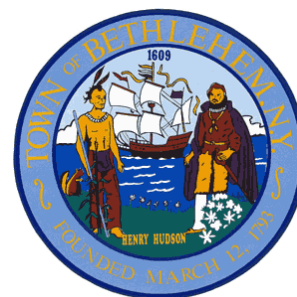


Town Supervisor
David VanLuven
Town Board Members
Joyce Becker
Maureen Cunningham
James Foster
Giles Wagoner

TOWN OF BETHLEHEM

Town Board Agenda

Wednesday, January 24, 2018
6:00 PM



I. Special Meeting of the Supervisor

- **5:00PM SPECIAL MEETING TO ADJOURN INTO EXECUTIVE SESSION**

The Special Meeting of the Supervisor was convened at 5:00pm and all Board members were present.

A motion to adjourn into Executive Session for the purpose of discussing potential applicants to the Ethics Board and the Board of Assessment Review and tax certiorari issues was offered by Councilwoman Becker, seconded by Councilman Foster and approved with the following vote:

AYES: Supervisor VanLuven, Councilwoman Becker, Councilwoman Cunningham, Councilman Foster, Councilman Wagoner

NOES: none

ABSENT: none

A motion to adjourn the Executive Session and Special Meeting of the Supervisor was offered by Councilman Wagoner, seconded by Councilman Foster and approved with the following vote:

AYES: Supervisor VanLuven, Councilwoman Becker, Councilwoman Cunningham, Councilman Foster, Councilman Wagoner

NOES: none

ABSENT: none

II. Pledge of Allegiance

| Attendee Name | Title | Status | Arrived |
|--------------------|-----------------|---------|---------|
| David VanLuven | Town Supervisor | Present | |
| Joyce Becker | Board Member | Present | |
| Maureen Cunningham | Board Member | Present | |
| James Foster | Board Member | Present | |

| | | | |
|---------------|--------------------|---------|--|
| Giles Wagoner | Board Member | Present | |
| Nanci Moquin | Town Clerk | Present | |
| James Potter | Town Board Counsel | Present | |

III. Announcements

Supervisor VanLuven stated that the highway and DPW departments have been dealing with weather related issues in a timely manner. The highway department's recycling coordinator has secured a \$240,000 grant to be used for food waste recycling. The Friends of Parks has a survey online to voice your opinion about allowing dogs in the Town parks.

Councilman Foster reminded residents that it was the 14th Anniversary of the passing of Kevin Shaw, the past Town Building inspector and volunteer Elsmere Fireman.

Councilwoman Cunningham recognized Michael Cohen, Comptroller, for being the presenter on budgets at an Association of Town's newly elected officials training.

IV. Public Comments

None

V. Minutes Approval

1. Wednesday, January 10, 2018

RESULT: ACCEPTED [UNANIMOUS]
MOVER: James Foster, Board Member
SECONDER: Giles Wagoner, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

VI. Line Items

- PRESENTATION BY BETHLEHEM CENTRAL HIGH SCHOOL STUDENTS PERTAINING TO ALTERNATIVES FOR DE-ICING ROADS**

Mallory Azziz and Elisabeth Coleman, seniors at Bethlehem Central High School Students, made a presentation concerning de-icing of roads alternatives.

- REQUEST FROM THE CHIEF OF POLICE TO AUTHORIZE THE TOWN BOARD TO APPOINT KRISTINA VIOLETTA LEAMY TO THE POSITION OF TELECOMMUNICATOR**

A motion to approve the request from the Chief of Police to authorize the Town Board to appoint Kristina Violetta Leamy to the position of Telecommunicator was offered and approved as follows:

RESULT: APPROVE [UNANIMOUS]
MOVER: Giles Wagoner, Board Member
SECONDER: Maureen Cunningham, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- REQUEST FROM THE CHIEF OF POLICE TO ACCEPT A DONATION IN THE AMOUNT OF \$500.00 FROM CITGO PETROLEUM CORPORATION**

Supervisor VanLuven stated that the donation would be added to the 2018 budget. A motion to approve the request from the Chief of Police to accept a donation in the amount of \$500 from CITGO Petroleum Corporation was offered and approved as follows:

RESULT: APPROVE [UNANIMOUS]
MOVER: Joyce Becker, Board Member
SECONDER: James Foster, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **AWARD THE 2018 ELECTRONICS RECYCLING BID TO ADVANCED ELECTRONIC RECYCLING, AND AUTHORIZE THE TOWN SUPERVISOR TO SIGN THE 2018 CONTRACT.**

Dan Rain, Recycling Coordinator presented. A motion to award the 2018 electronics recycling bid to Advanced Electronic Recycling and authorize the Supervisor to sign the 2018 contract was offered and approved as follows:

RESULT: APPROVE [UNANIMOUS]
MOVER: Giles Wagoner, Board Member
SECONDER: Maureen Cunningham, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **REQUEST FROM TOWN ENGINEER TO ADOPT THE RESOLUTION ACCEPTING MADELEINE LANE, TOWN OF BETHLEHEM, AS A PUBLIC ROAD**

Res # 2018-03

Resolution to Accept Madeleine Lane, Town of Bethlehem, New York as a public road

WHEREAS, in 2018, Michaels & Laraway Holdings, LLC. constructed Madeleine Lane as a Town street in accordance with the Final Plat, Subdivision Plan, Bender Farms subdivision revised to 09/08/16 and specifications prepared by Ingalls and Associates, LLP; and

WHEREAS, Madeleine Lane is a the two lane road, is 0.28 miles in length (station 0+00 to 15+25) and consists of a new drainage system, asphalt pavement and street signage with access to Town road Bender Lane; and

WHEREAS, construction of Madeleine Lane has been completed in accordance with as-built drawings and was accepted for maintenance by the Town of Bethlehem at its January 24, 2018 Town Board meeting and is currently open to vehicular traffic for the public; now, therefore be it

RESOLVED, that Madeleine Lane shall be included in the 2018 Town Local Highway Mileage Inventory of Town Streets; and be it further

RESOLVED, that New York State Department of Transportation is requested to include Madeline Lane in the Town of Bethlehem 2018 Inventory of Streets

A motion to adopt the resolution was offered by Councilman Foster, seconded by Councilwoman Becker and approved with the following vote:

AYES: Supervisor VanLuven, Councilwoman Becker, Councilwoman Cunningham, Councilman Foster, Councilman Wagoner

NOES: none

ABSENT: none

Date: 1/24/2018

A motion to approve the Town Engineer's request to adopt the Resolution accepting Madeline Lane, Town of Bethlehem, as a public road was offered and approved as follows:

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Foster, Board Member
SECONDER: Joyce Becker, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **REQUEST FROM TOWN ENGINEER TO ACCEPT BENDER FARM EASEMENTS**

A motion to approve the request from the Town Engineer to accept the Bender Farm easements was offered and approved as follows:

RESULT: APPROVE [UNANIMOUS]
MOVER: Giles Wagoner, Board Member
SECONDER: James Foster, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **REQUEST FROM TOWN ENGINEER TO ACCEPT STORM WATER PARCELS WITHIN THE BENDER FARMS SUBDIVISION**

A motion to approve the request from the Town Engineer to accept the storm water parcels within the Bender Farms Subdivision was offered and approved as follows:

RESULT: APPROVE [UNANIMOUS]
MOVER: Joyce Becker, Board Member
SECONDER: Giles Wagoner, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **REQUEST FROM TOWN ENGINEER TO ACCEPT THE HOMES BY QUALITY PM MAPS AND DEED DOCUMENTS FOR THE ALL PURPOSE EASEMENT AND SANITARY SEWER EASEMENT AND RIGHT OF WAY AT 86/88 CHERRY AVENUE**

A motion to approve the request from the Town Engineer to accept the Homes by Quality PM maps and deed documents for the all purpose easement and sanitary sewer easement and right of way at 86/88 Cherry Avenue was offered and approved as follows:

RESULT: APPROVE [UNANIMOUS]
MOVER: Joyce Becker, Board Member
SECONDER: James Foster, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **REQUEST FROM TOWN ENGINEER TO ACCEPT MAP AND DEED DOCUMENTS AND THE CONVEYANCE OF RIGHT-OF-WAY PARCEL ALONG SMULTZ ROAD**

A motion to approve the request from the Town Engineer to accept map and deed documents and the conveyance of right-of-way parcel along Smultz Road was offered and approved as follows:

RESULT: APPROVE [UNANIMOUS]
MOVER: Giles Wagoner, Board Member
SECONDER: Maureen Cunningham, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **REQUEST FROM THE COMMISSIONER OF PUBLIC WORKS TO SCHEDULE A PUBLIC HEARING FOR FEBRUARY 14, 2018 TO CONSIDER ADOPTION OF A PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF BETHLEHEM BY THE ADDITION OF CHAPTER 124, WATER**

**NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM**

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 14th day of February, 2018 at 6:00 pm to consider a proposed Local Law Amending the Code of the Town of Bethlehem, Chapter 124, Water.

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

BOARD

BY ORDER OF THE TOWN

TOWN OF BETHLEHEM

Nanci Moquin

Town Clerk

Dated: January 25, 2018

A motion to approve the request from the Commissioner of Public Works to schedule a public hearing for February 14, 2018 to consider adoption of a proposed Local Law, amending the Code of the Town of Bethlehem by the addition of Chapter 124, water was offered and approved as follows:

RESULT: APPROVE [UNANIMOUS]
MOVER: James Foster, Board Member
SECONDER: Joyce Becker, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **REQUEST BY COMMISSIONER OF PUBLIC WORKS TO ADOPT A NEGATIVE DECLARATION FOR LEASE AMENDMENT 2 FOR THE EXISTING SPRINT FACILITY AT THE KENWOOD AVE WATER TANK**

TOWN BOARD
TOWN OF BETHLEHEM

SEQR DETERMINATION OF SIGNIFICANCE

AMENDMENT #2 TO SPRINT LEASE AT KENWOOD AVENUE WATER TANK

WHEREAS, the Bethlehem Water District No. 1 (WD #1) has received a request from Sprint to amend their existing lease to their wireless communications facility, located at 308 Kenwood Avenue; and,

WHEREAS, said request entails proposed amendments to an existing Lease that was previously executed by the Town on May 28, 2001; and,

WHEREAS, the proposed amendments would involve the addition of three additional of antennas for a total of nine, and associated equipment on the Tank; and

WHEREAS, the Sprint has prepared a short Environmental Assessment Form ("EAF") to assess the potential environmental impact of the proposed amendments to the lease; and,

WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA; and,

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and,

WHEREAS, 6 NYCRR 617.6(b)(4) indicates that for uncoordinated review of an Unlisted action, each involved agency may proceed as if it were the only involved agency when making its determination of significance before acting on the matter before it; and,

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board hereby determines that:

1. the proposed lease amendment constitute an Unlisted action which is subject to SEQRA;
2. the proposed amendments do not involve a federal agency;
3. there are no other involved agencies for this action;
4. the proposed action is not located in, or within 500 feet of, an Agricultural District and therefore, is not subject to the provisions of the Agriculture and Markets Law; and,
5. a short EAF is adequate for determining the significance of the proposed action; and,

BE IT FURTHER RESOLVED,

that based upon its review of the project, the EAF, review of the proposal by the Department of Public Works and Town Engineering staff, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Town Board hereby finds that approval of the proposed amendment to the lease between Sprint and WD#1 constitutes an action that will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Department of Public Works is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Councilwoman Cunningham, seconded by Councilman Foster, and by a vote of 5 for, 0 against, and 0 absent, this RESOLUTION was adopted on January 24,

2018.

A motion to approve the request from the Commissioner of Public Works to adopt a Negative Declaration for lease amendment 2 for the existing Sprint facility at the Kenwood Ave water tank was offered and approved as follows:

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Maureen Cunningham, Board Member
SECONDER: James Foster, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **REQUEST BY COMMISSIONER OF PUBLIC WORKS TO ADOPT THE RESOLUTION TO AMEND A LEASE AGREEMENT FOR THE EXISTING SPRINT FACILITY AT THE KENWOOD AVE WATER TANK, SUBJECT TO PERMISSIVE REFERENDUM**

Res # 2018-005

TOWN BOARD
TOWN OF BETHLEHEM

RESOLUTION TO AMEND LEASE

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 _24th day of January 2018, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that is necessary to amend a lease agreement for the Sprint facility located at the Kenwood Ave Water Tank; and,

NOW, THEREFORE, BE IT RESOLVED,

That the Town Board hereby authorizes the execution of Lease Amendment 2 for the above referenced facility

BE IT FURTHER RESOLVED,

That the execution of said lease amendment is subject to permissive referendum

BE IT FURTHER RESOLVED,

That the Supervisor is hereby authorized to execute the lease amendment on behalf of the Town of Bethlehem.

The motion to adopt the resolution was made by Councilwoman Becker, was seconded by Councilman Wagoner and duly adopted by the following vote:

AYES: Supervisor VanLuven, Councilwoman Becker, Councilwoman Cunningham, Councilman Foster, Councilman Wagoner

NOES: none

ABSENT: none

DATED: January 24, 2018

A motion to approve the Commissioner of Public Works request to adopt the resolution to amend a lease agreement for the existing Sprint facility at the Kenwood Ave. water tank, subject to a permissive referendum was offered and approved as follows:

RESULT: ADOPTED [UNANIMOUS]
MOVER: Joyce Becker, Board Member
SECONDER: Giles Wagoner, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **REQUEST FROM THE COMMISSIONER OF PUBLIC WORKS TO ADOPT THE RESOLUTION AUTHORIZING THE USE OF UP TO \$382,000 FROM THE WATER CAPITAL RESERVE FUND FOR ADDITIONAL ENGINEERING SERVICES RELATED TO THE UPGRADES TO THE CLAPPER ROAD WATER TREATMENT PLANT, SUBJECT TO PERMISSIVE REFERENDUM.**

Resolution No. 2018 - 006

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 24th day of January 2018, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that the Clapper Road Water Treatment Plant is in need of improvements to comply with the current Administrative Order issued to the Town by the United States Environmental Protection Agency; and,

WHEREAS, the Town of Bethlehem has previously entered into an agreement with Hazen and Sawyer, P.C., to provide engineering services associated with the design of the improvements to the water treatment plant; and,

WHEREAS, the original design fee has been exceeded due to changes in the design made at the request of the Town in order to reduce the construction costs associated with the project; and,

WHEREAS, it is estimated that the Town costs of said additional engineering services will not exceed \$382,000; and

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

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the upgrades to the Clapper Road Water Treatment Plant as described above; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund the additional engineering services up to a maximum amount of \$382,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Water Fund Capital Reserve Fund the funds necessary up to \$382,000 in said reserve fund; and

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

The foregoing resolution was presented for adoption by Councilwoman Cunningham, seconded by Councilwoman Becker and approved with the following vote:

Ayes - Supervisor VanLuven, Councilwoman Becker, Councilwoman Cunningham, Councilman Foster, Councilman Wagoner

Nays - none

Absent - none

A motion to approve the request from the Commissioner of Public Works to adopt the resolution authorizing the use of up to \$382,000 from the Water Capital Reserve Fund for additional engineering services related to the upgrades to the Clapper Road Water Treatment Plant, subject to permissive referendum was offered and approved as follows:

RESULT: ADOPTED [UNANIMOUS]
MOVER: Maureen Cunningham, Board Member
SECONDER: Joyce Becker, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **REQUEST FROM THE COMMISSIONER OF PUBLIC WORKS TO AUTHORIZE \$381,690 IN ADDITIONAL ENGINEERING DESIGN SERVICES FOR HAZEN AND SAWYER, P.C., RELATED TO THE UPGRADES TO THE CLAPPER ROAD WATER TREATMENT PLANT**

A motion to approve the request from the Commissioner of Public Works to authorize \$381,690 in additional engineering design services for Hazen and Sawyer, P.C., related to the upgrades to the Clapper Road Water Treatment Plant was offered and approved as follows:

RESULT: APPROVE [UNANIMOUS]
MOVER: Maureen Cunningham, Board Member
SECONDER: James Foster, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **REQUEST BY COMMISSIONER OF PUBLIC WORKS TO ACCEPT THE MAP, PLAN & REPORT FOR THE CLAPPER ROAD WATER TREATMENT PLANT**

A motion to approve the request from the Commissioner of Public Works to accept the Map, Plan and Report for the Clapper Road Water Treatment Plant was offered and approved as follows:

RESULT: APPROVE [UNANIMOUS]
MOVER: Joyce Becker, Board Member
SECONDER: Giles Wagoner, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

- **REQUEST BY COMMISSIONER OF PUBLIC WORKS TO SCHEDULE A PUBLIC HEARING AT 6:00 P.M. ON FEBRUARY 28, 2018 FOR FINANCING THE CONSTRUCTION COSTS ASSOCIATED WITH THE UPGRADES TO THE CLAPPER ROAD WATER TREATMENT PLANT**

Resolution # 2018-07

A meeting of the Town Board of the Town of Bethlehem, in the County of Albany, New York, was held at the Town Hall, in said Town, on January 24, 2018.

PRESENT:

Hon. David VanLuven, Supervisor
Joyce Becker, Board Member
Maureen Cunningham, Board Member
Jim Foster, Board Member
Giles Wagoner, Board Member

-----X

he Matter

of the

Increase and Improvement of Facilities of the
Town of Bethlehem Water District No. 1 and
the undertaking of improvements in the
Town of Bethlehem, County of Albany, New York,
pursuant to Section 202-b of the Town Law.

-----X

**ORDER CALLING PUBLIC
HEARING TO BE HELD ON
FEBRUARY 28, 2018**

WHEREAS, the Town Board of the Town of Bethlehem (herein called “Town Board” and “Town”, respectively), in the County of Albany, New York, has, pursuant to Town Law, created the Town of Bethlehem Water District No. 1 in the Town (the “District”) and has directed Paul M. Penman, P.E., Town Engineer, to prepare a preliminary map, plan and report for the reconstruction of and construction of improvements within the District including, but not limited to, upgrades to the Clapper Road water treatment plant, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and such other work as more specifically described in such preliminary map, plan and report (collectively, the “District Improvement”); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be a maximum amount of \$14,984,000; and

WHEREAS, the expense of the District Improvement is anticipated to be funded by the issuance of bonds of the Town in an amount not to exceed \$14,984,000, such bonds shall be offset by any additional federal, state, county and/or local funds received;

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of

Bethlehem will be held at the Town Hall, 445 Delaware Avenue, Bethlehem, New York, on February 28, 2018 at 6:00 p.m. o'clock P.M. (prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense to the District for such increase and improvement of the facilities shall be financed by the issuance of bonds (or notes issued in anticipation of such bonds) of the Town in an amount not to exceed \$14,984,000, said amount of bonds to be offset by any additional federal, state, county and/or local funds received, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing

DATED: January 24, 2018

TOWN BOARD OF THE
TOWN OF BETHLEHEM

(SEAL)

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

AYES: Supervisor VanLuven, Councilwoman Becker, Councilwoman Cunningham, Councilman Foster, Councilman Wagoner

NOES: none

ABSENT: none

The Order Calling for Public Hearing was declared adopted.

A motion to approve the request by the Commissioner of Public Works to schedule a Public Hearing at 6:00pm on February 28, 2018 for financing the construction costs associated with the upgrades to the Clapper Road Water Treatment Plant was offered and approved as follows:

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Giles Wagoner, Board Member
SECONDER: Maureen Cunningham, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner

VII. New Business

none

VIII. Adjournment

Motion To: Adjourn

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Joyce Becker, Board Member
SECONDER: James Foster, Board Member
AYES: VanLuven, Becker, Cunningham, Foster, Wagoner