

TOWN BOARD
NOVEMBER 22, 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 and invited everyone to join the Board in the pledge of allegiance.

The Supervisor said before beginning the Board meeting, she wanted to congratulate Dan Plummer on his successful bid for reelection and to introduce Terri Egan and Tim Gordon. She noted Terri is the new Supervisor and Tim Gordon will serve on the Town Board in place of Doris Davis. She congratulated all of the newly elected officials.

The first item was the adoption of the 2004 Town of Bethlehem Budget. Supervisor Fuller noted the public hearing was held October 22, 2003. The following resolution was presented for adoption:

WHEREAS, the Town Board has met at the time and place specified in the Notice of Public Hearing on the Preliminary Budget and heard all persons desiring to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, that the Preliminary Budget be and it hereby is adopted as the Annual Budget of this Town for the fiscal year beginning on the 1st day of January, 2004, and that such Budget as so adopted be entered in detail in the minutes of the proceedings of this Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of this Town shall prepare and certify, in duplicate, copies of said Annual Budget adopted by this Town Board, together with the assessment rolls for benefit improvements, if any, adopted pursuant to Section 202-a, of the Town Law, and deliver two copies thereof to the Supervisor of the Town to be presented to the Albany County Legislature.

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

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

Noes: None.
Absent: None.

The next item was to set a public hearing for January 28, 2004 regarding the Agency Plan for the Town of Bethlehem Section 8 Housing Choice Voucher Program.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve setting a public hearing for January 28, 2004 at 7:30 p.m. regarding the Town of Bethlehem Section 8 Housing Choice Voucher Program. The motion was passed by the following vote:

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

The following item was a request from Engineering Services Administrator, Michael Cirillo, for approval of reduction in bonding for Dowerskill PRD 4, Section 3, Phase 4W.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the reduction in bonding for Dowerskill PRD 4, Section 3, Phase 4W, as requested by Charlew Construction Co., Inc., Schenectady, NY as recommended by Michael Cirillo, Engineering Services Administrator from \$219,000 to a new bond amount of \$81,000. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of release of bond for the Collier Subdivision.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt for approval of release of bonding for the Collier Subdivision as requested by Mr. and Mrs. Brian Collier, Delmar, NY and recommended 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.
Absent: None.

The following item was a request from Engineering Services Administrator, Michael Cirillo, for approval of reduction in bonding for Dowerskill PRD 4, Section 3, Phase 4E.

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The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the reduction in bonding for Dowerskill PRD 4, Section 3, Phase 4E as requested by Charlew Construction Co., Inc., Schenectady, NY from \$50,000 to a new bond amount of \$30,000 as recommended 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.
Absent: None.

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of reduction in bonding for Dowerskill PRD 4, Section 3, Phase 2E.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the reduction of bonding for Dowerskill PRD 4, Section 3, Phase 2E as requested by Charlew Construction Co., Inc., Schenectady, NY from \$164,000 to a new bond amount of \$36,000 and recommended 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.
Absent: None.

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

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the reduction in bonding for the Autumn Woods Subdivision as requested by The Swift Group, Glenmont, NY from \$16,000 to a new bond amount of \$2,500 and recommended 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.
Absent: None.

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Supervisor Fuller explained that all the reductions are due to the fact that they have completed the work that was required and it is a formality that has to be done and they would like their money back.

The next item was a request from Michael Cirillo, Engineering Services Administrator,

for approval of acceptance of turnaround easement and release of existing turnaround easement for 75 Sudbury Road.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve acceptance of a turnaround easement and release of existing turnaround easement from The Swift Group, Inc., Glenmont, NY for 75 Sudbury Road, Glenmont 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.

Absent: None.

The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval of acceptance of deed for sidewalk easement on Russell Road, North Bethlehem.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the acceptance of a deed from Mr. and Mrs. Antonio Califano, Schenectady, New York for sidewalk easement along the northerly side of Russell Road, North Bethlehem 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.

Absent: None.

The next item was to acknowledge receipt of 2003 Governor's Waste Reduction and Recycling Program Achievement of Excellence Award presented to the Town of Bethlehem. Supervisor Fuller welcomed Mrs. Sharon Fisher, Recycling Coordinator, who is the person behind all this hard work. Mrs. Fisher said she is not the only one behind all the work because she believes the residents and the businesses in the Town who donate, reuse, reduce and recycle as much as they do, she thinks, have helped us to get this award. She said the Town of Bethlehem has some programs that other municipalities do not have such as the voluntary programs. She said next year, we are going to be celebrating our 15th year of curbside recycling, the 10th household hazardous waste program and she believes, it will be the 5th year for the electronic collection.

Mrs. Fisher further noted she thinks one of the things that impressed the New York State Department of Environmental Conservation was that we have already recycled about 40 tons of electronics from our Town. She said we all should be proud of that. She presented the award to Supervisor Fuller who thanked Mrs. Fisher for a job well done. She said it does not seem possible that it is 10 years that the Town has been doing Household Hazardous Waste. She said she thinks the sunshine was there for most of

them. Mrs. Fisher agreed. Councilman Davis noted they were there even if it rained.

The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval to advertise and receive bids for the 2004 Household Hazardous Waste and Agriculture Pesticide Collection Days.

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

WHEREAS, the Town desires to advertise for bids for Household Hazardous Waste and Agricultural Pesticide Collection and Disposal Services for twenty (20) specific dates at a maximum of eleven (11) separate sites, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 19th day of November, 2003 and that bids be received up to 3:00 p.m. on the 11th day of December, 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.

Absent: None.

The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval of award of bid for a three-year uniform rental contract for various Town departments to Tri-State Industrial Laundries, Inc., Albany, NY.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the award of bid for a three (3) year uniform rental contract for various Town departments to Tri-State Industrial Laundries, Inc., Albany, NY at the bid prices submitted and on file in the Town Clerk's office. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of award of bid for one track-type sidewalk snowplow-snowblower with sander for use by Highway Department to Cyncon Equipment, Inc., Rush, NY.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the award of bid for one (1) track-type sidewalk snowplow-snowblower with sander for use by the Town of Bethlehem Highway Department to Cyncon Equipment, Inc., Rush, NY

at the bid price submitted and requested by Gregg Sagendorph, Highway Superintendent. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Gregg Sagendorph, Highway Superintendent, to approve setting a public hearing regarding a proposed local law limiting Bender Lane, Glenmont, to one-way eastbound traffic for a distance of 100 feet from an area 450 feet west of Route 9W to an area 550 feet west of Route 9W, Glenmont. Could advertise November 26 and hold public hearing December 10, 2003 at 7:30 p.m. Supervisor Fuller noted this was required in the Building Project Approval but requires a public hearing by law.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve setting a public hearing to consider proposed local law limiting Bender Lane, Glenmont to one-way eastbound traffic for a distance of 100 feet from an area 450 feet west of Route 9W to an area 550 feet west of Route 9W, Glenmont on December 10, 2003 at 7:30 p.m. as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Building Inspector, Kevin Shea, for approval of adoption of resolution pertaining to Code Enforcement Disaster Assistance Response. Supervisor Fuller noted this is something that has been going on in the Town of Bethlehem before this was mentioned. She mentioned when former Building Inspector, John Flanigan, was here and with Kevin Shea, the building officials have always helped out in other communities. She said if there were any questions, Mr. Shea would be available to answer them.

Councilman Davis asked how far the Building Inspectors actually go in reference to this noting it reads geographical teams. Mr. Shea said the New York State Building Officials set it up so that they would be summoned to possibly Lake Placid and south to Monticello. He said basically they will hold or detain you for 48 hour duration. Councilman Davis thanked Mr. Shea. Supervisor Fuller noted it was only for 1 or 2 building officials. Mr. Shea said in this area most of the larger towns will have participation which are building officials. He said to do this on a mutual aid basis under the Municipal Law you have to have a resolution.

Councilman Davis asked if we have ever needed any assistance in this community. Mr.

Shea said not since he has been here. He said he has been to Guilderland, Mechanicville and Stillwater on the tornado. Mrs. Davis said she could not think of any situation. Mr. Shea said that was correct but noted Guilderland was hit quite heavily 2 years in a row. He noted some of the Highway Department personnel were also sent over. He said where they have a problem is that there are not enough building officials to make the assessments. He said there are FEMA forms and a State form that has to be filled out. He said in times of a disaster, the onus is to be put totally on the home building official, it gets difficult. He said they are trained to fill out the forms and get the money quicker back to the municipality to get back in order. Councilman Davis thanked Mr. Shea.

The following resolution was presented for adoption:

TOWN OF BETHLEHEM, COUNTY OF ALBANY,
STATE OF NEW YORK

I, Sheila Fuller, Supervisor of the Town of Bethlehem, County of Albany, State of New York, do hereby certify that at a regular meeting of the Town Board of the aforesaid Town, on the 12th Day of November 2003 at the Town Offices, 445 Delaware Avenue, Delmar, New York, the following resolution was adopted, every member present voting therefore, to wit:

Motion by Board Member George Lenhardt, seconded by Board Member Doris Davis to adopt the following resolution:

WHEREAS, in the event of a disaster, many communities do not have enough sufficiently trained Code Enforcement Officials to inspect buildings affected by such disaster; and

WHEREAS, Codes Division, in partnership with the New York State Building Official Conference, has a program to render volunteer assistance to disaster stricken communities known as CEDAR (Code Enforcement Disaster Assistance Response); and

WHEREAS, the Town of Bethlehem supports the CEDAR program and supports the participating in the program be side enforcement officials employed by the Town who meet the qualifications of CEDAR; and

NOW THEREFORE BE IT RESOLVED, that the Code Enforcement Officer Kevin Shea and Assistant Code Enforcement Officers Roger Griffiths, Mark Platel and David Rice are authorized to submit application for membership to the Code Enforcement Disaster Assistance Response program and to complete the necessary training; and
BE IT FURTHER RESOLVED that the Town of Bethlehem agrees to provide indemnification and insurance coverage for said Code Enforcement personnel while acting as part of the CEDAR Team for mutual aid purposes.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Kevin Shea, Building Inspector, for approval of

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dumping permit for 81 Beaver Dam Road, Selkirk. Supervisor Fuller noted the Building Inspector's recommendation is included and had received information from the Engineering Department. She said it is for the permit application of Angelo Gigliotti, 81 Beaver Dam Road, Selkirk.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the issuance of a dumping permit for Mr. Angelo Gigliotti, 81 Beaver Dam Road, Selkirk, NY for one year with stipulations as set forth in the Memorandum from Kevin Shea, Building Inspector. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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Supervisor Fuller thanked Mr. Gigliotti for coming back again regarding this permit.

The next item was to acknowledge receipt of the Quarterly Franchise Fees from Time Warner Entertainment-Advance/Newhouse Partnership in the amount of \$82,417.52 for the Third Quarter of 2003.

The following item was to acknowledge receipt of Conditional Approval of Final Plat and Final Plat Approval for the Banahan Subdivision No. 2 from the Planning Board for information purposes.

The next item was to acknowledge receipt of Conditional Approval of Final Plat for the RDA Associates subdivision from the Planning Board for information purposes.

Supervisor Fuller asked for a motion to cancel the Town Board meeting of November 26, 2003. The Supervisor explained this is so that everyone can spend more time for the Thanksgiving holiday preparations.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve canceling the second meeting in November, November 26, 2003. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to approve the Town Board minutes of October 22, 2003.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the Town Board minutes of October 22, 2003 as submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Fuller asked if anyone wished to address the Board. There was no one.

Supervisor Fuller wished everyone a very Happy Thanksgiving.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to adjourn the regular Town Board meeting at 7:45 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

Town Clerk