

TOWN BOARD
NOVEMBER 22, 1994

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

ABSENT: Frederick C. Webster, Councilman

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. First order of business this evening is a public hearing. I would ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town of Bethlehem on the 22nd day of November 1994 at 7:30 p.m. to consider Local Law No. 10 of 1994, Amending the Code of the Town of Bethlehem as follows:

Public
Hearing
To consider
Local Law
No. 10,
1994
Stop
Intersection

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-33, Schedule VII, Stop Intersections as follows:

ADD: A stop intersection as follows:

- Palmer Avenue at the intersection of Clarkson Rd., north;
- Palmer Avenue at the intersection of Wellington Rd., north;
- Palmer Avenue at the intersection of Wellington Rd., south;
- Palmer Avenue at the intersection of Douglas Rd., south;
- Fairway Avenue at the intersection of Clarkson Rd., west;
- Clarkson Road at the intersection of Wellington Rd., north;
- Sylvan Avenue at the intersection of Fairway Ave., north;
- Hannay Lane at the intersection of Frontage Rd., south.

All interested persons and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk
TOWN CLERK

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State of New York)
County of Albany)

CAROL STUART of the Town of Bethlehem, being duly sworn, says that she is the Advertising Coordinator of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 9th day of November 1994.

/s/ Carol Stuart

Sworn to before me this 10
day of Nov. 1994.
/s/ Kathryn Olsen
Notary Public, Albany County

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STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on Nov. 9, 1994, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
17th day of November 1994.
/s/ Catherine T. Picarazzi
Notary Public

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The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

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SUPERVISOR FULLER: Ask those who wish to speak in favor to come to the mike.

LT. VANDERBILT: As Chairman of the Traffic Safety Committee, I would just like to give the Town Board a little background into our reasons for asking for these traffic control devices to be installed. All the intersections mentioned except the last one being Hannay Lane and Frontage Road are in a residential area and the area across Delaware Avenue here. Most of them are 4 way intersections that presently have no traffic control at all. So, no right-of-way is established at the intersection and motorists are thereby confused. We got the original request from some residents in the area who noticed a lot of close calls and some accident history did exist in the area. Sight distances were limited on some of these intersections due to shrubbery and trees that we couldn't improve because they weren't actually on our right-of-way. So, our recommendation is to establish intersectional control on one of the streets that are the cross streets. In other words, to put stop signs on 2 sides, so that traffic going through on the other street in this case being Douglas, Clarkson would have right-of-way and Wellington Road would have right-of-way.

In the case of Hannay Lane and Frontage Road, that is right next to the Stone Ends restaurant, right next to 9W. They have a lot of truck traffic from Hannay Lane and the new Hamilton Lane in the back that come out and exit onto Frontage Road. Truck drivers not familiar with our area, don't realize that traffic coming off of 9W in a south bound direction, veers off onto Frontage Road there at approximately 45 miles per hour. Thus, many trucks have had very close calls not stopping at Frontage Road because there was no traffic control there and is none at this time. So, to establish that right-of-way and get those truckers on Hannay Lane to come to a complete stop and thus get a good look before they enter traffic on Frontage Road, we recommend the installation of the stop sign.

Can I answer any questions for any Members of the Board? Thank you.

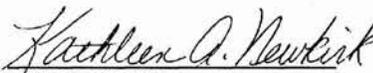
SUPERVISOR FULLER: Your memo was very specific to us, thank you. Anyone wishing to speak in favor? There were none. Anyone wishing to speak in opposition? There were none. May I have a motion to close the public hearing?

The motion was made by Mrs. Davis and seconded by Mrs. Lenhardt to close the public hearing at 7:40 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Webster.


Town Clerk

The Supervisor convened the regular meeting following the public hearing. She asked if the Board wished to vote on the adoption of the Local Law.

Local Law
No. 10, 1994
Adopted

The motion was made by Mr. Putney and seconded by Mrs. Davis to adopt Local Law No. 10 of 1994 pertaining to Amending the Code of the Town of Bethlehem, Vehicle and Traffic Article VI, Section 119-33, Schedule VII, Stop Intersections for various intersections as stated in the Local Law. The motion was passed by the following vote:

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

NYS Bldg.
Officials
Conference

The following item was a request from John Flanigan, Building Inspector for attendance at Executive Board Meeting of the NYS Building Officials.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the attendance of John Flanigan, Building Inspector, and Kevin Shea, Assistant Building Inspector, at the Executive Board Meeting of the NYS Building Officials to be held December 2, 1994 in Binghamton, NY with approval of use of Town vehicle. The motion was passed by the following vote:

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

Adopt
Corrected
Resolution
re: Bonding
For Water
Treatment
Facility

The next item was a request from the Comptroller regarding adoption of resolution regarding bonding for water treatment facility due to omission of wording on originally adopted resolution.

RESOLUTION DATED NOVEMBER 22, 1994, AMENDING A BOND RESOLUTION DATED JANUARY 22, 1992, (the "1992 Resolution"), AS AMENDED BY RESOLUTION ADOPTED JULY 27, 1994, TO PERMIT THE ISSUANCE OF OBLIGATIONS TO FINANCE IMPROVEMENTS TO FACILITIES OF WATER DISTRICT NO. 1 WITHIN SAID TOWN FOR A PERIOD NOT EXCEEDING 40 YEARS.

Section 1. Section 4 of the 1992 Resolution is hereby amended to read as follows:

Section 4. It is hereby determined that the purpose described in Section 2 above is a purpose described in Subdivision 2 of Paragraph a. of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is forty (40 years);"

Section 2. This resolution may be published in the official newspaper of the Town with the notice prescribed by Section 81.00 of the Local Finance Law.

Section 3. This resolution shall take effect immediately upon adoption.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to adopt the foregoing resolution. The motion was adopted by the following vote:

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

Go To Bid
Materials
and
Chemicals
1995

The following item was a request from Commissioner of Public Works, Bruce Secor, for approval to go to bid for Materials and Chemicals for 1995.

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

WHEREAS, the Town desires to advertise for bids for Materials and Chemicals for 1995 for the Town of Bethlehem, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 30th day of November, 1994 and that bids be received up to 2:00 and 2:15 p.m. on the 13th day of December, 1994 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The next item was a request from the Comptroller for approval of transfer of funds. The Supervisor noted this transfer is due to unanticipated delays with regard to improvements and construction of additional facilities for the municipal training center. These funds have been largely unexpended in 1994.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the transfer of funds to the Capital Reserve Fund for improvements and construction at the Municipal Training Center as follows:

<u>Incr/Decr</u>	<u>Acct.</u>	<u>Acct. Title</u>	<u>Amount</u>
Decrease	9730.6	BAN Principal	\$63,000.
Decrease	9730.7	BAN Interest	5,100.
Decrease	3410.2	Fire Prevention	3,715
Decrease	3410.4	Fire Prevention	99,785.
Increase	9910.9	Transfers Out	171,600.

Transfer
Funds
For
Improvements
and
Construct.
Municipal
Training
Center

The motion was passed by the following vote:

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

The following item was a request from Comptroller Kehoe pertaining to transfer of funds pertaining to the year end review and expected transfers from contingency to other budget codes to cover anticipated expenditures. Mrs. Kehoe explained these transfers.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the following transfer of funds as recommended by Comptroller Kehoe:

<u>Incr/Decr</u>	<u>Acct.</u>	<u>Acct. Title</u>	<u>Amount</u>
Decrease	9901.9	Transfer Out	\$200,000.
Decrease	9010.8	ERS Contribution	5,000.
Decrease	9015.8	PRS Contribution	14,000.
Decrease	9060.8	Health Insurance	40,000.
Decrease	9030.8	FICA Tax	7,000.
Decrease	1910.4	Liability Insurance	17,000.
Increase	1450.4	Election Chargebacks	115,000.
Increase	1990.4	Contingency	168,000.

Transfer
of Funds
From
Contingency

The motion was passed by the following vote:

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

Transfer
Funds
Highway
Dept.

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of transfer of funds to cover the purchase of additional sign materials and posts for both roadway and street signs; to cover increased tonnages being delivered to ANSWERS by local haulers under the Town permit; and to cover routine costs of fuel, supplies and maintenance projects during December.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the following transfers:

FROM:	A.3310.4	Signs & Signals, Contractual	\$8,000.
TO:	A3310.2	Signs & Signals, Equipment	8,000.
FROM:	A1990.4	Contingency, Contractual	\$100,000.
TO:	A8160.4	Sanitation, Contractual	100,000.
FROM:	D.9060.8	Hospitalization, Health Ins.	\$35,000.
TO:	D.5110.4	General Road Repair, Contrac.	15,000.
	D.5130.4	Machinery, Contractual	10,000.

The motion was approved by the following vote:

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

Establish
Capital
Reserve
Fund for
Composting
Facility

The next item was a request from Comptroller Kehoe to establish Capital Reserve Fund through supplemental appropriation in the General Fund pertaining to the establishment of the composting facility to be constructed in 1995. Mrs. Fuller said the purpose of the reserve will be to finance a portion of the total cost, which will approximate \$950,000.

The Supervisor noted a resolution must be adopted regarding the permissive referendum.

Resolution to Establish Capital Reserve Fund
for Creation of a Composting Facility

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, the Town Board does hereby establish a Capital Reserve Fund to finance the cost of construction of a Composting Facility.

It is the intent of this board to accumulate part of the cost of the composting facility the maximum cost of which is estimated to be \$950,000.

The Town Supervisor is authorized to invest, from time to time, the moneys of this fund pursuant to Section 11 of the General Municipal Law.

FURTHER RESOLVED, that this resolution is subject to a permissive referendum as provided by Local Finance Law section 35.

The foregoing resolution was presented for adoption by Mr. Lenhardt, seconded by Mr. Putney and passed by the following vote:

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

Establish
Capital
Reserve
re: Landfill
Closure
Costs

The following item was a request from Comptroller Kehoe to establish Capital Reserve Fund pertaining to landfill closure costs. Supervisor Fuller noted this is a request to establish a repair reserve fund for landfill closures in the amount of \$150,000 through a supplemental appropriation in the general fund.

Resolution to Establish Repair Reserve Fund for Landfill Closures

RESOLVED, that pursuant to Section 6-d of the General Municipal Law, as amended, the Town Board does hereby establish a Repair Reserve Fund to finance the cost of landfill closures.

The Town Supervisor is authorized to invest, from time to time, the moneys of this fund pursuant to Section 11 of the General Municipal Law.

The foregoing resolution was presented for adoption by Mrs. Davis, seconded by Mr. Putney and passed by the following vote:

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

Resolution to Approve a Supplemental Appropriation

RESOLVED, that pursuant to Town Law Section 112, the Town Board does hereby approve a supplemental appropriation in the amount of \$800,000, from unappropriated cash surplus within the general fund. The purpose of said appropriation shall be to finance the creation of the capital reserve fund for the composting facility, in the amount of \$650,000, and to finance the creation of the repair reserve fund for the landfill closures, in the amount of \$150,000.

The foregoing resolution was presented for adoption by Mr. Putney, seconded by Mr. Lenhardt, and passed by the following vote:

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

The next item was a recommendation from Commissioner of Public Works, Bruce Secor, for release of bonding pertaining to Contract 1A, Groundwater Infiltration System, Water Supply Expansion Facilities. Mr. Secor explained a 5 percent retainage for one year to guarantee that the 1 year of guaranteed workmanship has been completed. There is no outstanding work to be done, according to Mr. Secor, and the final inspection has been done.

Release
of bonding
re:
Contract
1A
Water
Supply
Expansion

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the release of securities, five (5) U.S. Savings Bonds, Series EE, to Florida Gulf Construction following completion of the work and the one year period to hold these securities in regard to Contract 1A, Groundwater Infiltration System, Water Supply Expansion Facilities. The motion was passed by the following vote:

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

The following item was a request from Karen Pellettier, Director, Senior Services Department, for approval of attendance at Entitlement Advocacy & Skill Building workshops.

Seminar
Senior
Citizens
Services

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the attendance of Senior Services Department personnel at Entitlement Advocacy & Skill Building workshops to be held November and December of 1994 at Albany, NY with a total cost of \$100. paid. The motion was passed by the following vote:

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

The next item was a recommendation from David Austin, Administrator of Parks & Recreation Department, to accept a grant from Hudson River Foundation.

Accept
Grant
from
Hudson
River
Foundation

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to accept with gratitude a grant from Hudson River Foundation in the amount of \$10,000. toward the construction of a boat launch at Henry Hudson Park, Cedar Hill, Town of Bethlehem and approved the Supervisor signing the agreement. The motion was passed by the following vote:

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

Supervisor Fuller thanked Mr. Austin and Mr. Putney for their help in securing this grant.

Supervisor Fuller asked if anyone wished to speak to the Board. There were none. She wished everyone a very happy Thanksgiving.

The Supervisor asked for a motion to meet in Executive Session to discuss negotiations and personnel matter.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to meet in Executive Session following the regular Town Board meeting to discuss negotiations and a personnel matter. The motion was passed by the following vote:

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

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to adjourn the regular Town Board meeting at 7:50 p.m. The motion was passed by the following vote:

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

Kathleen D. Newkirk
Town Clerk

EXECUTIVE SESSION

Executive
Session

There was no formal action taken at the Executive Session.