

TOWN BOARD  
OCTOBER 23, 2002

A public hearing of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Thomas Marcelle, Councilman  
Catherine T. Picarazzi, Deputy Town Clerk  
Robert J. Alessi, Esq., Town Attorney  
ABSENT: Daniel G. Plummer, Councilman

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. I would like to ask all of you to join us in the pledge of allegiance.

COUNCILMAN DAVIS: Sheila, I don't think the mike is on.

COUNCILMAN LENHARDT: They can't hear you.

SUPERVISOR FULLER: Can't hear me.

COUNCILMAN LENHARDT: Pull it closer that's all. We need directional mikes.

SUPERVISOR FULLER: We may have to add more to our budget and buy new mikes. Good evening and welcome to a meeting of the Bethlehem Town Board. Like to ask all of you to join us in the pledge of allegiance.

The first item on tonight's agenda is the public hearing on the Preliminary 2003 Town of Bethlehem budget. Would ask the clerk to read the call of the hearing.

DEPUTY TOWN CLERK PICARAZZI:

NOTICE OF PUBLIC HEARING  
UPON PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN that the Preliminary Budget for the fiscal year beginning January 1, 2003 has been completed and filed in the Office of the Town Clerk at the Town Hall, 445 Delaware Avenue, Delmar, NY where it is available for inspection by any interested person during office hours.

NOTICE IS FURTHER GIVEN that the Town Board of the Town of Bethlehem will meet and review said Preliminary Budget and hold a public hearing thereon, at the Town Hall, Delmar, NY at 7:30 p.m. on the 23rd day of October 2002 and that at such hearing any person may be heard in favor of or against any item or items therein contained.

Disabled individuals who are in need of assistance in order to participate should contact Nan Lanahan at 439-4131. Advanced notice is requested, and

BE IT FURTHER RESOLVED, that pursuant to Section 108 of the Town Law, the proposed salaries of the following officers are hereby specified as follows:

Supervisor	\$87,805
Councilmen (each)	11,585
Town Clerk	56,900
Superintendent of Highways	79,105
Receiver of Taxes & Assessments	51,780

and

BE IT FURTHER RESOLVED, that such Notice shall be published once in the following newspapers: THE SPOTLIGHT, the official newspaper of the Town on October 16, 2001 and the TIMES UNION, an Albany newspaper, on October 18, 2002.

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
KATHLEEN A. NEWKIRK, CMC,RMC  
TOWN CLERK

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State of New York)

County of Albany )

BARBARA MATTHEWS of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 16<sup>th</sup> day of October 2002.

/s/ Barbara Matthews

Sworn to before me this 16th day of October 2002.

/s/ Sharon A. Doldo

Notary Public, Albany County

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STATE OF NEW YORK)

COUNTY OF ALBANY) ss.:

CATHERINE T. PICARAZZI, being duly sworn, deposes and says that she is the Deputy Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on October 16, 2002, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Catherine T. Picarazzi  
Deputy Town Clerk

Sworn to before me this  
23<sup>rd</sup> day of October 2002.

/s/ Julie McNeil  
Notary Public

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

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

Noes: None.

Absent: Mr. Plummer

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SUPERVISOR FULLER: The tentative 2003 Budget as presented on September 25<sup>th</sup> has been reviewed by the Town Board over the last few weeks. During the October 16<sup>th</sup> budget work session the Board had the opportunity to discuss the various budget requests. The work shop focused on the impact from the unanticipated increase in the mandatory contribution to the New York State Employee Retirement System. The contribution that was to be paid in 2002 is about \$95,000. The expected contribution for 2003 is estimated to be about \$800,000. Although a 38 percent increase had been proposed in our tentative budget, the projected contribution far exceeded those original estimates. It exceeded the estimates by about \$715,000. The sad part of all of this is, we just heard about that last Thursday, I believe, and this may not be enough but we had received a phone call. We had not received any official notification and, I believe, we will probably by the end of this year, 2002.

In order to not have to pass this additional expense on to our taxpayers, we have formed... sought other means of covering the unanticipated expense. The General Fund impact has been absorbed with an increase in the estimate for sales tax

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revenue and mortgage tax revenue. The sales tax revenue for 2003 is projected to be at the same level as the estimated 2002 receipts. Due to the receipt of the third quarter sales tax check last week which was above expectations, that was the good news, we were able to modify the projected revenue for 2002 and therefore, increase our budget accordingly.

The Highway Fund will increase its planned deficit from \$160,000 to \$303,000 in order to maintain adequate fund balance a transfer will be required from the General Fund to the Highway Fund later in 2002. The Water Fund offset the increase with an adjustment to water rents revenue account. Sewer funds, proposed purchase of a heavy duty crane truck has been changed from an outright purchase to a finance purchase, decreasing that line item sufficiently enough to cover increased pension cost. Of the Human Resource initiatives presented in September, the Board has recommended the 4 percent proposed salary increase for our Town employees to be approved. Additionally a proposed education allowance was approved in concept as was the increase to the tuition reimbursement benefit. These policy changes will be formally presented for adoption at the November 13<sup>th</sup> Board meeting.

Summary of revenues and appropriations is included for your reference. Tax rates are proposed in the tentative budget with only a modest increase of 4 percent for General and Highway Funds.

Following the evaluation of any comments or questions received at tonight's budget hearing, the Board will be voting on the budget at its next meeting November 13<sup>th</sup> 2002.

I will now open the floor for questions, concerns, those wishing to speak in favor, those wishing to speak in opposition. The floor is open, it's your time to speak.

MRS. CAPONE: I talk a lot about it. First of all, this increase is going to affect the senior citizens a lot. To start with, in today's Spotlight, the school system is going to increase the size of the building which will be another tax coming in. I cannot understand why you want to upgrade the educational of the people in the Town hall by giving \$500 to \$1,000 for educational background. What I thought, coming from there to there. The only 2 persons that have college degrees are Mrs. Wirth and Elizabeth Moser graduated NYU and she is just a telephone operator. She has no big job, there's no big job, everybody are clerks here. Why do you need to go for a college degree to do a clerk job?

Why did you have to reach to Guilderland, out of the Town, to employ a person in the senior office that has no specialty. When I talked to her, she was an assistant to the person in charge of entertainment for the senior. We don't have that here. Why go out of Town for things that can be taken care here?

SUPERVISOR FULLER: The first question, I will answer is the education allowance and this is of benefit to our employees if they wanted to pursue an education, there is tuition reimbursement. We originally started with a figure of \$500 or \$1,000 for the bachelor's...

MRS. KEHOE: \$1,000.

MRS. CAPONE: \$1,000 for the bachelor's, \$500 for the associate's.

SUPERVISOR FULLER: \$1,000 with the bachelor's, \$500 for associate's. That will be coming back to the Town Board for discussion on the 13<sup>th</sup>. That's entirely separate, it's part of the budget but we have put a clause in there where it is not going to be for elected officials, for department heads or deputies. It is going to be for everyone else who has their college education and there are quite a few employed here who have college education or are working on it.

MRS. CAPONE: I just look at the first floor because that is what I am familiar

with. Why did you go to Guilderland?

SUPERVISOR FULLER: We did not set out to go to Guilderland. We advertised the job, we received about 65 applicants for the positions. There were 2 positions in that office and we hired the most qualified for the position.

MRS. CAPONE: For a clerk? What qualifications do you have to have to be a clerk?

SUPERVISOR FULLER: One has her master's degree.

MRS. CAPONE: She didn't tell me she had her master's. She just told me that's what she did in Guilderland.

SUPERVISOR FULLER: Well.

MRS. CAPONE: How do you define the educational program? You have Kathy Newkirk who took tons of courses all over. It is not affiliated to a college but she's very good at her job because she took so many courses. So, where does she fit in your program?

SUPERVISOR FULLER: She does not. She is an elected official and she receives her salary. There isn't any additional money for an elected official.

MRS. CAPONE: I'll think of something else, you know.

SUPERVISOR FULLER: I'm sure you will. Thank you, Marie.

MR. JASINSKI: My name is Robert Jasinski, Bender Lane. First off, I want to apologize for not being at the work sessions of this budget. I've read different reports, here-says, I'm concerned, as you say, you are offering these additives to the salary of these people have either a 2 or 4 year degree, I assume.

SUPERVISOR FULLER: Yes.

MR. JASINSKI: I would ask you at this time, is this only going to be for your new employees or this for all employees?

SUPERVISOR FULLER: All employees.

MR. JASINSKI: Because, this is a budget, how many employees do you have that are qualified at this time or are within reach within the year of 2003?

SUPERVISOR FULLER: Judi, roughly and what is the total cost of this... did we figure about?

MRS. KEHOE: It's about \$25,000 all funds. Do you want me to address the concept of that or why or...?

MR. JASINSKI: Well, let me go on first before she does that. All right. Is the State of New York, which I kind of feel that the Town of Bethlehem with its retirement system and everything else goes along with the State of New York. Does the State of New York offer an incentive of this type? Can anybody answer that?

SUPERVISOR FULLER: I do not know for sure, I believe there are some divisions in the State that may offer that.

MR. JASINSKI: All right. I know the State does offer tuition assistance which I can go along with that. I'm not for this at all. I mean, if you are going to go out and the jobs are going to demand it. But, you are going into a year when it's questionable about employment. I also question some of your figures that I looked

at in a hurry as far as... and I don't like the words, anticipated... I don't like some of the words that are in this. You were caught short on the \$800,000 that the estimate 38 percent increase that you are going to have in the budget to cover this.

SUPERVISOR FULLER: I don't believe that we were caught short, the Comptroller's office sends us the notification August 30<sup>th</sup>. Why didn't we hear since August 30<sup>th</sup>? We just have to rely on a phone call the other day.

MR. JASINSKI: One of the reasons is...

SUPERVISOR FULLER: So, it's not the Town caught short.

MR. JASINSKI: Well, all right then, the State was caught short because they're monetary income is falling short. The retirement fund, which I fall under, is questionable with the loss in the stock market and everything else. It seems like we've gone from a hurray it's a wonderful year down to oh my goodness gracious what are we going to do. I understand the County is going to have approximately or they are talking of a 23 percent tax increase by the County which is going to be put... at what percentage onto the Town of Bethlehem tax?

SUPERVISOR FULLER: We have not heard as yet.

MR. JASINSKI: I mean, let's say it is 25 percent which is an easy figure...

SUPERVISOR FULLER: They'll send it on to us.

MR. JASINSKI: On \$100,000 estimate tax on a piece of property, how much of an increase would 25 percent be of the County?

SUPERVISOR FULLER: The County is always the biggest portion of our tax bill.

MR. JASINSKI: So, in other words, there's going to be an increase if they go through with this anticipated.

SUPERVISOR FULLER: Yes.

MR. JASINSKI: All right, you are estimating that your sales tax will increase for the coming year. I think your sales tax will decrease, personal opinion.

SUPERVISOR FULLER: Well, you know, it is interesting to see that the third quarter sales tax check that we received was as high as it was when you take a look at the economy and what's happened, it certainly goes to show you that people are still out there spending.

MR. JASINSKI: Spending, well, don't forget you are into what period of time on this sales tax, that increase?

SUPERVISOR FULLER: Summertime.

MR. JASINSKI: Summertime, so you still got some good times. You've just had... you are going to have a layoff up in Fulton of the... I guess it's the... what... Beechnut Company up there, 400 and some odd people. International Harvester is closing down or not International Harvester but International Paper is closing down up north. There's so much unemployment that is starting to take effect as far as figures go. I mean 400 people, 300 people, we're not talking 5 or 10. My concern is that lots of the employment that is taking place is not at a livable wage. I can verify that by working for Price Chopper at \$7.00 an hour. I'm concerned with your budget, I really am concerned at this time. If the stock market doesn't pull through. If we go to war, your budget is not going to work. You're going to fall below it.

Let's see there was another part here I didn't like. You haven't adjusted all of your

water funds yet. You haven't satisfied the drawing of the water from the Hudson River yet.

SUPERVISOR FULLER: No, we have not.

MR. JASINSKI: So, because of that you can't extend your water lines into some of the newer developments that are planned. They will be on hold until something is done with that. So, actually, you won't receive a property tax increase on those anticipated houses until it goes through. Now, we're saying oh, it's going to go through. We're going to come up with an answer to the water problem.

SUPERVISOR FULLER: Any new extensions to the Water District we can't do.

MR. JASINSKI: Right, any new extensions but there are a couple of them that are in there which are 140 houses, 110 houses or something like this here.

You are talking about putting some money into Wemple Road, I believe, lower and upper.

SUPERVISOR FULLER: \$6,800, that work is complete, that was easements that were done. That's further on the agenda.

MR. JASINSKI: Right, but that means that if you done easement you are going to do road building.

SUPERVISOR FULLER: That was repair to Wemple Road down by the railroad tracks.

MR. JASINSKI: There's something in there that was in the Spotlight. Let's see now...

SUPERVISOR FULLER: That will be further on down the agenda, Mr. Jasinski.

MR. JASINSKI: Okay.

SUPERVISOR FULLER: Acceptance for right-of-way.

MR. JASINSKI: I don't like the 4 percent salary increase. The Federal Government has increased social security 1.25 or 1.24 and I mean here we're giving a 4 percent increase. What's the average salary of Town employees – let's say averaging out like maybe from mechanic to a groundsman to a water department person.

SUPERVISOR FULLER: Do you have it averaged out roughly? You know they are all at different levels.

MRS. KEHOE: About \$35,000.

SUPERVISOR FULLER: \$35,000 you think is the average.

MRS. KEHOE: A laborer type, mechanical type position.

MR. JASINSKI: Well, that's at present. So, you're going to go up about anywhere from \$1200 to \$1400 if you go up 4 percent. Let's see, what did I figure out -- \$1600. for \$40,000.

SUPERVISOR FULLER: They have received 2 and 3 percent raises over the years. This is my...

MR. JASINSKI: I know it. Two and 3 which is a normal raise. Four percent, hey that's awful nice. I don't remember a 4 percent.

That's about it. I mean, I haven't had a chance to study this but I anticipate, or I see where you are going to fall short in the next budget and I see my taxes going up. You are going to have to cover it some way. The school's going to increase their tax. They have every year. They haven't missed a year in 20 years, I don't think.

SUPERVISOR FULLER: Theirs is much higher than the Town of Bethlehem's I might add.

MR. JASINSKI: Yes. I have no qualms with the salaries that were presented by you people, by the way.

COUNCILMAN DAVIS: Thank you.

MR. JASINSKI: But, I and I hate to come down on the normal, hard working, people. I'll use that word and no other word on it which are employed by the Town which are dedicated people and everything else but still you... don't forget, you increase their salary, you increase their expenses if they live within the Town too as far as taxes go. So, are we giving with one hand and taking with the other?

SUPERVISOR FULLER: We increase all our own taxes too sitting at this table.

MR. JASINSKI: I realize that. I realize that but then I've seen a lot of supervisors that used to live here and they take off for Florida.

SUPERVISOR FULLER: I won't.

MR. JASINSKI: Don't take that as a personal but...

COUNCILMAN DAVIS: Mr. Jasinski, one reason why the Board has discussed the 4 percent salary increase across the Board is because, and you may not agree with this either, but when many of the... the employees that we've had retired and we have had a number of retirees in the last year or two, it's been very hard to fill those positions because we have found that we're not competitive with other communities and other... and even private industry. And, it is difficult to fill those jobs and we really do want the best and as a result, one way to do was to increase slightly more than what we have in the past.

MR. JASINSKI: All right, what is the hourly salary that you pay your employees? What's the start?

COUNCILMAN DAVIS: The average hourly?

MR. JASINSKI: Let's say, what's the start per hour? \$10 an hour?

SUPERVISOR FULLER: Judi...

MRS. KEHOE: It varies.

COUNCILMAN DAVIS: It would depend on the job.

MRS. KEHOE: It varies significantly depending on the nature of the position.

MR. JASINSKI: Let's say a normal 30 year old man applying for a Town highway job.

MRS. KEHOE: Highway, I believe is about \$10 or 11 maybe.

MR. JASINSKI: \$10 or \$11 and the going salaries out there are \$10-11. You take probably a truck driver that has maybe 10-20 years on the job or something like this, what's he getting? \$14 an hour? I mean that's after 10-20 years on the job. One of the reasons I mentioned all the layoffs that are taking place and everything

else is because I think you're going to have people available at a normal salary. You don't... by increasing your benefits and salary, you don't help the businesses in your area because you are going to force your businesses in your area to raise their prices too. Now, we've been fortunate with Delmar, Albany, Bethlehem, Colonie and if you go up a little bit into that Glens Falls and Lake George and then it stops. But, you go out into the hill towns and places like this here, salaries aren't there. And, one of the things they have to learn is everybody can't wind up with a Masters Degree. Matter of fact, if the majority of them do, God bless the normal working person because you'll be paying more for his hands then you will for the Masters or Associate Degree that people carry. Your plumbers will cost more. You're going to increase everything within the Town, little by little.

I realize what you're saying but don't forget you got many benefits on a retirement system and to offer an employee. The State is supposed to have a freeze on, the State isn't hiring, am I correct, Doris?

COUNCILMAN DAVIS: I don't work for the State, I don't know.

MR. JASINSKI: Well, I thought maybe, perhaps, you knew from your past experience. But, I believe the State has a hiring freeze and so if they are not hiring, you should be able to get people to work.

SUPERVISOR FULLER: We're trying.

MR. JASINSKI: Maybe I ought to stop by and pick up an application.

SUPERVISOR FULLER: Well, you are more than welcome.

COUNCILMAN LENHARDT: Mr. Jasinski, I just want to... if you don't mind, Madam Supervisor, I'd like to address the educational item you mentioned. The Supervisor mentioned that that stipend for education would not go to elected officials, deputies, department heads, she also failed to mention also part timers are not included in that. But, I don't know if you are aware of it or not but our Police Department... our unionized Police Department has a contract that does include that benefit.

MR. JASINSKI: I'd just as soon not go into that contract with you because I have quite a few things that I would like to.

COUNCILMAN LENHARDT: I just want the public to be aware of that.

MR. JASINSKI: I mean, I would still like to see \$80,000 policemen.

COUNCILMAN LENHARDT: This is not a new concept.

MR. JASINSKI: Well, I realize that but I know you are also going to have problems. There are retirements within your Police Department and your union is very strong in it and you know, God bless it all if you make it through it.

COUNCILMAN LENHARDT: We've had retirements.

MR. JASINSKI: But, I'll tell you, there's going to be lots of people sqwalking. Thank you.

SUPERVISOR FULLER: The one good job that we did do if you don't mind me saying so is when we got hit with this pension which really the retirement cost... this is not a good situation and many municipalities will be folding up their operation, we have gone gradually with very little increases in our taxes trying to save for that rainy day. We have the surplus there to be able to deal with this and you know what, if we didn't plan good financial management, we would be in a difficult situation right now and that tax would be going back onto our residents. And, that was the last thing that we wanted to do.

MR. JASINSKI: I thank you for that because that is good management but don't forget that as you take it in the future you are going to have to replace it if you still want to have that fall back.

SUPERVISOR FULLER: Absolutely.

MR. JASINSKI: And, if we're not anticipating more income, then you are not going to have it and then the next year you're going to have to fall back even further onto your surplus that you have in special funds and then you're going to deplete them and then you're going to be in a bind.

SUPERVISOR FULLER: Right and it's all back to increasing our tax base here in our Town.

MR. JASINSKI: Well, I hope the world and the war and everything goes a good way so it's good for all of us and I hope sales do increase and people do make a better standard of living. But, you know, those are hopes, those are wishes. I'm afraid your budget is a wish list that... for the coming year... it's like a Christmas present, I hope I get it. Well, Santa Claus is only going to bring so much in the bag. Thank you.

MRS. CAPONE: It seems that he is a good businessman and all that comes from Mrs. Kehoe.

SUPERVISOR FULLER: Thank you.

MRS. CAPONE: Listen, this educational program are you going to take the people's word of mouth or are you going to want something in your hand from wherever they went?

SUPERVISOR FULLER: They will be producing the documents showing where they went and how much education they received.

MRS. CAPONE: Okay, thank you.

SUPERVISOR FULLER: Your welcome. Is there anyone else?

COUNCILMAN LENHARDT: I wouldn't be surprised if that isn't on record already.

MR. MORAN: My name is Norman Moran, I live on Carstead Drive. And, I guess I have... I'm looking at this and it doesn't mean much... make much sense to me. You got here contractual salaries on page 1, how many people are there? I mean that's the thing that I would like to know. You've got figures down but it doesn't mean anything. How many people have you got employed? Are you going to hire more people next year? What's your turn over rates? Are people leaving the jobs because of the salaries?

George just negotiated a contract, according to your bulletin here that you go out with that's 5 percent over 3 years. Sheila and I have talked about this, it's 12 ½ percent over 3 years. But, I never see any issuance of any correction in this thing. There is no correction. Did you issue a correction to the report saying we made an error, it is not 5 percent, it's 12 ½ percent over 3 years. I mean, that's a hell of a nice increase.

COUNCILMAN LENHARDT: Which report are you referring to?

SUPERVISOR FULLER: Bethlehem report, George.

MR. MORAN: What's a cop costing you? What's a policeman costing you in the Town? What's the benefits? How much... in order words, you're paying a cop...

policeman out here... use any of these rates -- \$39,000, what's his benefits costing us on top of that?

SUPERVISOR FULLER: You want to deal with this.

COUNCILMAN LENHARDT: Judi can answer that.

MR. MORAN: What's that run?

SUPERVISOR FULLER: The salaries for the police. Judi Kehoe is our Town Comptroller and I think it is easier if she...

MR. MORAN: Here's the schedule and what's the rate? What's the benefits on top of that?

MRS. KEHOE: Yes. All set by contract. Benefits including leave accruals typically run around 30-35 percent.

MR. MORAN: All right, so you're actually paying in this case you are paying a step 3 sargeant, you're paying him almost \$100,000 with benefits.

MRS. KEHOE: Yes.

MR. MORAN: What's the turnover rate then in the Police Department?

SUPERVISOR FULLER: Well, this year has been unique.

COUNCILMAN LENHARDT: This year is probably the largest it has been since I've been on the Board.

MR. MORAN: Probably retirements.

COUNCILMAN LENHARDT: Retirements, that's what I'm talking about.

MR. MORAN: But, do you see any policeman leaving the Department? No, not with the salaries they're making. And, now with the increases you just gave them. You know...

COUNCILMAN LENHARDT: We didn't give those to them, it was a negotiated arrangement.

MR. MORAN: That's right but maybe you ought to go back and take negotiations 101 because I mean this is a heck of a big increase.

COUNCILMAN LENHARDT: Well, sir, let me tell you that by the State of New York's laws, the Police Department has binding arbitration as a final say in negotiation.

MR. MORAN: Fine.

COUNCILMAN LENHARDT: And, that's 101.

MR. MORAN: Did you submit it to a binding arbitrator?

COUNCILMAN LENHARDT: We came close.

MR. MORAN: Well, why didn't you do it?

TOWN ATTORNEY ALESSI: I think what you might want to do to inform the discussion a little bit more is compare those... sir, grab the police salaries of other towns – Guilderland, Colonie...

MR. MORAN: I don't have those figures.

TOWN ATTORNEY ALESSI: I understand, I understand you don't and there is no reason I would expect you to have them.

MR. MORAN: Would you give them to me?

TOWN ATTORNEY ALESSI: I think we've got them available.

MR. MORAN: I mean if you've got the comparisons, I'd like to see them.

TOWN ATTORNEY ALESSI: I think if you look at the comparison, you will see in the way the police arbitrations go is that the way the arbitrators make their decision is based upon what the area force is. That's one major factor.

MR. MORAN: I'm well aware of what arbitrators do. I worked for 30 some odd years with General Electric Company, okay.

TOWN ATTORNEY ALESSI: All right, so you would know that if you're an arbitrator you do look at other factors other than 1 piece of paper.

MR. MORAN: That's right.

MRS. KEHOE: Yes, you are seeking comparable positions, comparable salary.

SUPERVISOR FULLER: Mr. Moran, that was part of this negotiations that many of the other communities were paying more than we are. Now, originally we probably were up on top of the heap, years ago.

MRS. KEHOE: Years ago.

SUPERVISOR FULLER: And, others came up to catch up with us and now have gone ahead. So, when we were comparing salaries in other municipalities we were not at the top.

MR. MORAN: But, I really would like to see the number of employees... you are proposing to add employees, I assume.

SUPERVISOR FULLER: No, we are not.

MRS. KEHOE: No.

MR. MORAN: Oh, you're not...

MRS. KEHOE: No.

MR. MORAN: Well, how come...

SUPERVISOR FULLER: No additional staff in any of this budget.

MR. MORAN: I'm looking at the figures you just gave me. You're going... year to date is \$5,000,000 in this particular category. The adjusted is going to be \$7,000,000 and you are talking about \$7,487,000 next year, okay.

MRS. KEHOE: That increase is from...

MR. MORAN: Just the 4 percent?

MRS. KEHOE: No, steps... we have a job classification system in place. We have about 240 full time employees, seasonal part-time employees probably bring it up closer to 300. But, we have a job classification system where each title is given a range so that the salary is supposed to be commensurate with the duties of that

position.

MR. MORAN: I understand that.

MRS. KEHOE: So, if you have someone who has more responsibilities, requires more education, they would receive a higher salary than a clerical staff level position.

MR. MORAN: So, what you are saying is that this budget is not proposing any increase in personnel.

MRS. KEHOE: No.

MR. MORAN: But, you are increasing the contractual... you are going to go ahead and increase the cost of contractual... you're hiring people to do work, that category is going up from \$2.5 to \$2.8 million.

MRS. KEHOE: Contractual are things like utilities, phone, things of that nature.

MR. MORAN: That isn't what I regard... I wouldn't regard that as contractual.

MRS. KEHOE: And, this... what you are looking at, if you want to get a complete picture of the budget, you really need to look at the detail that's in the budget that was presented at the end of September. This is just a summary to highlight the changes that came about after our budget workshop.

MR. MORAN: Well, I guess I was not aware of that.

MRS. KEHOE: And, I'm happy to sit down and talk with you and explain the systems...

MR. MORAN: I would like to do that.

MRS. KEHOE: Please, I'll give you my card, call me.

TOWN ATTORNEY ALESSI: And, Judi, I assume the categories are not things... parlance that you choose, these are State Comptroller's guidelines.

MRS. KEHOE: These are State Comptroller...

TOWN ATTORNEY ALESSI: That under the rubric of contractual, that's defined by the State so that even though intuitively you may not think these things are here, Judi doesn't have any discretion to be able to put them under categories. She puts them under State mandated terms.

MRS. KEHOE: The State is, obviously, trying to get consistency between all the municipalities throughout New York.

MR. MORAN: But, you say you have a breakdown.

MRS. KEHOE: Oh, yea, that was a book presented...

SUPERVISOR FULLER: Yes, in our preliminary budget book.

MRS. KEHOE: There is detail in there as well but in terms of salaries and position...

MR. MORAN: But, it doesn't say the number of employees in there.

MRS. KEHOE: No, but that's in the detail book that was presented in September.

COUNCILMAN DAVIS: Each department has its employees listed.

MR. MORAN: And, I'd like to make another comment outside the budget. I'm getting a little tired of calling the Town people and them telling me that I have to do their jobs for them.

SUPERVISOR FULLER: Oh, well, what happened?

MR. MORAN: I called the department... highway about a dead deer on the corner of Carstead and Route 85, they said to me was he on Route 85 or is he on Carstead. I said he's by the mailboxes there. Well, maybe you call the State. I said I'm not calling the State. I'm notifying you. It's in the Town, I don't care where it is in the Town, you call them up and get it removed. It's not my job. I called you, Sheila, about the deer situation out here. You people have allowed the Town to just grow enormously. Fisher Boulevard where all the deer used to be are now over on Carstead and other streets. There are 3 people in my neighborhood that have gotten Lyme disease. And, if it wasn't for the parents or the people themselves, catching them in time, they could die from it. I called you about it. What'd you say to me, oh, call New York State Conservation Department. That's not my job. Don't we have any...

SUPERVISOR FULLER: I believe I told you I spoke with Mr. Carl Parker at DEC and this has gone on for years.

MR. MORAN: Well, then have the Town Attorney draw up a letter and send it to them.

SUPERVISOR FULLER: I did not ask you to do it.

MR. MORAN: And, protest it because you got to do something with the deer population. The traffic situation is terrible and you got no water. The infrastructure can't absorb it and yet you're issuing building permits left and right.

SUPERVISOR FULLER: We can't be issuing building permits with the drought in place if these are new... if this is new construction.

MR. MORAN: Well, they're still going on. The other night on tv there was a building project down here in Bethlehem again and there's still issuing permits, don't tell me they are not. You don't have the water, you buy it from Watervliet... or from Guilderland, you're buying it from Albany. If all of a sudden they had a water shortage, they gonna sell it to us and do away without their own people having it. No way. And, where's the master plan. Do we have a master plan for the Town of Bethlehem?

SUPERVISOR FULLER: Yes.

MR. MORAN: As all these things... there's a population explosion we're now being faced with a new addition to the schools now because the population in the district has gone up. And, that's a responsibility of the Board. The Board ought to coordinate those kinds of things between the schools and not go ahead and just issuing permits left and right. And, when you and I talked about this what did you say to me – how would you like to have a piece of land and we tell you you cannot build on it. Hey, wait a minute...

SUPERVISOR FULLER: Well, it's true.

MR. MORAN: But, at the same time you've got to take into consideration whether you got the schools, whether you got the infrastructure, and whether you've got the water supply. I don't think those things are being taken into consideration. If they are, I don't see where they are.

SUPERVISOR FULLER: Do you know Dr. Loomis, the School Superintendent?

MR. MORAN: Route 85 and Cherry Boulevard are a nightmare.

SUPERVISOR FULLER: Dr. Loomis meets with the Town Building Department every year and they go through the developments that are proposed. Developments that are on the books that we don't know when they will be built.

MR. MORAN: Well, you people here, are the ones who should be controlling it.

SUPERVISOR FULLER: You don't want us controlling the school system.

MR. MORAN: No but you should be controlling the building and the building is out of control.

SUPERVISOR FULLER: Okay.

MR. MORAN: I go out... I go out the other morning, I had a doctor's appointment. I go out to go to Albany, I'm stuck in front of the Slingerlands Post... Fire Department, waiting for the line of traffic. It took me 15 minutes to go from there to corner of Cherry and Route 85. And the people, the lights are situated so that Cherry Avenue and coming in are the ones that control and I asked you to do something about it, looked into it. You tell me call the Transportation Department.

SUPERVISOR FULLER: I did. I called.

MR. MORAN: That's not my job, Sheila.

SUPERVISOR FULLER: I called DOT, New York State Department of Transportation. You and I discussed that.

MR. MORAN: What were they doing about it?

SUPERVISOR FULLER: They do the timing on the lights. I called them. I don't know what they are doing about it but they have been told about it.

MR. MORAN: You should find out.

SUPERVISOR FULLER: Not once but several times to be very honest with you. Please come in for the budget if you can. Please come in for the budget there's a copy in the Clerk's office and Judi can go through with you.

MR. MORAN: Okay, thank you.

MRS. CAPONE: This man feels that way, yesterday I was talking to a local builder that told me he couldn't believe how efficient Bruce Secor was. He said he knew everything in detail, it was perfect. Well, some screwed up, somewhere.

SUPERVISOR FULLER: Okay, back to budget.

MRS. HEINZEN: My name is Nancy Heinzen and I'm here as a citizen of the Town of Bethlehem with some familiarity of water issues, particularly water quality and water supply. And, I get that experience from being a member of the Albany County Water Quality Coordinating Committee and also the Onesquethaw Coeymans Water Shed Council and I'm here related to water quality and I don't know if you are familiar with the phase 2 storm water regulations. This is regulations that are currently... I'm holding it in my hands, this is a draft document which is currently in a comment period and it will become a final ... as of December 10<sup>th</sup>. What these regulations require is that municipalities of a certain size put together a storm water management plan. They need this plan in place in order to get what is called a SPEEDES discharge permit for storm water systems.

The storm water management plan is a very comprehensive document. I'm going

to describe some of what is included in the plan so you have an idea of its magnitude.

DEPUTY TOWN CLERK PICARAZZI: Nancy, could you use that microphone.

MRS. HEINZEN: This one over here.

DEPUTY TOWN CLERK PICARAZZI: Thank you.

MRS. HEINZEN: Sorry. Okay. First of all the requirements are that you must develop, implement and enforce the storm water management program designed to reduce the discharge of pollutants from your small MS4 to the maximum extent practicable to protect water quality and to satisfy the appropriate water quality requirements of the Environmental Conservation Law and the Clean Water Act.

Your storm water management plan must include the minimum control measurements described in Section B of this part. I want to describe some of those because they are very significant. Okay, included in a storm water management plan 1. would be public education and outreach on storm water impacts – you need to plan and conduct a public education outreach program. Need to develop a system for public involvement and participation. Design and conduct public... you need to submit an annual report. If there are listed discharges you need to develop, implement and enforce a program to detect and eliminate, a list of discharges also developed and maintain a map showing the location of all outfalls and the names and locations of all waters of the United States that receive discharges from these outfalls. You need to develop measurable goals and select appropriate management practices. There are certain requirements related construction sites storm water run off.

This is mandated by the Federal Government EPA Clean Water Act. It is also now being implemented by the Department of DEC. The date of all this is December 10<sup>th</sup>. This will become a final permit and then by March 10, municipalities are responsible for developing a storm water management plan. Conversations I've had with individuals in DEC and elsewhere in the water community, estimate it will be about \$50,000 for an engineering firm to do the initial storm water management plan and then you need to anticipate annual expense associated with implementing the plan.

This is a significant budget item. I don't know in reading through the budget if this was incorporated into the working sessions. It is something that most municipalities in the area are familiar with. I know Bethlehem has sent a representative to some of the training sessions offered by the Department of State. I think we need to be very aware that this is serious. Without this SPEEDES permit in place, any development plans on the horizons will probably be cut off by DEC because we are not meeting the requirements. So, if the plan is to increase revenue through commercial development, you need to comply with the SPEEDES permit to do that.

So my question to the Board is, where in the budget is this... the requirements of this plan in place and if it isn't there, is there any way to work it into the budget before the final authorization in a month.

SUPERVISOR FULLER: Mr. Secor discussed this with the Board at our work session but the question I have is, are you aware of any money coming from the Federal or State government with another mandate being put on a municipality.

MRS. HEINZEN: I don't know the details... I am not familiar with the details of that end. My understanding that it is up to municipalities to come up with the money.

SUPERVISOR FULLER: Unfortunately, that's what it's all about.

MRS. HEINZEN: I know.

SUPERVISOR FULLER: And, that's part of us trying to put a budget together and really there's just so far the taxpayer can go with some of these mandates that we are asked to...

MRS. HEINZEN: Yea, yea, yea and I'm not here to argue that situation. I just think it's...

SUPERVISOR FULLER: I just wondered if you were aware of any funding coming with the mandate.

MRS. HEINZEN: I don't know. I think there are probably ways to leverage money to put together a plan and that there are funding sources out there because there is a keen interest in... I know water shed protection is very high on the agenda, money is available to do that kind of thing. I think if the Town was savvy they might be able to get some of that money to help implement this plan. But, I think it is a reality. It's just a cost that we have to be aware of and I think it's important to keep in mind that the purpose of this is to protect our water. It's really for water quality. We've made tremendous gains in terms of point source. I know the Town of Bethlehem has received recognition for management of their wastewater treatment facility and across the Board, I think, nationally we're very proud of what we've done for non-point source pollution. The dilemma is for point source pollution... the dilemma is non-point. We're talking about storm water runoff. And, this is a very tightly drawn program to really begin to address that problem and unfortunately, someone has to pay for it and it will probably be us and I think we got to accept that we've got to bite the bullet and just start to do it. The date is serious, we're looking at March 10<sup>th</sup> of next year and that's one comment I wanted to make.

The other question I have relates to the funding allocated for zoning. Apparently, my reading of the budget is about \$30,000 and I was curious if you could explain to me what that money will be used for and if that will be an open public process and if some of that money will go towards encouraging open and public process in developing new zoning code. So, that's a question to the Board.

SUPERVISOR FULLER: The money has been in there for probably the last 3 years, 4 years and it's really to help with staff to get together to update the zoning code.

MRS. HEINZEN: And, what's the status of that in terms of updating the zoning code?

SUPERVISOR FULLER: We're getting there.

MRS. HEINZEN: Is there a time line?

SUPERVISOR FULLER: No, there isn't. We're hoping to get through it at some time this year.

MRS. HEINZEN: Are these regular and monthly meetings or is it open to the public or is it little vaguer than that?

SUPERVISOR FULLER: No, it will all be done at a Town Board meeting and the Board meets twice a month, other than through the holidays.

MRS. HEINZEN: Yea, so, it kind of piece meals zoning code. Part of the reason I'm drafting these questions in that way is that this storm water management plan requires ordinance be designed to try to protect water quality and it seems like you have this mandate on top of working with... making zoning changes and ideally since this has to be comprehensive, those 2 needs should work together. But, as it stands now, the zoning... there's no like formal place where collectively it's all

going to happen within the next year. Is that my understanding?

SUPERVISOR FULLER: No, there's a possibility of looking at the southern end of Town for zoning. Most of the Town is zoned already. It's the southern end of Town where the issues are and that's what we are beginning to look at.

MRS. HEINZEN: Okay, well that's the end of my questions and comments.

SUPERVISOR FULLER: Thank you. Bruce, would you like to comment on this new requirement. If I can have Bruce to answer.

MR. JASINSKI: Sheila, can I ask Bruce to also give us an update on the reservoir, supply of water.

SUPERVISOR FULLER: Yes.

MR. SECOR: As Supervisor Fuller mentioned, I did hand out a copy of... we just received a notice of this new unfunded mandate last week. The budget have been put together. I have not had an opportunity to get together with any consultants to try to come up with a budgetary number. So, we have not proposed anything in the budget that is in front of the Board. If it turns out we have to do this next year, we'll either have to look to... if there is any unappropriated funds available or we'll have to borrow the money and pay it off over years coming. Unfortunately almost every week we receive another letter of one sort or another with another mandate – you must do this, you must do that – there are 3 or 4 other Federal mandates hanging on the horizon for a number of other things so we'll deal with this when we can but it is not now currently budgeted as a specific number because we don't really have the cost put to it yet. It's just been proposed. It's out for comment. Theoretically there is a March deadline next year, whether that will be held or pushed back is something else that we'll have to see.

As far as the reservoir issue, we've gained about 2 ½ feet of water with the rains we've had over the last couple weeks. Our reservoir is now at about 50 percent which is getting closer to what would be seasonal levels for this time of year. And, again, we're just looking for a normal winter which would refill the reservoir and we'd hopefully get out of the drought cycle.

COUNCILMAN MARCELLE: Mr. Secor, can I just ask you a question about this mandate? Would the money be coming from the General Fund or the Water Fund?

MR. SECOR: This particular one, since it is storm water drainage would be a general Town expense. There is a similar one, parallel one for sanitary sewer systems which is actually going to be a lot more expensive than this which would end up coming out of the sewer budget. It would not affect the water budget by itself because this is just storm water runoff.

COUNCILMAN MARCELLE: It will come out of the general budget?

MR. SECOR: Yes, it would be a general fund expense.

SUPERVISOR FULLER: Anyone else would like to... if you have questions, or you would like to speak in favor or in opposition of the budget.

GENTLEMAN: I got a general question. What happens if they pass a mandate down and you don't do it?

SUPERVISOR FULLER: We have to be good law abiding citizens. Now I will ask the attorney to answer it.

TOWN ATTORNEY ALESSI: Depends upon what the mandate is. For example, for the unfunded mandate that was just reviewed with us, I suspect what would happen is they would seek to revoke our SPEEDES permit, seek to modify our

SPEEDES permit and that's fancy acronym for State Pollutant Discharge Elimination System which essentially is anything that comes out of the end of the pipe – our water treatment plant, our sewage treatment plant. So, they can have some teeth into that one. There are other mandates that the teeth for enforcement are not readily available. The Comptroller also has some leverage. If you don't do what is required there is certain certifications that have to be made so unfortunately the State has gotten very good at unfunded mandates and they have gotten very good at enforcing them and making it difficult for people to... municipalities to refuse to do it and they've gotten very good at making the cost and the price of refusing to do it, sometimes greater than compliance.

SUPERVISOR FULLER: High school students, any questions on the Town budget?

COUNCILMAN MARCELLE: Madam Supervisor, if I could just have one quick question for the Comptroller. This is related to the public discussion, Madam Comptroller I wonder if I could... the question about the tax increase. I wonder if you could tell the people for the record what a 4 percent property tax increase means for \$100,000 house. I notice the rates... at least I couldn't find the rates in the budget. But, if you could just state that so we all know what we are talking about.

MRS. KEHOE: The... per \$100,000 the increase for the 4 funds that we control – the general, highway, water and sewer – it would be just under \$20 per \$100,000 of assessment. Now, when I was talking with Mr. Jasinski about when you had raised your question, was what is the overall financial health of the Town and are we able to weather these changes in the economy – the largest portion of the services that are rendered are in the general fund. That is more than half of all of the 4 funds. We are a service provision entity, obviously. The funding for that general fund is primarily from revenue sources that are very much dependent upon the economy – the sales tax and the mortgage tax. If you look at the property tax for the general fund, you are talking 49 cents per \$1,000. Very low, very small percentage of that total. Because our revenue sources are dependent on the economy, we try to carry a higher fund balance. The State Comptroller's office will give you a general rule of thumb of between 10 and 15 percent. We are considerably higher than that. Over the last few years we've been at around 26 percent in the general fund. We have a very long history of very conservative budgeting where we go... obviously, in your revenues you have a range... a low and a high... we tend to go to the lower end so that we are not caught short. On the expenses, we try to make sure that we have enough there. We have typically come in at about 95 percent of those budgeted expenditures. So, a budget – to put it all in perspective – is your operating plan for the coming year. Obviously, things are going to happen. You're going to get a mandate. Two years ago we had a landslide, who would have predicted something like that? We have the financial strength and we are taking a long term view on this so that when these curve balls are thrown at us, we have the ability to absorb them and deal with them. The retirement system increase of \$700,000 is a major curve ball for the town. We had the reserves that we could cover that. The sales tax numbers, again, that's a conservative figure. We have been very, very low on that. I watch very closely all the economic projections. Talk with a number of economists, talk with other communities as well to try to get a realistic handle on that. Even with talking to Albany County and their budget people, they are projecting flat revenue source for the sales tax which is all that we have incorporated into next year's budget.

COUNCILMAN MARCELLE: I was about to say, after our conversation I know you are taking a very cautious view of the economy over the next 2 years.

COMPTROLLER KEHOE: I mean I've been criticized over the years for being too gloom and doom and to worried about what the future is going to bring. It's because of my recommendations from the Board and that you have approved that that we are in the shape that we are. We are predicting another surplus for this year, 2002, in the General Fund. That's part of what enables us to absorb the

significant increase from the retirement system and allows us to still keep the taxes at 4 percent. As I said to Mrs. Fuller, earlier in the week, even when times are good, I still recommend that we have a very modest tax increase because I think it's easier for people to absorb minor increases on a yearly basis instead of being hammered with a significant increase. And, if you look at some of these other counties and other municipalities who haven't taken that longer term view, they don't have the financial strength that we do and they're looking at 20 and 30 percent tax increases. I do not want to ever have to come to the Board and make a recommendation like that.

SUPERVISOR FULLER: No, you don't want to.

MRS. KEHOE: So, that's why we have tried to manage... yes, thank you. I would be quickly unappointed, I realize. That's why in good economic times we don't ratchet up on the expenses. We are very closely trying to monitor that. When you have a surplus, we put it into the reserves. We are wisely managing these resources so that we don't get any unexpected surprises with the Town's finances.

SUPERVISOR FULLER: I think if we take a look over the last 8 years and our budgets... and I don't have it with me tonight... but going across the schedule, these taxes are... last year's taxes were lower than they were throughout all those years.

MRS. KEHOE: Yes.

SUPERVISOR FULLER: So, really you were paying more many years ago.

MR. JASINSKI: How are we doing as far as insurance goes? I mean, the reports I've read is that the insurance companies are looking to increase auto insurance and things like this. How... when does our insurance expire for the Town and are we looking at an increase? Well, first, when does it expire?

MRS. KEHOE: December 31<sup>st</sup>, our policies are all on a calendar year basis. Premiums have gone up substantially. That is included with in the budget. We have our pre-quotes, so we know those are good numbers. Health insurance alone was up 14 percent. Workers Comp was up significantly.

MR. JASINSKI: All right and you've anticipated this?

MRS. KEHOE: Yes, oh yea. And, the problem that a lot of municipalities are having is due to a lot of changes at the underwriter level. In many cases, it's difficult to even get coverages. So, 1. you have an affordability issue and at times you might even have an availability issue. We are not dealing with that now. I mean there are other options. For something like that there are certain insurance reciprocals for municipalities that we could fall back on. But, while the stock market was good and the economy was strong over the last 5-6 years, 7 years actually, the insurance premiums had been very low. It was a very soft market because the insurance companies were taking all of their investments and using that to pay their dividends to their shareholders. Now that the stock market rates have dropped significantly, they're turning to premiums as their source of revenues. So, who pays the premiums, we all do. So, that has been provided for. Thank you.

SUPERVISOR FULLER: Anyone else? Anyone wishing to speak in favor of our budget? Anyone wishing to speak in opposition? May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to close the public hearing at 8:36 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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Deputy Town Clerk

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Supervisor Fuller convened the regular Town Board meeting following the close of the public hearing. She indicated the Board would be voting on the budget November 13, 2002 at the Board meeting.

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The next item was a request from Nan Lanahan, Administrator of Parks and Recreation Department for approval of appointment of seasonal personnel.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as requested by Nan Lanahan, Director of Parks and Recreation Department as listed in the Memorandum dated October 23, 2002 at the titles and salaries listed. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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Supervisor Fuller noted the gentleman from Fort Edward is a teacher in the school district and he is going to be in charge of the ski club. She said he will be here for his teaching day and not driving back and forth to be an employee for the park.

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The following item was a request from Nan Lanahan, Administrator of Parks and Recreation Department for approval of disposal of equipment.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the disposal of equipment as listed in the Memorandum dated October 16, 2002 as requested by Nan Lanahan, Director of Parks and Recreation Department. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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Councilman Davis requested that it be mentioned that the equipment is no longer work or is obsolete. Supervisor Fuller said she was about to mention that information.

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The next agenda item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of the Supervisor to sign an agreement for acceptance of a 30-foot gazebo type shelter at the Elm Avenue Park pool complex from the Lynn Apicelli Scholarship Fund.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the Supervisor to sign an agreement for acceptance of a 30-foot gazebo type shelter at the Elm Avenue Park pool complex from the Lynn Apicelli Scholarship Fund. The motion was carried by the following vote:

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

Noes: None.  
Absent: Mr. Plummer.

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Supervisor Fuller noted Lynn Apicelli was a fine young lady who spent many years at our Town park as a swim teacher and she was killed in a tragic accident years ago. She went off to Penn State to college, Supervisor Fuller explained, and it was her freshman year. She said her family had set up a Lynn Apicelli Scholarship Fund and the family has requested that they would like to now turn this money over and have the gazebo built at the Town park in memory of Lynn. Supervisor Fuller thanked the family for their generosity and it will be a privilege to have this gazebo as part of the Town property.

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The following agenda item was a request from M. David Leafer, Assessor, for proposed local law amending the Code of the Town of Bethlehem, Senior Citizens with Limited Income Tax Exemption Law. The public hearing could be held November 13, 2002 at 7:45 p.m.

The motion was made by Mr. Marcelle and seconded by Mrs. Davis to hold a public hearing on November 13, 2002 at 7:45 p.m. to amend the Code of the Town of Bethlehem regarding Senior Citizens with Limited Income Tax Exemption Law. The motion was carried by the following vote:

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

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The following item was a request from M. David Leafer, Assessor for a proposed local law amending the Code of the Town of Bethlehem regarding Property Owners with Disabilities and Limited Income Tax Exemption Law. The public hearing could be held November 13, 2002 at 8:00 p.m.

The motion was made by Mr. Marcelle and seconded by Mrs. Davis to hold a public hearing on November 13, 2002 at 8:00 p.m. to amend the Code of the Town of Bethlehem, regarding Property Owners with Disabilities and Limited Income Tax Exemption Law. The motion was carried by the following vote:

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

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The next agenda item was a request from Bruce Secor, Commissioner of Public Works, for approval to go to bid for a boiler replacement and approval of budget modification related to cost of boiler for the New Salem Water Purification Plant. This could be advertised in the October 30, 2002 SPOTLIGHT.

Supervisor Fuller explained the budget modification is for \$80,000.

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

WHEREAS, the Town desires to advertise for bids for the purchase of a boiler replacement for the New Salem Water Purification Plant, pursuant to law,  
NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 30th day of October, 2002 and that bids be received up to 2:00 p.m. on the 12th day of November, 2002 at which time

the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the budget modification in the amount of \$80,000 related to the cost of the boiler for the New Salem Water Purification Plant. The motion was carried by the following vote:

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

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Supervisor Fuller noted bids will be received up until 2 p.m. on the 12<sup>th</sup> day of November and awarded at the November 13<sup>th</sup> Board meeting.

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The following item was a request from Michael Cirillo, Engineering Services Administrator, for acceptance of a deed for a right-of-way easement for the lower Wemple Road project for drainage and grading along the northerly side of Wemple Road just easterly of the railroad right-of-way. The Supervisor noted Tri-Cities Labor Training Program, Inc. is granting the easement.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the acceptance of a deed for right-of-way easement for the lower Wemple Road project for drainage and grading along the northerly side of Wemple Road from Tri-Cities Labor Training Program, Inc. The motion was passed by the following vote:

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

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The following item was a request from Engineering Services Administrator, Michael Cirillo, for acceptance of deed for right-of-way for the reconstruction of lower Wemple Road. Supervisor Fuller said this is the P. Drescher Company, Inc., Syracuse, New York. She said the Town Engineering Department requested the right-of-way for reconstruction of lower Wemple Road by the Town Highway Department. She said the consideration for this fee acquisition is \$6,800.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the acceptance of deed with fee consideration of \$6,800 for right-of-way for the reconstruction of lower Wemple Road from P. Drescher Company, Inc., Syracuse, New York and as requested by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

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The next item was a request from Douglas Hasbrouck, Chairman, Planning Board, for approval of hiring of consultant to assist in the SEQR review regarding

site plan application from Waste Management, Inc. Supervisor Fuller noted the hiring of the consultant would be paid for by the applicant.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the hiring of a consultant to assist in the SEQR review regarding site plan application of Waste Management, Inc., for property located on River Road, Route 144, Selkirk as requested by the Planning Board Chairman, Douglas Hasbrouck.

Councilman Marcelle asked this question of Councilman Lenhardt but wanted this to be verified. He asked how often in the past a consultant has been hired. Mr. Lipnicky noted the only time in terms of assisting in project review, the only project that came to mind was the Walmart project. Supervisor Fuller noted it was done for Southgate and done for every major project. She said the Planning Board has asked to have the developer pay for a consultant so that all of this is not being done in-house by Mr. Lipnicky, Ms. Saatman and our engineering staff.

Town Attorney Alessi added that it is important to add that the applicant does not pay for the consultant in the sense of picking, they deposit money into an escrow account. He said the Town selects the consultant and the consultant is under the auspices of the Planning Board. He said he thought this was important to make that clarification. Supervisor Fuller thanked Mr. Alessi because the point she wanted to make was that the Town of Bethlehem was not paying to hire a consultant.

Councilman Marcelle asked, noting this was a controversial project, if the scope is fairly complicated that an expert is warranted or outside assistant needed. Mr. Lipnicky said he thinks there are some issues there but he thinks the other issue is that they have quite a number of large projects right now and have 2 staff people. He said they do not have the staff to deal with what is very likely to be an environmental impact statement in this instance. Councilman Marcelle said there is a difference in his mind, noting if we are overwhelmed within the Department that is one reason. Mr. Lipnicky said there are also areas of expertise he thinks in this type of proposal that we do not have to review. Councilman Marcelle asked what was being talked about. Mr. Lipnicky said water quality type issues and those types of things that are the more technical environmental issues. Councilman Marcelle asked if this would help hiring a consultant reach a swifter resolution by the Planning Board. Mr. Lipnicky said he could not answer that question. He said that is a hypothetical question. He said how quick a project progresses has more to do with how well an applicant and his consultants get information to the Town that is requested. He said there are too many factors that are beyond their control to answer questions about how long something will take.

Councilman Marcelle again asked if this would help the process and not be a hindrance to the process. He asked Mr. Lipnicky if he agreed or disagreed. Mr. Lipnicky said it will help the process in as much as there are a number of large projects where there are only 2 staff people to review and 1 person from the Engineering Division who devotes his time to project review. He said in that sense, the answer was yes.

Councilman Marcelle said a question is raised in his mind, asking if we are understaffed in the Planning Department. Mr. Lipnicky said for a community of this size, there are going to be times when you are going to get to that point. He said development and applications kind of float with the economy. He said there will also be times when you will be overstaffed. In his view, 2 professionals for a community this size with the amount of development that has been seen over the last 10 years is adequate. Supervisor Fuller said that was a good response since the Board is holding the line on our budget. Mr. Lipnicky said any other response would get him in trouble he thought.

Councilman Marcelle thanked Mr. Lipnicky. Councilman Davis said consistent with that she had to add that our Planning Board Chairman would not make this kind of request on behalf of the Planning Board unless they felt it was

essential. She said that is the history of the Planning Board, noting they are a very responsible group of people and the Chairman is a very professional, responsible person who would never make the kind of request that this letter has in it unless it were warranted.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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The next item was to approve the Town Board Minutes of September 25, 2002 and October 9, 2002.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the minutes of September 25, 2002 with correction as requested by Councilman Marcelle. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the minutes of October 9, 2002. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

Abstain: Mr. Marcelle.

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Supervisor Fuller asked if there was anyone who wished to address the Board.

MR. JASINSKI: You asked for any more questions. I would like you to bring me up-to-date or the Board bring me up on the date on what is happening with the Hudson River water issue as far as what we are doing, what is taking place, how far has it moved along. Any knowledge that you would have I would appreciate it.

SUPERVISOR FULLER: Would you like to answer that?

TOWN ATTORNEY ALESSI: Sure. With regard to your question, we recently – meaning last week – received notice of a complete application from the DEC with regard to what I’ll call the new system – the directionally driven wells in the Hudson. That is a very good sign because its... in New York State it takes a very long time to get to that point. Thereafter, it is not easy sailing but it is a good sign and it is a formal position by the DEC and it’s a tentative but yet formal that they believe that we have satisfied all of the regulatory criteria for what we propose. That can change but in any event, that conclusion is where we’re at right now. What we need to be do is to get a complete application from the Army Corps of Engineers and we’re hopeful that that agency will act in the same manner that the DEC has done but to date they have not done so. They’re... they have many things going on with the aftermath of September 11<sup>th</sup> but we’re again, hopeful, that that will be something that comes out.

With regard to the emergency system that turned into a permitted system that being the withdrawal from the surface water of the Hudson River, that continues to

operate within permit... permit allowance. So, that is essentially where we are in that process and, you know, we continue to buy water from the City of Albany to meet the water needs. You heard Mr. Secor talk about the reservoir levels. So, I think that's a nut shell for everything that is going on but if you have any further questions, I'd be happy to try to answer them.

MR. JASINSKI: I'm in favor of drawing water from the Hudson River but I'm probably about 1 person in the Town who is. I just am concerned about how it is coming and whether... what its length of time is going to be. Everything seems to be drawing itself out. I noticed the conversion of the Niagara Mohawk Power plant, they anticipated off the fast tract and extended another year according to the paper. And, those things tend to make me worry and really at my age I probably shouldn't worry.

SUPERVISOR FULLER: Don't worry about the PSEG plant.

MR. JASINSKI: That was my concern, so you've answered that question.

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Mr. Jasinski next asked about the Walmart, being it was mentioned and the Corps of Engineers. Supervisor Fuller said she spoke with Mr. Nigro last week and he is still waiting on the Army Corps of Engineers but he did mention he was hoping to be able to start by December. Mr. Jasinski said that was good and thanked the Board. Councilman Lenhardt noted he also spoke with Mr. Nigro also.

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

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Supervisor Fuller asked for a motion to adjourn to Executive Session to discuss negotiations.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve meeting in Executive Session following the close of the Board meeting to discuss negotiations. The motion was passed by the following vote:

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

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The Supervisor asked for a motion to adjourn the regular Town Board meeting.

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

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

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Deputy Town Clerk

#### EXECUTIVE SESSION

There was no formal action taken at the Executive Session.

