

TOWN BOARD  
MARCH 22, 2000

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  
Susan Burns, Councilman  
Daniel G. Plummer, Councilman  
Catherine T. Picarazzi, Deputy Town Clerk  
Bernard Kaplowitz, Esq., Town Attorney

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Supervisor Fuller welcomed everyone to a regular Town Board meeting and asked everyone to join in the pledge of allegiance. She also welcomed the Participation in Government students of the high school.

The first agenda item was a request from Terry Ritz, Engineering Division, Department of Public Works, for approval of a house number change as requested by Mr. And Mrs. Ronald Miller, VanWies Point, Glenmont.

The motion was made by Ms. Burns and seconded by Mrs. Davis to approve the change in house number on VanWies Point Road, number 211A to be designated 209 VanWies Point Road, Glenmont, as requested by Mr. And Mrs. Ronald Miller, Glenmont, NY. 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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The next item on the agenda was a request from Chief of Police, Richard LaChappelle, to authorize transfer of funds from the Insurance Recovery Account for insurance payment to permit vehicle repairs.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the transfer of \$5,300.07 from Insurance Recovery Account A3120.464 to permit repair of damaged police vehicle as requested by Chief of Police, Richard LaChappelle. 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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The next item was a request from Chief of Police, Richard LaChappelle, to authorize the transfer of funds from Insurance Recovery Account for insurance payment to repair vehicle.

Councilman Lenhardt asked if this request was for the same vehicle as the previous one. Mrs. Kehoe said it would not be for the same due to there being one reimbursement per vehicle. Supervisor Fuller noted the check represents a full refund from Hartford Insurance.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the transfer of funds from Insurance Recovery Account A3120.464 in the amount of \$1,000 to permit repair of damaged police vehicle as requested by Richard LaChappelle, Chief of Police. 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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The next item was to approve the appointment of seasonal personnel as requested by Administrator, David Austin, Department of Parks & Recreation.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the appointment of seasonal personnel as requested by Administrator, David Austin, in his Memorandum dated March 22, 2000 at the titles and salaries listed and on file in the Town Clerks office. 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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The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for the approval of release of bonding for the Colonial Woodlands Subdivision.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the release of bonding for the Colonial Woodlands Subdivision as recommended by Michael Cirillo, Engineering Services Administrator. 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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The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of Supervisor to sign a two-year grant application for Household Hazardous Waste Day.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the Supervisor signing the Resolution for a two-year grant application for the Household Hazardous Waste Day. 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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Supervisor Fuller noted the Town received \$13,640 in grant money from New York State for the 1999 collection day.

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The following item was a recommendation from Highway Superintendent, Gregg Sagendorph, and Commissioner of Public Works, Bruce Secor, for approval of award of bid for rental of heavy construction equipment for use by various departments within the Town.

Councilman Plummer asked if this was legal. Attorney Kaplowitz noted he does not know of anything that says it is or it isn't. He said the problem is an ongoing problem. He said we bid for use of a piece of equipment for the course of the year and then at times the piece of equipment is not available or it is being fixed and it is starting to be a problem. He further noted he thinks this is permissible but with the understanding, Mr. Sagendorph nor anyone else can pick 1, 3, 4, 6 or whatever. He has to go to the lowest bidder, to the next lowest bidder and so on. He said he is not bothered by it because the whole idea of the whole system is to get the best buy. He said the alternative is coming back to the Town Board each time this happens. He said it means waiting 2 weeks or calling an emergency meeting and declaring an emergency which is very difficult because the law is strict about what is or is not an emergency. Supervisor Fuller suggested Mr. Sagendorph and Mr. Secor explain this situation. Further questions were raised and answered.

Councilman Davis noted she called Mr. Sagendorph also because of her concern. One question she had was if there was one particular bidder who tends to have this problem consistently and that is why there is a need to do this. She

said Mr. Sagendorph said this was not the issue and it is not a regular thing. Mr. Sagendorph said it all pertains to the needs of the department. He gave further background information.

Councilman Burns noted when she spoke with Mr. Sagendorph that the procedure is to keep documentation of everything that is done, noting this includes correspondence and communication. Mr. Sagendorph said Albany County is an example, noting when they award the blacktop bids, they award it to the blacktop plants in the northern part of the county and where it is closest or most economical for the county to obtain the blacktop, that is where it is purchased. He further said the State Audit and Control Department came in last year and he talked to the county Purchasing Department, the only fault that was found was the lack of certain documentation. The process is fine, according to Mr. Sagendorph, the documentation is what is necessary.

Councilman Davis asked if there was a certain amount of time that has to be given if they do not have a particular piece of equipment. Mr. Secor said the way the specification is written, it indicates that the Town would attempt to give them 5 days notice but in the event of an emergency it had to be an immediate response. Mr. Secor said the other thing he wanted to point out is that there is a whole range of equipment here. He said they may or may not use any of the pieces of equipment. He said last year with hurricane Floyd, they used a lot of the equipment.

Mr. Secor noted if this is not done, an emergency situation can be handled without a bid, however, it is done on a purchase order and can only be a maximum of \$20,000. He said a single street collapse, unfortunately, can cost more than \$20,000.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the award of bid for rental of heavy construction equipment for use by various departments within the Town to the low bidder with 3 alternate bidders as listed in the letter dated March 16, 2000 from the Highway Superintendent, Gregg Sagendorph, and Commissioner of Public Works, Bruce Secor, at the bid prices submitted. 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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The next item was a recommendation from Highway Superintendent, Gregg Sagendorph, and Commissioner of Public Works, Bruce Secor, for approval of award of bid for Utility Repair Crews. The Supervisor noted this again is the same award to the low bidder and then go to the next 3 alternate bidders.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the award of bid for Utility Repair Crews for use by various departments within the Town to the low bidder with 3 alternates as listed in the letter dated March 17, 2000 from the Highway Superintendent, Gregg Sagendorph, and Commissioner of Public Works, Bruce Secor, at the bid prices submitted. 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 Burns asked what the procedure is when there is no bid, such as chlorine. Mr. Secor noted chlorine is a chemical used at the water plant and he thought they were going to be able to buy it from the New York State contract. He said the chief plant operator was talking to the State Contract people and it is not available. He said, therefore, they went out to bid. He said he thinks part of the problem was that they asked for a 2 or 3 year price. He said they will change the specification and go back out to bid. Councilman Burns thanked Mr. Secor.

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The next item was to accept the resignation of a Town of Bethlehem

Industrial Development Agency Member effective March 6, 2000. Supervisor Fuller noted the member is Robert J. Hendrick. She said he has served on the IDA since February of 1985 and was a Town Supervisor from 1985 to 1989. She said Mr. Hendrick has had some recent illness and has submitted his resignation.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to accept the resignation of Robert J. Hendrick as Member of the Town of Bethlehem Industrial Development Agency with regret, effective March 6, 2000. 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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The next item was a request from the Maintenance Department for approval of appointment of personnel to serve on a per diem basis. Supervisor Fuller noted there is one maintenance worker who will be out for surgery between 5 weeks and 5 months and these personnel would fill in on an as needed basis.

Councilman Burns asked what the policy is on per diem employees. Mrs. Kehoe, Comptroller, said in this case each of these employees work full time and have expressed an interest in picking up some additional hours in this role. She said the approval is required of the Board so that they can work at the hourly rate for maintenance helper. Councilman Burns asked if that meant they would be working in a different department and area on a per diem basis. Comptroller Kehoe said that was correct.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of Lee Sleurs, Jesse Turner and William Allen as Maintenance Helpers for the Department of Public Works, Maintenance Division, to be paid on a per diem basis. 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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The following item was to acknowledge receipt, review and consider request for policy changes from Judith Kehoe, Comptroller, regarding the Annual Investment Report. Supervisor Fuller asked Mrs. Kehoe to highlight the changes.

Mrs. Kehoe said there are no significant changes to the investment policy. She said essentially it is a very conservative investment policy which fits with the risk tolerance or thereof with public funds. She said the only changes are really administrative. She said at the organizational meeting Evergreen bank had been added to the list of eligible depositories and the report is amended to reflect the change and a name change for Allbank to Charter One. She said there is a slight revision on the wording relative to the timing of transfers from funds collected by other departments and essentially the bulk of the money is coming in through the Receiver of Taxes office.

Supervisor Fuller asked if there were any questions on the report itself. Councilman Davis said there were but Mrs. Kehoe answered them when she spoke with her.

The motion was made by Ms. Burns and seconded by Mrs. Davis to approve the changes in the Town of Bethlehem Investment Policy 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.

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The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the Annual Investment Report for the year ending December 31, 1999. 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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The next item was a request from Comptroller, Judith Kehoe, for approval of reclassification of Account Clerk to Personnel Assistant, effective April 3, 2000. Supervisor Fuller said this employee is Mary Trembly-Glassman. She said this has come about with the restructuring for Mrs. Kehoe in the Comptroller's office. She said Mrs. Kehoe came to her a couple weeks ago and felt that she had a very difficult decision to make and noted she had made her decision to be with her husband and daughters. Discussion ensued and the Supervisor said she was shocked that Mrs. Kehoe was coming to say she would be leaving and wanted to leave in June. The Supervisor said she asked that she think about alternatives including the possibility of a part-time situation. Mrs. Kehoe came back with a proposal, according to Supervisor Fuller, and the proposal was taken to the Town Board at an Executive Session following the last meeting. She said they have notified all the Department heads and employees in Town. She also noted she thought the Spotlight would have an article pertaining to the resolution of this problem.

Supervisor Fuller announced that Mrs. Kehoe will be working from September through June from 8:30 until 3 p.m. She said Mrs. Kehoe will be off duty or out of Town hall through the months of June, July and August. The Supervisor noted she will be available at home and indicated she will be taking leave without pay. She said she will be paying her own health insurance during this time.

Supervisor Fuller said as a result of all this, they needed to do some restructuring in the Comptroller's office and this is where this change fits in. She said Mary Glassman will be taking on the job of Human Resource person now known as Personnel Assistant at a salary of \$30,051. The Supervisor noted the Comptroller found a lot of her job involved the human resource type duties and noted her real job is the financial stability of the town financial picture. Thus, the Supervisor said the Comptroller has given these duties to other employees in her office. She said the increase in pay for Mrs. Glassman is about \$2800 and the decrease for the Comptroller is about \$17,000. She said there is also an employee who has worked 3 days in the office who will now go to 5 days. She said that increase was about \$8,000 additional but she is currently full time between the Comptroller's and Receiver of Taxes offices. Supervisor Fuller said the best news with all this is that there is a savings of about \$7,000 with the restructuring. Mrs. Kehoe noted it depends on how many hours she works over the summer. Supervisor Fuller noted if Comptroller Kehoe is required to work during the summer, her pay will be an hourly wage.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the reclassification of the Account Clerk title in the Comptroller's office to Personnel Assistant, Grade 13, \$30,051, effective April 3, 2000 and appointment of Mary Tremblay-Glassman to the new position. The motion was passed by the following vote:

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

Supervisor Fuller congratulated Mrs. Glassman and thanked Mrs. Kehoe for being flexible. Mrs. Kehoe thanked the Supervisor

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The next item was to approve the Town Board minutes of February 23, 2000. Councilman Davis asked that on page 8 her Member status of the Citizens for Pedestrian Safety be added.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the Town Board minutes of February 23, 2000 with correction. The motion was passed by the following vote:

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

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Supervisor Fuller said she had an item to bring before the Board. This item was regarding parking on Grantwood Road by the high school. She said many streets have limited parking. She said the residents on Grantwood Road are upset with the parking and requested that the signage be done on the opposite side of the road. In order to expedite the request, Supervisor Fuller said she would like to set a public hearing for the meeting of April 12, 2000 at 7:30 p.m. She said if possible, she wanted to put the signage up now prior to the public hearing and at the public hearing if the residents do not wish the signage to remain, take them down. Attorney Kaplowitz said the signage can be put up, however, you cannot enforce the law because it is not legal. He said you cannot give someone a ticket for parking improperly if the Town Board has not approved it. He said often stop signs have been put up when necessary hoping to prevent an accident. Supervisor Fuller said there is a concern raised about emergency vehicles getting through on the street. She said she spoke with Chief LaChappelle and he in turn talked to Lt. Beebe who has gone out a few times to observe the situation.

Supervisor Fuller said she cannot schedule any public hearing if all of the Board is not in agreement. She said this was not an item on the agenda, however, it is more of an emergency situation that has developed. She asked for a motion to set the public hearing.

The motion was made by Mrs. Davis and seconded by Ms. Burns to set a public hearing on April 12, 2000 at 7:30 p.m. to consider a proposed local law amending the Code of the Town of Bethlehem to permit Time Limit Parking on Grantwood Road on the south side from the west side of Brockley Drive to the east side of Wakefield Court. 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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Supervisor Fuller asked if anyone wished to address the Board. There was no one.

The Supervisor asked for a motion to meet in Executive Session on acquisition of real property.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to meet in Executive Session to discuss acquisition of real property at 8:05 p.m. 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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The Supervisor reconvened the regular meeting at 8:50 p.m. Supervisor Fuller said the Town is interested in possibly purchasing property at the 4 Corners noting it is a pie shape piece of property. She said this has been ongoing since 1994, noting there are environmental problems on the site. She said there have been monitoring wells there for about 5 years. She said they would like authorization to have someone hire C.T. Male Associates in the amount of \$1,800 to do an independent review of the environmental issues there and look at the files at Department of Environmental Conservation.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the expenditure of \$1,800 to hire C.T. Male Associates for an independent review of the petroleum spill at the 4 Corners site in Delmar, including review of the files at the Department of Environmental Conservation. The motion was passed by the following vote:

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

Supervisor Fuller noted it will take approximately 6 weeks for information to be obtained.

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Supervisor Fuller asked for a motion to adjourn the regular Town Board

meeting.

The motion was made by Mrs. Davis and seconded by Ms. Burns to adjourn the regular Town Board meeting at 8:57 p.m. 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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Deputy Town Clerk