

TOWN BOARD
OCTOBER 24, 2001

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

ABSENT: Doris M. Davis, Councilman

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Like to invite all of you to join us in the pledge of allegiance.

The first item on tonight's agenda is the public hearing for presentation of our Preliminary Budget for the fiscal year beginning 2002. I'll ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
UPON PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN that the Preliminary Budget for the fiscal year beginning January 1, 2002 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 24th day of October 2001 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	\$84,428
Councilmen (each)	11,140
Town Clerk	54,295
Superintendent of Highways	75,184
Receiver of Taxes & Assessments	48,747

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 17, 2001 and the TIMES UNION, an Albany newspaper, on October 19, 2001.

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)

ELIZABETH BRADT 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 17th day of October 2001.

/s/ Elizabeth Bradt

Sworn to before me this 10th day of October 2001.

/s/ Sharon A. Doldo

Notary Public, Albany County

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STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on October 17, 2001, 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/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
23rd day of October 2001.

/s/ Julie McNeil

Notary Public

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The motion was made by Mr. Plummer and seconded by Ms. Burns 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, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: Mrs. Davis.

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SUPERVISOR FULLER: The Budget for the Town of Bethlehem was presented to the Town Board on September 26, 2001. We have since held 2 workshops for the Board to meet with Department heads. They were held Wednesday, October 10th from 7:30 to 9:30 a.m. and on the following Thursday, October 18th, 7:30 a.m. to 9:30. Once again the participation... we had changed from evening work sessions to try it in the morning to see if we could get a bigger attendance from our community and once again we had the same resident who came in the evening and came in the morning as well. So, we thank you, Marie, for joining us. The budget has pretty much remained exactly as it was presented. The Board had opportunity to discuss the various budget requests with department heads and there have been no significant changes as a results of those meetings.

A summary of the revenues and appropriation is included tonight for your reference and our budget will be available for the public right through until the 14th. After tonight's public hearing, depending on the comments we receive tonight, the budget will be presented for a vote by the Town Board November 14th. The budget includes a 3 percent raise for all Town employees and it also is no tax increase for this year. And, actually the taxes are lower now than they were in 1994. So, I will open it up to the public for questions, comments, those wishing to speak in favor, in opposition. High school students? You're more interested in your school budget.

Okay. Any comments, questions from the Board? Okay. May I have a motion to

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

close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to close the public hearing at 7:38 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Davis.

Town Clerk

Supervisor Fuller convened the regular Town Board meeting following the close of the public hearing.

The next item on the agenda was to accept the recommendation from the Planning Board regarding a zone change for First Columbia, LLC, for property located on New Scotland Road, Slingerlands and consider setting a public hearing for November 14, 2001 at 8:00 p.m. The Supervisor said the agenda item was to set the public hearing but noted she asked Mr. Bette to do a short presentation or quick overview for the Board. Mr. Bette said this was the parcel of land that contains a residence surrounded by their 16 acre Planned Commercial District parcel to be included in their plan. He said the plan exhibit shows a shaded area that represents the 3/8ths of an acre they are looking to have rezoned. He also showed the additional plan for the site with 2 buildings -- 1 building that is 2½ stories and the second building would be a 1½ story building. He noted there will be an additional curb cut onto New Scotland Road to benefit access in case of emergencies and what not. Town water and sewer are available.

Supervisor Fuller asked if there were any questions from the Board. Hearing none, she asked for a motion to set the public hearing.

The motion was made by Mr. Plummer and seconded by Ms. Burns to set a public hearing for November 14, 2001 for 8:00 p.m. to consider a proposed local law regarding rezoning of a parcel of land on New Scotland Road to Planned Commercial District. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Davis.

Question was raised as to why the hearing would be scheduled for 8:00 p.m. Town Clerk Newkirk indicated the Sewer Assessment Rolls public hearing was scheduled for 7:30 p.m. on November 14, 2001.

The next item was to set a public hearing pertaining to the Town of Bethlehem proposed Agency Plan for 2002 for the Section 8 Rental Assistance Program and scheduling a public hearing for December 12, 2001 at 7:30 p.m. Supervisor Fuller said the reason it was being set at this meeting was that there is a 45 day requirement for the legal ad notice of the public hearing.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve setting a public hearing for December 12, 2001 at 7:30 p.m. pertaining to the Town of Bethlehem proposed Agency Plan for 2002 for the Section 8 Rental Assistance Program. The motion was passed by the following vote:

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

The following item was a request from Engineering Services Administrator, Michael Cirillo, for release of bonding and reduction of bonding for The Meadows at Bethlehem.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the release of Letter of Credit No. NSL490165 in the amount of \$61,000 and the reduction in bonding of Letter of Credit No. NSL691532 to a new amount of \$5,000 for The Meadows as recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

The next item was a request from Kevin Shea, Building Inspector, for approval of issuance of construction trailer permit for Trinity Manor to be located at 42 Anna Court.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the issuance of a construction trailer permit for Trinity Manor to be located at 42 Anna Court as requested by Kevin Shea, Building Inspector.

Councilman Lenhardt asked if this was a relocation of an existing trailer. Mr. Shea said it was.

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

The following item was a request from Building Inspector, Kevin Shea, for approval of addition, 32 Eton Drive, Slingerlands, Eastmont PRD, North Bethlehem. Supervisor Fuller reminded the Board that any change in a Planned Residential District comes back to the Town Board for approval.

Building Inspector Shea exhibited a map showing the proposed addition, noting it would remain within the building envelope that conforms to the Building Project Approval. He said it does increase the square footage of the building. Question was raised with regard to the building envelope inquiring if there are other houses of the same square footage size. Mr. Shea said most additions are a smaller version, however, some homes are at least this amount of square footage. He further explained there were 5 types of units that were approved and this one is a medium sized unit. Question was also raised as to whether this encroaches on the neighbor's property. Mr. Shea said it does not. Location of the proposed addition was indicated on the exhibited map. Reason for the addition was questioned and Mr. Shea noted there is a family health issue and this addition will permit assistance for this problem.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the addition to 32 Eton Drive, Slingerlands, Eastmont PRD, North Bethlehem, as requested by Building Inspector, Kevin Shea. The motion was passed by the following vote:

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

The next item was a request from Building Inspector, Kevin Shea, for approval of issuance of dumping permit for Route 9W and Old Town Road, Selkirk. Supervisor Fuller noted this was a renewal and asked if there were any questions.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the renewal of a dumping permit for Route 9W and Old Town Road, Selkirk, as requested by Building Inspector, Kevin Shea. The motion was passed by the following vote:

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

Councilman Burns asked if the neighbors were notified about this renewal request. Mr. Shea noted that would be a policy set by the Board and said he did not think that had been done. Supervisor Fuller noted the owner lives in Coeymans Hollow and he owns this parcel. Councilman Burns noted this was talked about when a previous permit was requested. Resident Howard Shafer asked if this was a renewal. Supervisor Fuller said it was. He further asked if this was at 9W right across from Stewarts. Mr. Shea said it was. Mr. Shafer said he appreciates the Board giving consideration to notification for neighbors, noting he brought that to the Board's attention a couple times before. He thanked the Board.

Mr. Shea said the neighbors were not notified. Supervisor Fuller asked if the neighbors could be notified, asking if this renewal could wait until the next Board meeting on November 14. Mr. Shea said it could.

Mr. Shea asked if this was a precedent for a procedure to be followed. Supervisor Fuller said yes for the dumping permits, noting it was done for Mr. Trout. Councilman Burns agreed and said it was discussed at that meeting and indicated she thought it was a policy to be done. Mr. Shea said he has no problem with that. He said there is a requirement in the Board of Appeals for notification of neighbors.

The motion was made by Mr. Plummer and seconded by Ms. Burns to rescind the motion of approval for renewal of a dumping permit at Route 9W and Old Town Road, Selkirk. The motion was passed by the following vote:

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

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The motion was made to table the request for approval of renewal of a dumping permit for Route 9W and Old Town Road, Selkirk until the meeting of November 14, 2001 by Mr. Lenhardt and seconded by Mr. Plummer. The motion was passed by the following vote:

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

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval to go to bid for one (1) 20 ton equipment trailer for use by the Highway Department.

The following resolution was offered by Ms. Burns and seconded by Mr. Plummer:

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) 20 ton equipment trailer for use by the Highway Department, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of October, 2001 and that bids be received up to 3:00 p.m. on the 14th day of November, 2001 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: Mrs. Davis.

The following item was a request from the Supervisor for a proposed policy modification regarding increase to longevity benefit. Supervisor Fuller explained this is for the employees. She said the Town's resource policies are regularly reviewed for fairness and equity and based on the most recent review, she was recommending that the existing longevity policy be revised. This was discussed at one of the recent budget workshops and the net impact of the increase would be to add about \$21,000 to the 2002 budget. The General Fund share will be about \$10,000, \$6,000 for Highway Fund, \$2500 each for Water and Sewer Funds. She said the amounts do not alter the overall 2002 budget as presented and maintains the same tax rates as per the prior year. She said the policy modification would be effective January 1, 2002 and it certainly is a step in continuing to demonstrate their appreciation of the efforts of the employees to deliver high quality services to all Town residents.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the following changes to the Longevity Benefit of the Town for all Town employees:

	<u>Current Benefit</u>	<u>Benefit as of Jan. 1, 2002</u>
Upon 10 years service	\$ 750	\$1,000
Upon 15 years service	1,250	1,500
Upon 20 years service	1,750	2,000
Upon 25 years service	2,250	2,500

The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Davis.

The following item was a request to authorize the Supervisor to sign a Summons and Complaint against Telergy Inc. for damage to sanitary sewer pipe line near Wemple Road. The Supervisor said this item was added late on October 23, 2001.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to authorize the Supervisor to sign a Summons and Complaint against Telergy Inc.

for damage to the sanitary sewer pipe line near Wemple Road. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Davis.

The next item was to approve the Town Board minutes of September 26, 2001.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Town Board minutes of September 26, 2001 as submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Davis.

Supervisor Fuller asked if anyone wished to address the Board. Resident Marie Capone said she had 2 issues. The first was regarding the stop signs approved at the last meeting which had no sight vision problems and no Police Department accident report. She said what they have done is given the people the illusion that they're going to be something there because there is no cop to patrol these areas.

Secondly, Mrs. Capone addressed the issue of the "dolly" at the corner of Delaware and Roweland. She said it is not a good idea. She said this changes the pattern of driving. She said the cars are using the shoulder of the road and it is in very bad shape. She said there is a large hole. She said it is a matter of time before someone loses control and hits. She said Dan Santola can take care of that. She said there are trucks that go down. She said it is too narrow here and there are many buses. Supervisor Fuller said the stanchions will come down the first of November. Mrs. Capone said it was not a good idea.

Supervisor Fuller thanked Mrs. Capone and thanked the students for their attendance.

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The Supervisor asked for a motion to adjourn to Executive Session to discuss a personnel matter.

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

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

Noes: None.

Absent: Mrs. Davis.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 8:00 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: Mrs. Davis.

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.