

TOWN BOARD
NOVEMBER 25, 1997

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
Freeman T. Putney, Councilman
George Lenhardt, Councilman
Doris M. Davis, Councilman
Robert C. Johnson, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

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Supervisor Fuller welcomed everyone to a regular meeting of the Town Board of the Town of Bethlehem. She asked Councilman Johnson to lead the pledge of allegiance. Supervisor Fuller thanked Councilman Johnson.

Receiver of
taxes and
Assessment
request for hiring
temporary clerks

The first item on the agenda was a request from Nancy Karins Mendick, Receiver of Taxes and Assessments, for approval of hiring of temporary clerks to assist in the preparation of 1998 property tax bills.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the appointment of temporary clerks as requested by Receiver of Taxes and Assessments, Nancy Karins Mendick, as listed in her Memorandum dated November 12, 1997 at the titles and rates indicated. The motion was passed by the following vote:

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

Michael Cirillo
request acceptance
of deed 74
Delaware Avenue

The next item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of a deed for 74 Delaware Avenue, Delmar.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the acceptance of a deed for corner curve purposes at 74 Delaware Avenue, Delmar, NY from Dr. Virginia Plaisted. The motion was passed by the following vote:

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

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Councilman Davis noted it the new addition was very impressive and it was great to see businesses expanding. Supervisor Fuller said it looks good.

Adopt resolution
authorizing
reconstruction
and addition
to Town Hall

The next item was to consider adoption of a resolution authorizing reconstruction and addition to Town Hall including new electrical service, emergency power generator, elevator and enclosed stairway to second floor; and authorize expenditure of funds from General Fund Capital Reserve to finance portion of costs.

Supervisor Fuller asked Mr. Lomonaco of Lomonaco & Pitts, Architects PC of Troy, NY to give a brief overview of the proposed additions. Mr. Lomonaco said the contract drawings and specifications have been finished since the last time this was discussed. He said they are ready to go out to bid for the addition. He said the project has grown slightly since it was first proposed. The major addition is a new emergency generator system for the entire building complex. He said this is one of the changes.

Mr. Lomonaco reviewed the proposed 2 story addition of approximately 2600 square feet on the back corner of the building. He said this addition will provide handicap accessibility from accessible parking areas. He said there is a small closet area provided at the entrance and then you enter the entranceway. He explained the addition is all masonry construction similar to the existing structure.

The first floor plan showed the entrance through the accessible doors which can be opened manually or power operator will provide power assist on the door. Upon entering the vestibule which is at grade level to the parking lot, there is a choice to enter the set of stairs to the first floor level or move to the elevator with access to the first and/or second story. He said there is also an associated stair which would provide emergency exit with the elimination of the existing exterior metal fire escape. He said the balance of the first floor includes 2 closets -- 1 for storage and 1 for the elevator machinery equipment. He explained the second level provides a continuation of the hallway which provides emergency exit from the upper floor level and the balance will provide additional space for the Building Department. Mr. Lomonaco said in general this is the scope of the work.

Mr. Lomonaco said the emergency generator will be a piece of self-contained diesel equipment that would be placed immediately adjacent to the fueling area in the rear of the Police Department. He said the generator will have the capability of completely powering the building in the event of an emergency, including air conditioning throughout the building. He said this would be a building available in any emergency. He said it includes a new electrical service for the building because the existing service did not have the capability of supporting the new elevator. He further noted this will be an upgrading of the electrical service.

Mr. Lomonaco said another piece added since the last time, is some work on the parapet around the entire existing building, including some re-pointing and some re-flashing of the parapets.

Mr. Lomonaco explained that is the overall scope of the project. He said the laws require that there be a minimum of 3 contracts associated with the construction. One general construction contract that would do most of the general construction. The second would be a heating contract which would include the heating work, very little plumbing work, however, this work is folded into the heating/mechanical contract. The third would be an electrical contract including the electrical work within the new addition and the new electrical service and new generator.

The contract documents have been completed and reviewed by Town Engineer, Bruce Secor, according to Mr. Lomonaco. The bid process can be done some time after the first of the year; receive bids from the middle of winter; and allow construction to begin in the spring time and complete the construction approximately 5 or 6 months later in the early fall. Mr. Lomonaco indicated there is some long lead time on these and that is why the construction is extenuating. He said the elevator and the emergency generator, and some of the electrical switch here requires months of ordering time.

Mr. Lomonaco said he thought Mr. Secor has shown the construction costs for the project which can be reviewed. He said the basic construction package is about \$670,000 including the general construction, the mechanical work and the electrical work. He said some other smaller line items include \$15,000 for technical services during construction -- essentially this means the clerk of the works during the construction period because that clerk will be required to coordinate the work of the 3 prime contractors on the job. A temporary handicap access ramp which is designed and nearing completion on the Police station side of the building, architectural engineering fees and added a line item for construction contingency should there be any change or unexpected conditions found for a total of \$780,000. Mr. Lomonaco said he hopes they will see a savings on the total cost due to going to bid during the winter. He said the final cost will be established with the bids.

Supervisor Fuller thanked Mr. Lomonaco. Questions were fielded from the Board Members regarding the handicap entrance door, temporary handicap ramp and addition. Mr. Lomonaco and Mr. Secor answered all questions. Mention was made that the ramp constructed at the Police Department side of the building will probably be in use for a long time due to its construction and durability. Mr. Secor said the sidewalk will be improved in the spring along with lighting to improve the illumination in the area. Supervisor Fuller noted the front of the building had been looked at but it was more costly. Mr. Secor said the front interior partition would have had to be removed, stored, put the temporary work in with a wood ramp on the outside and then remove and put the entrance back together. He said the newly constructed ramp provides access to the courtroom. Councilman Davis noted it really is not a temporary ramp. Mr. Secor said it started out as a temporary ramp but it is an access ramp.

The following resolution was presented:

RESOLUTION AUTHORIZING RECONSTRUCTION AND ADDITION TO TOWN HALL INCLUDING NEW ELECTRICAL SERVICE, EMERGENCY POWER GENERATOR, ELEVATOR AND ENCLOSED STAIRWAY TO SECOND FLOOR; AND ALSO AUTHORIZING EXPENDITURE OF FUNDS FROM GENERAL FUND CAPITAL RESERVE TO FINANCE PORTION OF COSTS.

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to undertake the following improvements to Town Hall: reconstruct the Northeast corner of the building along with construction of a building addition to allow installation of a new elevator; construct a new entrance vestibule; construct storage areas for mechanical equipment and materials; a new enclosed stairway from the second floor which will meet current building code requirements for fire exits; improve handicap accessibility for the building; replace outdated electrical equipment; install new primary electrical service to building; replace the 20 year old emergency generator with a larger emergency generator capable of running the entire building; (the current generator can only carry part of the building); repair masonry parapets and other related work, and,

WHEREAS, it is estimated that the costs of said improvements will be approximately \$780,000 and,

WHEREAS, in recognition of these needs, a portion of the funds for such construction and reconstruction have been placed in the General Fund Capital Reserve Account; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete these improvements to Town Hall; and,

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve monies to fund this project up to a maximum amount of \$300,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the General Fund Capital Reserve Account funds necessary up to \$300,000 in said reserve fund; and,

This resolution shall be subject to a permissive referendum, as set forth in Article 7 of the Town Law.

The motion to adopt the resolution was made by Mr. Lenhardt, second by Mr. Johnson and duly adopted by the following Vote:

AYES: Mrs. Fuller, Mr. Putney, Mr. Lenhardt,
Mrs. Davis, Mr. Johnson.
NOES: None.

Following was the presentation of the Bond resolution as follows:

BOND RESOLUTION, DATED NOVEMBER 25, 1997, AUTHORIZING THE ISSUANCE OF UP TO \$480,000 SERIAL BONDS OF THE TOWN OF BETHLEHEM, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE CONSTRUCTION OF AN ADDITION TO AND THE RECONSTRUCTION OF TOWN HALL AND APPROPRIATING THE PROCEEDS TO SUCH PURPOSE.

Recital

BE IT RESOLVED by the Town Board of the Town of Bethlehem in the County of Albany, New York, as follows:

Section 1. The Town of Bethlehem, in the County of Albany, State of New York, shall issue its serial bonds in the aggregate principal amount not to exceed \$480,000 pursuant to the Local Finance Law of New York, to finance the specific object or purpose hereinafter described.

Section 2. The specific object or purpose (hereinafter referred to as "purpose:") to be financed by the issuance of such serial bonds is the construction of an addition to and the reconstruction of Town Hall, a building of Class "A" construction as defined in the Local Finance Law of New York, including but not limited to the construction of an addition to permit the installation of a new elevator, the construction of an entrance vestibule, new storage areas, new stairway and the installation of new electric service and generator, and related costs. The proceeds of such obligations are hereby appropriated to such purpose.

Section 3. It is hereby determined and stated that the estimated maximum cost of such purpose as heretofore determined by the Town Board is \$789,000 and that no money has heretofore been authorized to pay the cost of such purpose and the Town Board plans to finance the cost of such purpose entirely from funds raised by the issuance of the obligations authorized by this bond resolution and by applying \$300,000 to said purpose from the Town's General Fund Capital Reserve Account.

Section 4. It is hereby determined that the purpose described in Section 2 is a purpose described in Subdivision 12 of Paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is ten (10) years.

Section 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said serial bonds shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said serial bonds and any notes issued in anticipation of said serial bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and any notes issued in anticipation of the sale of said serial bonds. Such bonds and notes shall be general obligations of the Town, and the Town shall be obligated to levy ad valorem taxes on all property taxable by the Town as may be necessary to pay such bonds or notes and the interest thereon, without limitation as to rate or amount. Provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the serial bonds and any notes issued in anticipation thereof to mature in such year for which a provision is made to renew said notes, and (b) the payment of interest to be due and payable in such year. If the Town incurs any cost with respect to the purpose described in Section 2 prior to the issuance of any such serial bonds or any such bond anticipation notes, the Town expects to utilize general or special fund revenues to pay such cost and intends to reimburse itself therefor for such costs with the proceeds of such serial bonds or such bond anticipation notes. This declaration of intent to reimburse is made pursuant to the requirements of the United States Treasury Regulations Section 1.103-19 and is intended to constitute a declaration of official intent under such regulations.

Section 6. Subject to the terms and conditions of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00, inclusive, of the Local Finance Law the power to authorize bond anticipation notes in anticipation of the issuance of the Serial Bonds authorized by this resolution and the renewal of such notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell and deliver such serial bonds and any bond anticipation notes issued in anticipation of the issuance of such

bonds is hereby delegated to the Supervisor, the Chief Fiscal Officer of the Town. The Supervisor is hereby authorized to sign any serial bonds, and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of such Town to any such serial bonds or such bond anticipation notes and to attest such seal.

Section 7. After this resolution takes effect, this resolution shall be published in full by the Town Clerk of such Town together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law and such publication shall be in a newspaper having a general circulation in said Town and published in Delmar, in the County of Albany and State of New York. The validity of such serial bonds may be contested only if such obligations are authorized for purposes for which such Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provision of the Constitution of the State of New York.

Section 8. The Town will comply with the applicable provisions of the State Environmental Quality Review Act before any contracts are entered into, any expenditures are made or any obligations are issued for the purpose to be financed with the foregoing obligations.

Section 9. This resolution is subject to permissive referendum and shall take effect in the manner provided in Article 7 of the Town Law.

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

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

Noes: None.

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Supervisor Fuller thanked Mr. Lomonaco.

Comptroller
approval of
Capital Reserve
Funds changes

The next item was a request from Judith Kehoe, Comptroller, for approval of Capital Reserve Funds changes. Supervisor Fuller asked Mrs. Kehoe to give a brief overview for the Board's information. Mrs. Kehoe noted this is the annual memorandum to the Board asking for a chance to close out the funds that are no longer required. She said this is a combination memorandum this year because it also includes some housekeeping items that were the result of the State Comptroller's audit.

Mrs. Kehoe noted one of the items had to do with the landfill closure reserve. She said when it was originally set up in 1994, it was done under Section 6d which appeared to be appropriate based on what was in the Comptroller's manual and the auditors informed Mrs. Kehoe that there is a new Section 6e and it needed to be changed. She noted this is the first resolution. It does not affect the purpose or any means of expending out of the fund, just changes the classification of the fund, according to Mrs. Kehoe.

Mrs. Kehoe noted the others are consolidating some of the other funds into the water and sewer reserves and closing out the sewer treatment project that had about \$3,600 in it, combining it into the main sewer reserve.

The following resolution was presented:

Resolution to
reclassify
repair reserve
fund for
Landfill
closures

RESOLUTION TO RECLASSIFY
REPAIR RESERVE FUND FOR
LANDFILL CLOSURES

WHEREAS, the Town Board of the Town of Bethlehem established a repair reserve fund for landfill closures at their regularly scheduled meeting on November 22, 1994;

WHEREAS, it was created pursuant to Section 6-d of the General Municipal Law, as amended, and it should have been created pursuant

to Section 6-o of the General Municipal Law, which governs solid waste management facility reserves;

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

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

No expenditure shall be made from this fund, except upon authorization of this board pursuant to Section 6-c of the General Municipal Law, and subject to permissive referendum if required by law.

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

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

Noes: None.

Absent: None.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the transfer of \$3,592 from the Sewer Treatment Plant Project into the Sewer Capital Reserve Fund; the transfer of \$143,000 from Pump Station and Sewer Main Project to Sewer Capital Reserve Fund; and the transfer of \$400,000 from Water District No. 1, Major Equipment Repair to the Water Capital Reserve Fund as recommended by Comptroller Kehoe. The motion was passed by the following vote:

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

Noes: None.

Approval for transfer of \$3,592 from Sewer treatment Plant Project to Sewer Capital reserve fund and transfer \$143,000 from Pump Station to Sewer Capital Reserve Fund

The next item was a recommendation from Comptroller, Judith Kehoe, for adoption of revisions to Personnel Policies. Supervisor Fuller said basically this is the employee handbook that work has been done for 2 years regarding the update. She indicated Department Heads have been informed and these changes were discussed. She further noted a consultant discussed some of the updates that could be done to get the Town in line with the fair labor standards act. Mrs. Fuller said basically this has been discussed over the years and tonight it was time to vote on adoption of the changes. She said most employees will understand what is involved. She noted the Department heads that have been met with have expressed some mixed feelings on adoption of these changes. She said on the whole she thinks everyone is in agreement and there are some things that need to be looked at. She noted Senior Citizen Director spoke with her regarding concerns with the flex time regarding exempt, non-exempt employees. Concern was for the senior programs to remain the same with the changes and Supervisor Fuller indicated this would be monitored closely. She asked if there were any questions.

Comptroller adoption of revisions to personnel policies

Councilman Johnson said he thought it was a very thorough document, very well done. Supervisor Fuller said she thinks it will clarify a lot of things for the employees. She said when the manual is handed out to each Department head to sign for it and become familiar with it. Supervisor Fuller thanked Comptroller Kehoe.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the adoption of revisions to the personnel policies. The motion was passed by the following vote:

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

Noes: None.

Supervisor Fuller explained this goes in effect January 1, 1998. Mrs. Kehoe noted the changes have now been incorporated into the Employees Manual.

Request from
Norris
MacFarland
amendment
to Delmar
Village
Building
Project
Approval
Extension of
time

The next item was a request from Norris MacFarland for amendment to Delmar Village Building Project Approval pertaining to an extension of time. She said they have been in litigation since 1992 which prevented the project from moving forward. She said they anticipate no significant changes in the project other than the elimination of 20 house lots due to Federal wetlands. She said they have asked for an extension to begin construction from June 30, 1995 to June 30, 1999. She said the second request is completion of Fisher Boulevard which is the extension to Delaware Avenue completion to December 31, 1999. Building Inspector Flanigan wished to bring the Board up-to-date with regard to the numbers. He said under the Building Project Approval that was approved in 1993 which for reasons the developer was not able to meet, the Town Board did do an authorization for it for the extension of time and put the construction to start construction at June 30, 1995 and of course, that has gone by. He said the total completion of the project was to be June 30, 2003. He said the applicant has requested the time be extended. He said there were some circumstances in there other than the wetlands and some other problems that they ran into during the period of time and the Town Board on its own motion can extend the time according to the rules and regulations of the Town. Mr. Flanigan said he refers to section A13, the building project approval may be amended or modified by the Town Board upon the written request of the owner or at the instigation of the Town Board itself and amendments or modifications so instigated by the Town Board shall be limited to insignificant type changes. He said there is quite a list and the Town Board can do this on their own motion. He recommended that the time limits as requested that the Board would go along and extend this. He said there is one thing and he has talked to the developer on several occasions on the phone and met with him once, the point that this was going to be built exactly as it was originally approved, no changes other than what the wetland problem that came up which would diminish the number of homes to be built by some 20. He said this is not making it any larger. He said there are a few things that these dates should be in there. Would amend paragraph A4, extend beginning of construction no later than June 30, 1999, and A4b extend completion date to December 31, 2007. He said in paragraph H6 extend Fisher Boulevard extension construction completion date to December 31, 1999. He said that was a major point in all of the past feelings on this project, that Fisher Boulevard would get extended to Delaware Avenue. He said in paragraph A21 extend balance of recreation facility construction completion to July 1, 2001. He said this means it has to be completed. He proceeded to read this section for the Board's information. Attorney Kaplowitz asked what the 2007 date was that was mentioned. Mr. Flanigan that would be for completion of the entire project. Attorney Kaplowitz asked if the Planning Board was doing this in every case, including a completion date. Mr. Flanigan said they have on some of the previous Building Project Approvals. Attorney Kaplowitz said he has a problem with it, it is market conditions and things like that that decide when they are going to be completed. He said it creates a problem unless there is a reason. Mr. Flanigan said the major points in this building project is that Fisher Boulevard gets extended up front. Attorney Kaplowitz said this was different and it was expected. Mr. Flanigan said this refers to the Certificate of Occupancy and the fact that the recreational facilities must be completed. He said the time limits have worked very well in the past. He said they got in the middle of some different things but this is what they are requesting.

Supervisor Fuller questioned if this could be done by motion of the Town Board. Building Inspector Flanigan indicated that was correct. Councilman Putney said he had a concern about the extension of Fisher Boulevard. He said that is the only part of the Delmar Bypass Extension that is incomplete. He said if this was started as a need 8 or 10 years ago and in the mean while there has been a significant amount of development along Fisher Boulevard and considerable decrease in the quality of the traffic situation in Slingerlands, it is the completion of this part of Fisher Boulevard that would take care of the problems that have been seen in the Slingerlands area. He said he is questioning the need or the desirability to extend the completion date on Fisher Boulevard. He

questioned why that was necessary. Mr. Flanigan said that is necessary because in H16 Fisher Boulevard extension, which is in the Building Project Approval, that date was December 31, 1995 which has gone by. Councilman Putney said he understands that. He said why should this be allowed for another 2 years for this to happen. Mr. Flanigan said so they can start the project. He said if the date is not extended, they cannot start the project. Councilman Putney said the Board could require that Fisher Boulevard be completed before the rest of the project is completed as part of the whole process. Mr. Flanigan that is the first thing. Councilman Putney said there is a need for the extension of Fisher Boulevard. Mr. Flanigan said that is the first thing they have to do when they start the project.

Councilman Davis said she thought the other dates were 2003 and 2007, so that is the first stage. Mr. Flanigan said there are quite a few different things in the Building Project Approval. He said one of them is that Fisher Boulevard is up front. Councilman Putney asked how long it would take to do the Fisher Boulevard work. The proposal is to grant them 2 years from now in order to complete it. He said it is not going to take them 2 years to build that road. Mr. Flanigan said this would be if they started immediately. He said he did not know if they were ready to start right away. Supervisor Fuller said we do not know when they are going to start.

Mr. Flanigan said he did not think a developer would buy it unless he knew what he had to do with the time limits. Councilman Putney said it was not going to take 2 years to complete Fisher Boulevard if they start pretty soon. Mr. Flanigan said it depends on what they run into. He said he cannot tell that, that is an engineering problem. Councilman Putney said he had difficulty believing that it would take 2 years to complete Fisher Boulevard. Mr. Flanigan said back in the extension last time, that was put in there in 1993, it was given to December 31, 1995 and that was 2 years. Councilman Putney said the need for this road has increased and the conditions have worsened considerably since this was first proposed and a solution looked at. He said he is having a great deal of difficulty going along with the notion of giving them another 2 years. He said it seems to him that they could very well have 1 year to do it as a requirement for their ability to do the rest of the project. Mr. Flanigan said he did not disagree with the point because he thinks Fisher Boulevard should be built. Supervisor Fuller said she thinks they understand that. She said this project basically has been approved, it is just a case of timing to get it done.

Mr. Secor said he agreed with Councilman Putney as far as the time limit, that is a 1 season construction, indicating the problem with the situation they are caught in, the set of drawings that were approved under the Building Project Approval had the layout which was in place before the wetlands. So, Mr. Secor indicated the first thing they have to do is if they get a new builder, the new builder is going to have to come back in to the Town Board for a modification to the Building Project Approval to do a new layout that will show the new lot lines around the wetlands. So, there are some regulatory things in this first. He said they can go out and start construction of the bypass but they would not have approved lots to build on which means they probably cannot get their financing. So, Mr. Secor said because of the regulatory thing that they got hit with after the plans were approved by the Town, the Federal government stepped in and took away 20 or 30 lots. He said it is going to cause them to change the lot lines. He said there is some regulatory time to come back through the Town to get those plans approved. Councilman Putney asked if that was going to change the extension of Fisher Boulevard. Mr. Secor said it would not but he thinks the problem is they have to dig in their pocket, it is about an \$800,000 or \$900,000 clip to put in their pocket to put that road in. He said he thinks this is part of the problem because they cannot approach a bank for this. He said the point of the 1 or 2 year project, the construction of the road if they are ready to move forward could be done in 1 season. He said he thought the request was reasonable because of the other factors involved.

Councilman Davis asked Mr. Secor if this could be comprised somehow due to the fact this has been extended and extended. She

said maybe at this point it is time to say we are not going to extend this any more if it is not done by 1999. Councilman Putney said he feels it should be one year from now rather than 2 years. He said he is loosing his patience for this whole thing. Councilman Davis said maybe there needs to be some finality here. Councilman Putney said there is a major need for the extension of the road so that you end up finishing the extension of the Delmar Bypass all the way to New Scotland Road. Mr. Flanigan said there is no question about the need for the road but suppose the developer did not have someone or they did not find a developer ready to go, that could sit there for more than 5 years without being built. He said then you may never get it. He said he refers to A19, prior to the issuance of a building permit for any single family or multi-family dwelling in Planned Residence District No. 11, the requirements of H14a and H16 concerning the construction of Fisher Boulevard extension and conveyance of right-of-ways, the requirements of Fisher Boulevard extension shall be met. He said in other words, before any permits are issued, the street has to be completed.

Mr. Bob Wakeman, representative of Delmar Village, said he agrees with everything Mr. Flanigan and Mr. Secor said. He said part of the economics of the project are concerned is that the owner of the property does not yet have a developer, buyer that is going to take over the project. He said that is why the litigation was going on. He said the economics require a developer to come in and in accordance with the Building Project Approval build Fisher Boulevard first and then only then start the construction of the single family development and apartment lots. He said a developer is not going to be able to get financing without it. He said he thought Mr. MacFarland made a request that we all considered thoughtfully and considered reasonably, if that time that he has requested is shortened, in his opinion having lived with this project for the last almost 20 years, it is has been hard enough to find a developer to take over the project now, he thinks it will be impossible to find a developer that is willing to go in with that kind of gun to the head and say -- they are going to invest \$200,000, \$300,000 in redesigning this project and going forward only to find that maybe they are out of time with respect to development of Fisher Boulevard. He said they consider that the best way to find a developer, to make this project go, is to have a reasonable time period for the commencement of construction of Fisher Boulevard and if that time period is 1 year as opposed to 18 months, I think the developers they are talking to now will just say forget it we are not interested and in his view that would mean the Building Project Approval for Delmar Village will lapse and then they will have to start all over again. So, he said if the goal is to get Fisher Boulevard built as quickly as possible, he thinks they have to give the developers they are talking to a reasonable period of time to get it done. He said certainly they as the owners and sellers of the property want to progress this property, this approval process and the construction of Fisher Boulevard as quickly as possible so that the owners get paid and the project goes and the Town gets Fisher Boulevard.

Supervisor Fuller thanked Mr. Wakeman and asked if there were any other questions or comments from the Board.

The motion was made by Mrs. Fuller for approval of the time extension for Delmar Village as requested by Mr. MacFarland to December 31, 1999 on the completion of Fisher Boulevard and extending the construction of no later than June 30, 1999. The motion was seconded by Mr. Lenhardt and passed by the following vote:

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

Councilman Putney motioned the amendment of paragraph H6 to December 31, 1998 rather than 1999. He said he thinks that is a reasonable time to allow for the extension. There was no second.

Building Inspector Flanigan said there was a need for a motion to direct the Planning Department to prepare the amendment.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to direct the Planning Department to prepare Amendment No. 3 to Building Project Approval No. 24 and authorize the Supervisor to sign the amendment. The motion was passed by the following vote:

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

Noes: None.

Supervisor Fuller said for clarification to Mr. Wakeman, the Memorandum was approved as Mr. MacFarland submitted it.

The next item was to consider referral to the Planning Board of a proposal pertaining to the VanDerpoel property located on the east side of Route 9W, Glenmont, currently zoned Planned Commercial District, to permit a mini-storage warehouse facility. Supervisor Fuller said this request came to the Town Board asking if the Board would consider this facility. She said the Board's role would be to send it on to the Planning Board providing the Town Board feels positive about entertaining this proposal. She said it requires a zone change. She asked Mr. Flanigan to give some background about this item.

Consider referral to Planning Board proposal pertaining to Vanderpoel property to permit mini-storage warehouse facility

Building Inspector Flanigan indicated it did not need a change of zoning. He said the Planned Commercial District zoning is on the parcel at this time due to a previous proposal on Route 9W. Supervisor Fuller asked if this allows for the mini-warehouse. Mr. Flanigan said this does not allow by specific use, it is not listed. He said under Planned Commercial District under schedule A, these storage facilities are new in the area of zoning, it is not a listed use under the Planned Commercial District. He said at the bottom of the listing in Planned Commercial District it says any other suitable use as recommended by the Planning Board and approved by the Town Board. He said the Town Board could ask the Planning Board for their recommendation on whether they feel this would be a suitable use in the area. If the Planning Board feels that it is, it would come back to the Town Board and the Board voted in favor of it, then you could go on for the Building Project Approval. He said it is in order to send this on to the Planning Board and Planning Department for their recommendation regarding this being a suitable use.

Councilman Davis asked when the list was composed. Mr. Flanigan said it was done by Mr. McCormick many years ago. Councilman Davis asked if this kind of storage unit was very rare. Mr. Flanigan said yes but there is a need for them. He said the ones on West Yard Road are full. He said the ones built on Thatcher Street are full and you will notice in the Town of New Scotland, the Wagner brothers just put one up across from town hall in the Town of New Scotland. Attorney Kaplowitz said they are not so unique due to Mr. Flanigan listing 3 of them. Councilman Lenhardt said to call these warehouse facility is probably an over statement, these are storage sheds. Councilman Davis said we are not talking heavy truck traffic, we are not talking commercial truck traffic. Mr. Flanigan said these are private storage units.

Councilman Davis said one question she has is she did not get a map as an enclosure. Mr. Flanigan said what he think the Supervisor just related to is the VanDerpoels would like an idea if it is a feasible project before they go out and do a lot of spending to get an architect or engineer to do this. He indicated there were pictures of the units for information. Supervisor Fuller said the location is in Glenmont. Councilman Davis asked Mr. Flanigan if it is on Route 9W. Mr. Flanigan said it is not. Councilman Davis asked if this was being proposed for the middle of 9W. Supervisor Fuller said it is not, it is on the back of the property. Mr. Flanigan said it would be next to PIA. He said if this was the next parcel up it would be zoned Light Industrial and they would not need a Building

Project Approval. Supervisor Fuller said it will be situated on the small northern portion of subject property adjacent to Niagara Mohawk Power Corporation right-of-way. Ingress and egress would be by way of Chamberlain Street which is a Town road, according to Supervisor Fuller, with not more than 10 to 12 cars a day visiting the facility. Councilman Davis asked if this would be closer to the Thruway. It was indicated this was correct.

Councilman Putney asked if the 10 to 12 cars estimate is based upon full rental. Mr. VanDerpoel said actually from the figures he was working with, it was for a larger facility than this proposal. He said he is looking to do something about 1 or 2 acres in size.

Councilman Lenhardt asked if these were single story units. Mr. VanDerpoel said they were.

Councilman Davis said this shows another reason to update the code. Supervisor Fuller agreed.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to refer to the Planning Board for review and recommendation the proposal of a mini-storage warehouse facility from Mr. and Mrs. VanDerpoel for property located on the east side of Route 9W, Glenmont. The motion was passed by the following vote:

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

Supervisor Fuller explained the Planning Board reviews the proposal and sends a recommendation back to the Town Board. She indicated to Mr. and Mrs. VanDerpoel that she would be in contact following the referral being received back.

Commissioner of
Public Works
to go to bid
for Stationary
Emergency
Power Generator

The next item was a request from Bruce Secor, Commissioner of Public Works, for approval to go to bid for a Stationary Emergency Power Generator for the Public Works Garage. Could advertise December 3 and open bids 2:00 p.m. on December 11, 1997.

Supervisor Fuller explained the next item is a request for approval of transfer from the Sewer Fund of \$30,000 to fund the purchase of emergency response equipment. She said she needs a motion to go to bid first of all for an emergency power generator. She further explained the generator costs could be around \$20,000.

Resolution for
Stationary
Emergency Power
Generator

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

WHEREAS, the Town desires to advertise for bids for the purchase of a Stationary Emergency Power Generator for the Public Works Garage, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 3rd day of December, 1997 and that bids be received up to 2:00 p.m. on the 11th day of December, 1997 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Transfer from
Sewer Fund to
purchase
Emergency
response equip-
ment

Supervisor Fuller next asked for a motion to transfer from the Sewer Fund, \$30,000, as requested by Bruce Secor, Commissioner of Public Works, to fund the purchase of the emergency response equipment. She said this would include the emergency generator at the Public Works garage, as well as, a portable light tower.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the transfer of \$30,000 from the Sewer Fund to purchase emergency response equipment. The motion was passed by the following vote:

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

The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval of transfer of \$95,000. for cost of road materials, salt, fuel, etc. She said this is transferring out of the brush and leaves into snow removal.

Highway Superintendent for approval of transfer of money

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the transfer of \$95,000 for cost of road materials, salt, fuel, etc. as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

The next item is acceptance of proposed Overtime Agreement. Supervisor Fuller explained this basically is an overtime agreement between the Town and the canine officer, Wayne LaChappelle. She said she, the Comptroller, and Chief of Police were beginning to look at what is required when you have the canine officer that they are entitled to be paid for 2 hours of their day to take care of the dog. In bringing this into compliance with the law and saving the taxpayers a great deal of money so we were not faced with a law suit, Supervisor Fuller said this settlement was reached with Wayne LaChappelle in the amount of \$36,750. She said of that amount, \$18,000 will be paid to Wayne LaChappelle and \$18,750 will be paid to his attorney. She said the Town was represented by Michael Smith, Esq. and Mr. LaChappelle was represented by Jeff Chamberlain, Esq.

Acceptance of proposed overtime agreement between town and canine officer

Supervisor Fuller noted the Town of Bethlehem values the canine program and value Mr. Wayne LaChappelle and it has been stipulated that as long as he is employed with his dog as the canine officer and there is a date of September 30, 1998. She said this is all part of the agreement that Wayne LaChappelle has signed the agreement and she asked for approval from the Town Board for the Supervisor to sign the agreement.

Mr. Smith explained for a point of clarification, it is actually only \$750 actually going to Attorney Chamberlain. He said the second portion, the other \$18,000, is being paid over time. He said this was how it was broken out. He said Mr. LaChappelle will actually be receiving \$36,000. He said it is a matter of payment.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the Supervisor signing the Overtime Agreement in the amount of \$36,750. for Canine Officer Wayne LaChappelle. The motion was passed by the following vote:

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

The next item was to acknowledge receipt of Preliminary Plat for Westland Park, Section 4 Subdivision, Russell Road, North Bethlehem from the Planning Board for information purposes.

Receipt of Preliminary Plat for Westland Park

Receipt of
Preliminary
Plat for
Clearview
Subdivision

The following item was to acknowledge receipt of Preliminary Plat for Clearview Subdivision, Wemple Road, Glenmont from the Planning Board for information purposes.

Receipt of
Conditional
Approval
of Final
Plat Subdivision
lands owned
by Dudley

The next item was to acknowledge receipt of Conditional Approval of Final Plat for proposed Subdivision of lands of Lester H. and Betty Dudley, Route 9W and Neil Boulevard, Selkirk from the Planning Board for information purposes.

Receipt of
Conditional
Approval of
Final Plat
for the
Medwin Subdivision
No. 2

The next item was to acknowledge receipt of Conditional Approval of Final Plat for the Medwin Subdivision No. 2, Feura Bush Road from the Planning Board for information purposes.

Final plat
for Thompson
subdivision

The following item was to acknowledge receipt of Final Plat for the Thompson Subdivision, 300-304 Bender Lane from the Planning Board for information purposes.

Final plat
approval for
The Meadows

The next item was to acknowledge receipt of Final Plat Approval for The Meadows at Bethlehem, Section 2B from the Planning Board for information purposes.

Receipt of
final plat
approval Pinewood
subdivision

The following item was to acknowledge receipt of Final Plat Approval for Pinewood Subdivision, McCormack Road from the Planning Board for information purposes.

Final Plat
approval for
Vitillo Section 2
Subdivision

The next item was to acknowledge receipt of Final Plat Approval for the Vitillo Section 2 Subdivision, Elm Avenue and Elm Avenue East, Selkirk from the Planning Board for information purposes.

Receipt final
plat 2 lot
subdivision
of Collier

The following item was to acknowledge receipt of Final Plat Approval for 2 lot subdivision of Brian and Laura Collier, Delmar Place and Douglas Road, Delmar from the Planning Board for information purposes.

Approval of
October 22, 1997
minutes

The next item was to approve the Town Board minutes of October 22, 1997 as submitted.

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the Town Board minutes of October 22, 1997 as submitted. The motion was passed by the following vote:

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

Adjourn meeting
and to meet
in Executive
Session

Supervisor Fuller asked if anyone wished to address the Board. There were none.

Supervisor Fuller asked for a motion to meet in Executive Session following the close of the regular Town Board meeting to discuss a personnel matter.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to meeting in Executive Session following the close of the regular Town Board meeting to discuss a personnel matter. The motion was passed by the following vote:

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

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to adjourn the regular Town Board meeting at 9:15 p.m. The motion was passed by the following vote:

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

No formal act:
taken at
executive sess

Kathleen A. Newkirk
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.