing to consider implementing recommendation of long-range water study. Supervisor Fuller said Mr. Secor and a representative from O'Brien and Gere were in attendance. She asked if there were any questions or comments from the Board.

Councilman Plummer said he did have, asking if this was specifically for addressing the upgrades talked about at the Vly Creek and how would some of the other options and alternatives talked about be addressed. Mr. Secor said this is not specifically to select any one of the options since the upgrade of the water purification plant is required by the Health Department and the increase in the transmissions lines coming into the Town and the improvements with that are common to all of the alternatives. He informed, what is being proposed here is to do the Engineer's map, plan and report and to implement that portion of the report which was common to all of the alternatives. He stated that will be under way and depending on what happens with being able to implement an alternative, the Board can then make a subsequent selection, as far as, the actual alternative to be followed. He said what is proposed is just the Engineer's map, plan and report to implement the recommendations in the report which are common to all of the alternatives which is basically the upgrade of the New Salem Water Purification plant, the new transmission lines in the Town to meet the peak flows and the things associated with that. Mr. Secor said the chlorine contact time improvements to meet the current standards.

Councilman Plummer asked if there had to be a public hearing for that. Mr. Secor said yes, noting this was covered in the report. He said the Town Law says before you can make a public improvement you have to have a specific Engineer's map, plan and report for the proposed improvement with an estimate of the costs. He stated on the basis of that, the Town Board then can hold a public hearing on a specific Engineer's map, plan

and report for what is proposed to be expended. He said after the hearing, the Board could then authorize expenditure up to the maximum amount proposed in that report and then that can go forward.

Councilman Plummer questioned Mr. Secor, if he would pursue this separately from a different contract from the City of Albany or another alternative or ultimately would the cost of bonding be used for the payment of this as part of that. Mr. Secor answered this would be bonded and again, since what is proposed is common to all of the alternatives that are available, this has to be done anyway no matter what. Mr. Plummer said he understood that. Mr. Secor said if there is an alternative to purchase water from the City of Albany, there is really no capital cost with that because the interconnections already exist. He continued if it turned out that a different alternative is selected, there are additional capital expenses, which are outlined in the report. He said in that situation a second public hearing would have to be held on any other alternative.

Councilman Plummer asked if Mr. Secor was intending to go forward with these upgrades until there is a contract with the City of Albany or another alternative. Mr. Secor answered that was correct but because of the time lag between preparing a report, holding a hearing, authorizing the detailed plans and specifications, there is 8 to 12 months worth of work just in getting to the point of being able to implement the upgrades to the plant. He said this was before anything else can be done. He said since this is common to all the alternatives, no time is lost nor money wasted. Councilman Plummer thanked Mr. Secor.

Town Attorney Alessi commented to Mr. Secor to be sure the environmental review documents start to get prepared so they are done in advance. Mr. Secor said he would do that.

Councilman Davis asked what the estimate was on the cost of the map, plan and report. Mr. Secor answered it was in the Memo from the consultants, noting it was not to exceed \$6,500. He said this is just a document of the normal map, plan and report that is prepared and is very generic. He said basically they would outline again what is in the other report but in a format that is acceptable under Town Law for the public hearing. Supervisor Fuller noted the Board would have to authorize any additional cost over the \$6,500. Mr. Secor stated that was correct. Councilman Davis thanked Mr. Secor.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the preparation of an Engineer's map, plan and report as required by Town Law to consider implementing recommendations of the long-range water study, with cost not to exceed \$6,500. The motion was passed by the following vote:

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

Noes: None.

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Supervisor Fuller noted the next item and not on the agenda, but noted she originally offered Nancy Heinzen and members from the Bethlehem Tomorrow Group time to do a brief presentation to know how busy the Group has been. Ms. Heinzen said she had

copies of the information they have put together. She said she was more or less the spokesperson for the Group. She thanked Supervisor Fuller for the opportunity to present to the Board. She said the flyer announces programs they have planned within the Town and the community. She said these are organized for the summer and early fall.

Ms. Heinzen said they are a Group of neighbors who came together and are concerned about growth and particularly the chip fab coming into the Capital District. She said this energized them to start looking seriously at what they could do as neighbors to help the Town lead us to a different future. She said they have been meeting for about a year and spent the time planning the activities.

Ms. Heinzen said the Group is a mix of old and new residents; some are professionals in the field of planning and open space protection. She said others are teachers, graphic artists, State workers, noting she thinks they represent a certain portion of the community. She said their goal is to do something that was constructive that was helpful and not decisive. She said that was inclusive of all the interests in the community. She said they also recognized a big need within the Group and also for anybody who starts to look at issues of growth that it is complicated. She said how a municipality makes land use decisions that are very complex. She said education is a primary goal of the Group. She said they were drawn to the study circle approach. She said this was done in the Town of Guilderland around the issue of water quality. She said the League of Women Voters has used study circles to look at race issues in the City of Albany and outer suburbs. She said study circles are a national program.

Ms. Heinzen said these study circles are small groups of people, 10-12 people, and each member of the group represents a different interest, such as someone from old Delmar would be sitting next to someone from the subdivisions. She said they learn from each other through the process and very often come up with shared concerns and more importantly common ground. She said you find out you are not as different as you thought you were and that you really want things to be a certain way and it is a matter of understanding and coming to a shared understanding of how to get there.

Ms. Heinzen said the focus of the group has been narrowed to open space. She said using the study circle process they are going to look at open space protection. She said they put together the booklet, Bethlehem Tomorrow, to be used at the study circles that include questions and answers that will be directed toward people in the Town who they feel are experts and very knowledgeable about land use issues facing the community.

Ms. Heinzen said they drafted questions in November and presented them to Supervisor Fuller and her staff to get answers about history and local laws and site plans. She said this was to give the Group a sense of what is going on in Town. She said there is another set of questions that will be directed to other people in the community. She said the answers to the questions would be compiled and included as part of the study circle process.

Ms. Heinzen said the final part is the set of informational programs and those are

scheduled for June, July and September. Speakers have been pulled together, Ms. Heinzen said, to give information about what is going on in the area.

Ms. Heinzen said she wanted to get the work out now in order to have as many people as possible participate. She said they hope the Town Board will participate, as well as, others they might know that might want to participate. She said there are an email and an address that can be used. She said she would be available for questions as well. She thanked the Board for their time. Supervisor Fuller thanked Ms. Heinzen and noted Councilman Davis started out with the Group in the beginning. Ms. Heinzen said the original meeting was with Mrs. Davis and noted Supervisor Fuller came in for that meeting as well. She said they both have been very helpful.

Supervisor Fuller noted a lady called her to ask about the open space committee that was being formed and she referred the lady to Ms. Heinzen. Supervisor Fuller thanked Ms. Heinzen.

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The next item was a request from Commissioner of Public Works, Bruce Secor, to authorize the Supervisor to sign a lease agreement with AT&T to mount equipment on the water tank at 308 Kenwood Avenue, Delmar. Supervisor Fuller said this was a 5-year renewal and the lease is for \$19,200 to be paid in equal monthly installments of \$1600.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to authorize the Supervisor to sign lease agreement with AT & T to mount equipment on the water tank at 308 Kenwood Avenue, Delmar, as requested by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

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

Noes: None.

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The following item was a request from Bruce Secor, Commissioner of Public Works, to appoint a part-time Building Maintenance Helper at the hourly rate of \$12.12. Supervisor Fuller noted a part-time Maintenance Helper has resigned and in order to have people to cover vacations, sick leave and holidays may I have a motion to appoint Susan McNally, Delmar, New York. She said the part-time people are scheduled as needed to provide the 7 days per week coverage of both Police and town hall offices.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the appointment of Susan McNally, Delmar, New York to the position of part-time Maintenance Helper at an hourly rate of \$12.12 as requested by Bruce Secor, Commissioner of Public Works. The motion was passed by the following vote:

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

Noes: None.

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

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The next item was a request from Engineering Services Administrator, Michael Cirillo, to go to bid for one (1) new Geodetic Reflectorless Total Stations and supplemental surveying equipment. Could advertise on June 4, 2003 and open bids on June 16, 2003 at 2:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) Geodetic Reflectorless Total Work Station and supplemental surveying equipment, 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 June, 2003 and that bids be received up to 2:00 p.m. on the 16th day of June, 2003 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, Mr. Plummer, Mr. Marcelle.  
Noes: None.

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The following item was a request from Michael Cirillo, Engineering Services Administrator, for approval of release of bond for Phase 4, Woodhill Subdivision. Supervisor Fuller noted the work has been completed and the balance in the escrow account is \$8,043.20 plus accrued interest to date.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the release of bond for Phase 4, Woodhill Subdivision, as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

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The next item was a request from Engineering Services Administrator, Michael Cirillo, to accept bonding for the Barber Subdivision on Warner Avenue, Delmar. Supervisor Fuller said Hanifin Home Builders, Inc. has provided a check in the amount of \$17,500 as bonding and will cover the cost to extend sewer and water including the installation of a hydrant and restoration work. She said the Comptroller would establish an escrow account with the bonding to assure the funding for the municipal utility extensions are available, if needed.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the

acceptance of bonding for the Barber Subdivision on Warner Avenue, Delmar in the amount of \$17,400, as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

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The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval of acceptance of a right-of-way for easement purposes for Dowerskill Village-PRD 4, Section 3, Phase 3E. Supervisor Fuller noted this was a fee conveyance for a street right-of-way, Crescent Creek Way and easement.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the acceptance of deeds for Dowerskill Village, PRD 4, Section 3, Phase 3E and bonding from Charlew Construction Company, Inc., Schenectady, NY as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

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The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of acceptance of deed for sidewalk/bike path easement located along the westerly side of Maple Avenue in Selkirk.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the acceptance of a deed from Mr. and Mrs. Terrence Ritz, Selkirk, New York for sidewalk/bike path easement as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

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Councilman Davis asked if there was a target date for when this may begin. Mr. Secor noted this year is the goal. He said they have to do the right-of-way acquisition. He said they have the design and have to sign a betterment agreement with the State of New York for funds for work along Route 396 and get the permits from the State to work within the right-of-way. He said after all of that they will get to the construction. Councilman Davis thanked Mr. Secor.

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Following item was a request from Building Inspector, Kevin Shea, for approval of a construction trailer at the Bethlehem Town Center as requested by Nigro Company. Supervisor Fuller said one trailer will be for Galusha and Sons, which is doing the site

preparation, work and the second trailer is for Bast Hatfield, Inc., which is constructing Wal-Mart.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the placement of 2 construction trailers at the Bethlehem Town Center site for Galusha and Sons, Queensbury, New York for site preparation work and Bast Hatfield, Inc., Clifton Park, New York for construction of Wal-Mart as requested by Building Inspector, Kevin Shea. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle. Noes: None.  
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The following item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of appointment of seasonal personnel.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the appointment of seasonal personnel as listed in the Memorandum dated May 28, 2003 from Nan Lanahan, Administrator, Parks and Recreation Department at the titles and salaries listed. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle. Noes: None.  
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The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department. to go to bid for lifeguard chairs, diving towers, and diving boards. Could advertise on June 4, 2003 and open bids on June 16, 2003 at 3:30 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of lifeguard chairs, diving towers and diving boards for the Town of Bethlehem Parks and Recreation Department, 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 June, 2003 and that bids be received up to 3:30 p.m. on the 16th day of June, 2003 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, Mr. Plummer, Mr. Marcelle. Noes: None.  
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The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department for approval of authorization of the Supervisor to sign the concession stand agreement at Line Drive.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to authorize the Supervisor to sign the concession stand agreement at Line Drive with the Bethlehem Tomboys Girls' Softball League, Inc., Delmar, NY. He motion was passed by the following vote:

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

Noes: None.

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The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval to accept a donation of two dugouts at the Line Drive field complex from the Bethlehem Babe Ruth League. Supervisor Fuller said this was a very generous donation totaling \$10,000 value.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the acceptance of donation of two (2) dugouts at the Line Drive field complex from the Bethlehem Babe Ruth League. The motion was passed by the following vote:

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

Noes: None.

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Supervisor Fuller noted we are very fortunate to have the Tomboys and Babe Ruth and all of those that use our facilities to make them a much better place to have their sports. She said they have taken it on with volunteer dollars and some help from our very own people. She thanked everyone.

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The next item was to approve the Town Board minutes of May 8, 2003. Supervisor Fuller noted this was the Executive Session, Special Meeting.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the Town Board minutes of May 9, 2003. The motion was passed by the following vote:

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

Noes: None.

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

Noes: None.

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Supervisor Fuller asked if anyone wished to address the Board. No one came forward.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to adjourn the regular Town Board meeting at 7:55 p.m. The motion was carried by the following vote:

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

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Town Clerk