

TOWN BOARD
NOVEMBER 21, 1995

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
Doris M. Davis, Councilman
Freeman T. Putney, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

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Supervisor Fuller welcomed everyone to a meeting of the Town Board. The first item was a request by New Options on Waste, Inc., Albany, NY for a proposed recycling center in the Port of Albany (former Barker Steel Co. Bldg). Mr. Peter Fusco thanked the Town Board members for having them here and that they wished to edify as to what the intentions are with regard to this proposal. He said they have looked at and studied fully the Barker Steel building and said they intend to purchase the facility. He further noted this is a full scale recycling center. He said they have been in business since 1992 and recycling is all they do, including construction/demolition waste. He said it is a 3 phase company in that they also process and recycle commercial waste and household recyclables. Mr. Fusco said after they review the application if there are any questions they will be happy to address them.

Request by
New Options
on Waste Inc.
proposed
recycling center

Supervisor Fuller thanked Mr. Fusco. Attorney Kaplowitz noted for the sake of anyone who is interested, the application was on the agenda to accept the application. She said once the Town Board has determined the application is complete, there will be a public hearing. There is no point in getting into the pros and cons at this time because the application has not been reviewed. Additional information may be requested following review.

The motion was made by Mr. Webster and seconded by Mr. Lenhardt to table the application for the operation of a waste/recycling facility at the Port of Albany and allow for review by the Engineering Division of the Department of Public Works for completeness. The motion was passed by the following vote:

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

Supervisor Fuller said the next request was from Commissioner of Public Works, Bruce Secor, to go to bid for materials and chemicals to be used in the Water and Sewer Departments for 1996, with advertisement in the Spotlight on November 29, 1995 and bid opening for 2:00 pm for materials and 2:20 pm for chemicals on December 13, 1995.

Public Works
request to go
to bid for
materials and
chemicals used
in Water and
Sewer

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

WHEREAS, the Town desires to advertise for bids for materials and chemicals for use of the Water and Sewer Departments of the Town of Bethlehem for 1996, 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 November, 1995 and that bids be received up to 2:00 p.m. on the 12th day of December, 1995 at which time the bids will be publicly opened and read.

Resolution to
advertise bids
in the Spotlight
for materials
and chemicals

The resolution was adopted by the following vote:

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

The next item was to approve the Town Board minutes of October 25, 1995; October 26, 1995; and November 8, 1995.

Minutes of
October 25,
were approved

The motion was made by Mr. Webster and seconded by Mrs. Davis to approve the minutes of October 25, 1995 with spelling correction as noted. The motion was passed by the following vote:

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

Minutes of
October 26
and November
8 were approved

The minutes of the meeting of October 26, 1995 and November 8, 1995 were approved as submitted on a motion made by Mr. Putney and seconded by Mr. Lenhardt and passed by the following vote:

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

Highway
Superintendent
approval to
purchase
trucks from
state contract

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of purchase of three (3) heavy duty diesel powered single axle dump trucks from State Contract at an approximate cost of \$44,400 and approval to go to bid for the purchase of one diesel powered backhoe-loader. Could advertise on November 29, 1995 and open bids at 2:00 p.m. on December 14, 1995.

The motion was made by Mr. Webster and seconded by Mrs. Davis to approve the purchase of three (3) heavy duty diesel powered single axle dump trucks from State Contract at an approximate cost of \$44,400. The motion was passed by the following vote:

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

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

Resolution to
advertise for
bid 'On
backhoe-loader

WHEREAS, the Town desires to advertise for bids for the purchase of one diesel powered backhoe-loader for use of the Town of Bethlehem Highway Department, 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 November, 1995 and that bids be received up to 2:00 p.m. on the 14th day of December, 1995 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Engineering
Services Admin
acceptance of
deeds street
right of way
Dowerskill Village

The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds for street rights-of-way and easement in Dowerskill Village, PRD 4, Section 2B, pending approval of Town Attorney.

The motion was made by Mr. Putney and seconded by Mr. Webster to accept deeds for street rights-of-way and easement in Dowerskill Village, PRD 4, Section 2B, as recommended by the Engineering Division, Department of Public Works and approved by the Town Attorney. The motion was adopted by the following vote:

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

The next item was a recommendation from Michael Cirillo, Engineering Services Administrator, for acceptance of a deed for drainage easement in the Dover Estates Subdivision, pending approval of the Town Attorney.

Engineering
Services for
acceptance of
deed for drainage
easement Dover
Estates

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to accept the deed for drainage easement in the Dover Estates Subdivision as recommended by Engineering Services Administrator, Michael Cirillo and approved by the Town Attorney. The motion was passed by the following vote:

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

The following item was a recommendation from Cable Administrator, Judith Kehoe, regarding renewal of the cable television franchise for Mid-Hudson Cablevision, Inc. which expires January 28, 1996. Supervisor Fuller noted there is a need to advertise November 22, 1995 and hold a public hearing December 13, 1995 at 8:00 p.m.

Cable television
renewal for
Mid-Hudson
Cablevision

Councilman Putney asked if the notice of the meeting be worded in such a way that the contract could be amended after the public hearing. Cable Administrator Kehoe noted this could be done.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to hold a public hearing December 13, 1995 at 8:00 p.m. with regard to renewal of the cable television franchise renewal for Mid-Hudson Cablevision, Inc. which expires on January 28, 1996. The motion was passed by the following vote:

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

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Supervisor Fuller noted this will be the 3rd public hearing on December 13, 1995.

The next item was a recommendation from the Committee on Human Resources, Chairman Judith Kehoe, pertaining to personnel changes. Supervisor Fuller noted this was a change in grade and salary for 3 employees in Town Hall.

Human Resources
personnel
changes

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve change of Utility Billing Clerk I to the new title Utility Billing Clerk II, grade 11, effective October 1, 1995 and elimination of the position of Business Office Manager in the Department of Public Works. The motion was passed by the following vote:

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

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The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the change in title from Assessment Clerk to Senior Assessment Clerk at a grade 11, step 4 and make the change retroactive to January 1, 1995 with a new base salary of \$27,428. The motion was passed by the following vote:

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

Noes: None.

Deputy Town
Planner
credit regarding
Cedar Ridge
Subdivision

The next item was a recommendation from Janine Saatman, Deputy Town Planner, for acceptance of letters of credit regarding Cedar Ridge Subdivision Sections 2 and 3.

The motion was made by Mr. Webster and seconded by Mr. Putney to approve the acceptance of letters of credit regarding Cedar Ridge Subdivision, Sections 2 and 3 with regard to buffer plantings. The motion was passed by the following vote:

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

Noes: None.

Mr. Davies
addressed
the board
regarding
preliminary
budget

Supervisor Fuller asked if anyone wished to speak to the Board. Mr. Sherwood Davies addressed the Board relating to his attendance at the October 25, 1995 public hearing regarding the preliminary budget. He noted he made a number of comments and raised some questions. He commented about responses made at the time of the hearing by at least 1 or 2 Board Members and Comptroller Kehoe. He said he also wished to make some comments with regard to a subsequent memorandum written by Mrs. Kehoe to the Supervisor and the Board Members.

Mr. Davies said at the hearing he referred to the transfer of operating funds in the water and sewer budgets with a Capital Reserve fund. He said most of this money was transferred in a year following reevaluation. Mrs. Kehoe, he said, responded that night referring to October 25th Board minutes, the reserve funds are, in fact, going to be resulting in future tax benefits. These reserves are allowing us to plan ahead for future sizeable capital projects, according to Mrs. Kehoe. Mr. Webster, according to Mr. Davies, asked if these are reserves with relation to the long term park programs, repairs and so forth. Mr. Davies said Mrs. Kehoe responded yes, indicating there are numerous reserves for projects designated by the Board. Mr. Davies said Mr. Webster continued, he thought that's what it was. Mr. Davies said he had 3 questions and then some comments. Is it the intent of the Board to use water and sewer monies for park improvements or for other general town purposes? Is it legal? What does Mrs. Kehoe mean by referring to future sizeable capital projects? What are they?

Mr. Davies said he thought the minutes of this meeting should reflect some answers to those questions.

Mr. Davies then noted under a foil request, he reviewed Mrs. Kehoe's 4 page memorandum dated November 1, 1995 to the Supervisor and Board Members. He said he finds Mrs. Kehoe's response personal and very objectionable. Notwithstanding, his objection, he asked that the memorandum be made a part of the October 25 minutes of the public hearing. (See memorandum following these minutes) He said he reviewed his comments and no where did he make any personal charges. He said he never will and he does not want to. He related a few of Mrs. Kehoe's comments and his concerns. He said he feels these comments are quite unsatisfactory for a staff member to make. He further noted he feels any conclusions should be reached by the Town Board not by staff member Kehoe.

Mr. Davies said he made a comment regarding revenues and staffing at the water treatment plant. He noted he wondered if the Board had any input on the staffing. Lastly, he commented in regard

to the lack of collection of revenue, sewer rent from certain industries as he asked. He read some of the requirements listed in the sewer ordinance of 1986 as stated by Mrs. Kehoe. He said this statement was incorrect and suggested the legal advisor read the ordinance.

Mr. Davies noted he will be making some specific comments and will send them to the Supervisor and the Board Members. He wished everyone a very happy thanksgiving. Supervisor Fuller thanked Mr. Davies and noted he had a meeting with her on Tuesday. Mr. Davies said this was correct.

Mrs. Kehoe responded to the comments of Mr. Davies, the questions at the beginning of his comments, the intent to use water and sewer reserve funds for parks or other general town purposes -- absolutely not. She said she believed Mr. Webster's questions were on the nature of the reserve funds. The reserve funds for the water and sewer are specifically for water and sewer, according to Mrs. Kehoe, it would not be legal to spend them otherwise. She noted any expenditures, as she stated at the public hearing, require public hearing and permissive referendum before the expenditures are made. Councilman Putney noted this was for water and sewer only. Mrs. Kehoe said for those because approval was not granted at the creation of the reserves for specific projects. In terms of future projects, Mrs. Kehoe noted, there has not been any specified at this time. She further said there are general projects that have been discussed but no specific plans have been prepared. She said anything done would require Board action. Mrs. Kehoe again stated these funds are for future projects.

Supervisor Fuller thanked Mrs. Kehoe and asked if anyone else wished to address the Board. Mr. Peter Frueh stated he had sent a letter to the Supervisor regarding the DOT inspections being done with the Bethlehem Police. He said he does not feel town tax dollars should be paying for policemen to be doing what the State is already doing. He asked how much money the town receives from the tickets that are being given out. He noted the fines are astronomical. He noted this is difficult for the businessman. He said he has been in business 30 years and taken care of his vehicles. He said now there is a policeman going around giving out tickets for chains, pieces of paper not in the truck, loose tonage. He said these are \$350. fines a piece. He said he has had to hire an attorney to fight the tickets because he cannot see handing out this kind of money. He asked where the money goes. He had further comments regarding the regulations imposed. Mr. Frueh noted he feels the Town is picking on the truckers.

Mr. Frueh addressed the board regarding DOT inspections being done with Bethlehem Police

Supervisor Fuller asked Mr. Frueh if he had met with the Police Chief about these concerns. Mr. Frueh said he did and he might just as well have talked to the wall. He said this is what they are pursuing. Councilwoman Davis asked about the ticket received. Mr. Frueh said it was in regard to a piece of paper not being in the truck. He further noted he bought a new truck not to have any problems, however, this driver report was not in the cab. The paper is just a check list in regard to the truck. He said this was \$150 fine plus the \$25 surcharge. Councilwoman Davis asked if he has access to the new regulations. Mr. Frueh said the policeman brought it over the other day, noting it was an inch thick on top of the En Con laws, the OSHA laws -- indicating it was difficult to keep up with all of these.

Court Clerk Mrs. Hodom noted the fines are mandate fines. Mr. Frueh said okay, they are all mandated. Mrs. Hodom further noted the town does not get the money back. She noted they get \$10 from the ticket.

Supervisor Fuller asked if anyone else wished to address the Board. There were none. She wished everyone a very Happy Thanksgiving. She said the next meeting is December 13th and welcomed the high school students.

Supervisor Fuller said she needed a motion to meet in Executive Session to discuss a personnel matter. The motion was made by Mr. Webster and seconded by Mr. Putney to meet in Executive Session to discuss a personnel matter. The motion was passed by the following vote:

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

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

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

Kathleen A. Newkirk
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.