

TOWN BOARD
NOVEMBER 28, 2001

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
Susan Burns, Councilman
Kathleen A. Newkirk, Town Clerk
Robert J. Alessi, Esq., Town Attorney

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

The first item on the agenda was a request from Bruce Secor, Commissioner of Public Works, for approval of access to property off the end of Queen Anne Drive and acceptance of release of easements and a right-of-way.

Councilman Davis asked if there was a corridor there that the Town has reserved as a potential thoroughfare. Mr. Secor said that was correct and he noted it is shown on the map. He said the Town of Bethlehem is asking for the release because the alternative right-of-way goes across another section of the corridor. Councilman Davis asked if this would affect the corridor because the applicant has agreed that the driveway will end at a Town road if one was constructed. Mr. Biscone said his driveway would no longer exist and only go from the road to the residence. Supervisor Fuller noted the permission lists 3 conditions that have to be followed.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve access to the property at the end of Queen Anne Drive and acceptance of easements and right-of-way. The motion was passed by the following vote:

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

The next item was to approve Supervisor Fuller signing the 2002 Animal Shelter Agreement with Mohawk and Hudson River Humane Society.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the Supervisor signing the 2002 Animal Shelter Agreement with Mohawk and Hudson River Humane Society. The motion was passed by the following vote:

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

The following item was a request from Terrence Ritz, Engineering Division, Department of Public Works, for approval of address number change, Salisbury Road for Normanside Country Club.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the following address changes for Normanside Country Club:

Clubhouse – 150 Salisbury Road, Delmar, NY 12054;

Pro-shop/maintenance building – 146 Salisbury Road, Delmar, NY 12054:
and
Pool house – 162 Salisbury Road, Delmar, NY 12054.

The motion was passed by the following vote:

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

The following item was a request from Engineering Division, Terrence Ritz, Department of Public Works, for approval of address change, Hamilton Lane, Glenmont.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the following numbers for Harrison and Burrowes, Hamilton Lane, Glenmont:

Storage building – 20 Hamilton Lane, Glenmont; and

Office building – 22 Hamilton Lane, Glenmont.

The motion was passed by the following vote:

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

The next item was a request from Jeffrey Dammeyer, Director, MIS, for adoption of a resolution for authorization of use of Capital Reserve Funds. Supervisor Fuller noted this had been discussed during the budget process. She said this is for the automation of the Building Department which had been postponed in 2001 to be done in 2002 because of Mr. Flanigan's retirement.

RESOLUTION AND PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 28th day of November 2001, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to fund the implementation of new software applications for Building Permits, Code Enforcement and Work Orders, and

WHEREAS, it is estimated that the costs of said work will not exceed \$95,000; and

WHEREAS, in recognition of these needs, funds for such purpose are in the General Fund Capital Reserve; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete these software installations; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$95,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the General Fund Capital Reserve the funds necessary up to \$95,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Ms. Burns, was seconded by Mr. Lenhardt and duly adopted by the following vote:

AYES: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns,
Mr. Plummer.

NOES: None.

ABSENT: None.

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Supervisor Fuller noted it is not to exceed the \$95,000 expenditure amount.

The next item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of deeds for Autumn Woods, Section II.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to accept the deeds for Autumn Woods, Section II, from Mr. and Mrs. R. William Swift, III, Delmar, NY as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

The following item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deeds for Haswell Farms, Phase 7.

The motion was made by Mr. Plummer and seconded Mrs. Davis to approve the acceptance of deeds for Haswell Farms, Phase 7 from RSR Associates, Albany, NY as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval to set a public hearing to consider a proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, Through Street for Delaware Avenue and Orchard Street and stop signs at intersecting streets.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve setting a public hearing for January 9, 2002 at 9:00 p.m. to consider proposed Local Law amending the Code of the Town of Bethlehem, Vehicle and Traffic, to permit through street designation for Fisher Boulevard with stop signs at intersecting streets. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

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Councilman Davis asked Mr. Sagendorph with relation to this item and the considerable traffic increase along this corridor, what the potential of a traffic light at Delaware Avenue might be and if he has heard anything about this possibility. Mr. Sagendorph said he has not heard anything but that would have to be a study undertaken by the State to determine if it is warranted. Councilman Davis said there was discussion back when Delmar Village was discussed and approved. Mr. Secor said there was a traffic study and part of that was that once this roadway was put in, Mr. Sagendorph could talk about this and see if it warrants being done for both ends of the roadway. Mr. Secor said the curvature of New Scotland Road might present a limited sight distance. Councilman Davis asked if the Town has to initiate this study. Mr. Secor said the Town must initiate it and he will be talking to the State. Councilman Burns

noted she has gotten a few emails about the stop signs on Fisher Boulevard and therefore, she is glad this is being done.

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of award of bid for one (1) 20 ton Equipment Trailer for use by the Highway Department.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the award of bid for one (1) 20 ton Equipment Trailer for use by the Highway Department to the low bidder Robert H. Finke & Sons, Selkirk, NY at a bid price of \$12,444.44 as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

The next item was a request from Comptroller, Judith Kehoe, for authorization of Supervisor to sign a Grant Agreement for the NYS Small Cities Grant. Supervisor Fuller said this was what was approved by the Board back in September, authorizing her to sign the application to apply for the \$25,000 grant. She said the Town has to match this in the amount of \$10,000 which was included in the 2002 budget.

The motion was made by Mrs. Davis and seconded by Ms. Burns to authorize the Supervisor to sign the Grant Agreement for the Small Cities Grant as requested by Comptroller, Judith Kehoe. The motion was passed by the following vote:

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

The following item was a request from Commissioner of Public Works, Bruce Secor, for approval of going to bid for Financing for Truck Mounted Sewer Cleaner.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve Financing for a Truck Mounted Sewer Cleaner as requested by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

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

The next item was a report from Bruce Secor, Commissioner of Public Works, regarding Vly Creek Reservoir Low Water Levels and approval to purchase needed water from Town of Guilderland.

Mr. Secor noted he prepared a 2 page Memorandum and said basically where the Town is at is that the Vly Creek Reservoir is about 70 percent or a little lower of its normal seasonal level. He said it is a classic question, is the reservoir 30 percent full or 70 percent empty. He said we are at a stage under the water supply plan where the Town is in a state of alert. He said they will send out the notices that were listed.

Mr. Secor said once the reservoir falls below 70 percent of average seasonal levels, the plan says we are in the stage of alert and under this stage, customers are notified of the alert and they ask large industrial and commercial users to eliminate non-essential water use and reduce the water consumption to the best of their ability. He said they read the meters for large water users every week. He said the homeowners are read every 4 months. He said the information from the weekly readings can be used to track compliance with the request for water conservation measures. He said lawn irrigation and sprinkling systems this time of year are not much of an issue. He said they are going to get into this. He said they have also contacted the City of Albany to discuss purchasing additional water and they have asked that something be submitted in writing. Mr. Secor said after this meeting, he will do that.

Mr. Secor said there is a contract offer that was sent in in August to Albany but they are still waiting for discussion on that. He said they have also contacted the Town of Guilderland. The Town of Guilderland's water supply is the Watervliet reservoir, Mr. Secor said, which is in the middle of the Town of Guilderland and they have their own water purification plant. He said they have the capability of producing between 5 and 5.5 million gallons a day. He said this time of the year they are producing about 3.5 million for their own needs. He said the existing inter-connection in North Bethlehem can easily transfer about ½ million gallons a day into our system. He said the complication is that Guilderland is the only community in this area that puts fluoride in their water system. He noted they originally had fluoride naturally in their system and as the system expanded they put in equipment to keep the level of about 1 part per million throughout the system.

Mr. Secor said the way it is worded is that at this time he asks the Board to authorize the purchase of supplemental water from the Town of Guilderland through the existing inter-connection in North Bethlehem in the event Albany is not able to supply our supplemental needs. He said it is his expectation that Albany will be able to provide what is needed but in the event that does not occur, he needs to have the Board's permission since the inter-connection in North Bethlehem is an emergency inter-connection only, whereas the inter-connection with Albany is a contracted deal. He said he needs Board authorization in order to go the Health Department to authorize the emergency purchase.

Mr. Secor said we would not be doing that now and he would come back to the Board before he initiated this but he has to get some paper work in line to do that. The issue of fluoride, Mr. Secor said is that there are about 750 customers in North Bethlehem, the population is greater than that, there are households and businesses. He said they would probably have to do some kind of notification that the water is being purchased with fluoride in it because for children who are on prescriptions for fluoride. He said we would have to notify them so they can check with their pediatricians or dentists to see if the dosage would be changed. He said it is not a huge problem but it is something that would have to be addressed if we got to the point of purchasing water from Guilderland.

Mr. Secor said he spoke with the Town of Guilderland about the possibility of reducing the fluoride level but the 1 part per million is the recommended rate. He said if they go much below that it is not effective and so at this time if there is an emergency state maybe things would change but at this point it would be something they would have to deal with.

Supervisor Fuller noted if Mr. Secor considers going to the Town of Guilderland and it is fluoridated water, he would come back to the Board before that is okay. Mr. Secor said that is fine. The Supervisor said she would not feel comfortable approving that at this meeting. She feels we need to see what will be available from the City of Albany. Mr. Secor said that was fine.

Councilman Burns asked about the proposal that will be submitted to Albany and how much he would ask for and for how long. Mr. Secor said it would

be the same 2 million. He said there is an existing water supply permit for 2 million gallons a day and the contract offer done in August called for 2 million gallons a day and he said they would simply request to purchase the 2 million gallons a day. He said it is the same request. He said he is not asking for anything beyond the water supply permit that is already in existence. He said currently it is for 600,000 gallons a day so it is the difference between.

Councilman Burns asked if it would be for as long as we need it. Mr. Secor said it would be but again, there is about 475 or 450 million gallons of water left in the reservoir. Whether every drop is useable or not, he could not tell but if you estimate there is about 450 million gallons, that will last longer if the rate of use is reduced. He said fortunately it was raining and noted it seems every time he comes to the Board it starts raining and this is favorable.

Mr. Secor said 3 or 4 times in the last 10 years there have been situations where there has been different weather patterns. He said in most cases, there was a hurricane that came through and helped fill the reservoir. He said this year the weather has been blowing out to the ocean and it did not help our supply. He said if the normal rains return we usually get some intermittent rain and a January thaw and see some recovery. He said this is being measured as a percentage of normal seasonal levels, the normal seasonal level – it usually fills up in the spring and it goes down in the summer and in the fall it starts filling up again. He said if this continues going down in the normal seasonal level would normally go back up, these percentages are going to keep getting worse. He said we will be going from alert to warning to emergency if we do not get something going on this. He said hopefully we will get some rain and it will go away.

Councilman Burns said she is curious about the fact that our reservoir is low, and asked how are the other reservoirs levels. Mr. Secor said Watervliet reservoir is low but there is a big difference. He said the reservoir has about 112 square miles of catchment area that goes to that reservoir. He said the reservoir is only about 15 feet deep but it has 112 square miles of catchment area so when it rains a little bit, the thing fills right up. He said our reservoir is deeper and actually about the same size but we have about 5 square miles of catchment area to stage 3 where we just do flood skimming and there is only 2 ½ square miles of area that drains directly into the reservoir. Mr. Secor said we have 2 ½ square miles that goes to our reservoir and the Watervliet reservoir has 112 square miles. He said there is a huge difference in the recharge rate. He said he does not know the numbers for Alcove reservoir but there is a difference between the watersheds and how the water is collected. He said that is why each of these systems is a little bit different.

Supervisor Fuller asked about the water pressure in the area of North Helderberg in Slingerlands having difficulty since someone called in to her office and whether this is part of this whole scenario. Mr. Secor said no, the water pressure at this time of year is excellent. He said there is no reason for it, noting there may be a problem in the house and they can follow up on that. He said from time-to-time a meter may plug up or something will happen that will do that. He said he has not had any other complaints on the street.

Supervisor Fuller asked for a motion to approve the request and include if there is a need to go to the next stage with the Town of Guilderland that this come back to the Board.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the purchase of water if needed from the Town of Guilderland with a return to the Board before doing so. The motion was passed by the following vote:

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

Supervisor Fuller asked for a motion to cancel the meeting of December 26, 2001. She said it is the day after Christmas and she felt the residents of this community will be celebrating their holidays and not looking to attend the Town Board meeting.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to cancel the meeting of December 26, 2001. The motion was passed by the following vote:

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

Supervisor Fuller asked if anyone wished to address the Board. No one spoke. She asked if anyone from the Bethlehem Football team were in attendance. There were a couple of the team members. They received applause and congratulations from the Board on a job well done. The Supervisor said they certainly put Bethlehem on the map and had great coverage and did a great job.

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Supervisor Fuller asked if anyone had anything for the Board. She asked for a motion to adjourn to Executive Session to discuss negotiations.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve adjourning to Executive Session to discuss negotiations. The motion was passed by the following vote:

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

The motion was made by Ms. Burns and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 7:52 p.m. The motion was carried by the following vote:

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

Town Clerk

EXECUTIVE SESSION

The following resolution was presented for adoption:

Resolution

Whereas, the Town, Bethlehem Police Officers Union and Officer Christopher Pauley are presently involved in certain pending grievances and administrative proceeding which the parties, upon the advice of counsel, wish to finally and fully resolve without incurring the cost of further litigation, and

Whereas Officer Pauley and the Bethlehem Police Officers Union have both executed a Settlement Agreement dated November 27, 2001 and have presented it for signature on behalf of the Town to implement their agreement,

Now, after due deliberation, the Town of Bethlehem hereby resolves to authorize Supervisor Fuller and Assistant Town attorney Smith to execute the settlement agreement on behalf of the Town and Comptroller Kehoe in authorized to pay the GML207c benefits payable pursuant to the Settlement Agreement.

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

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

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to adjourn the Executive Session at 9:30 p.m. The motion was passed by the following vote:

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

Town Clerk