

TOWN BOARD  
OCTOBER 25, 2000

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  
Daniel G. Plummer, Councilman  
Susan Burns, Councilman  
Kathleen A. Newkirk, Town Clerk

Absent: Bernard Kaplowitz, Esq., Town Attorney

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Very special welcome to all the students who chose to join us this evening. Ask you to join us in the pledge of allegiance.

The first item on tonight's agenda is the public hearing for the preliminary budget for the Town of Bethlehem for the year 2001. Kathy, if you will 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, 2001 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 25th day of October 2000 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 David Austin 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	\$81,969
Councilmen (each)	10,815
Town Clerk	52,765
Superintendent of Highways	73,060
Receiver of Taxes & Assessments	46,985

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 18, 2000 and the TIMES UNION, an Albany newspaper, on October 20, 2000.

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

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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.

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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 18<sup>th</sup> day of October 2000.

/s/ Elizabeth Bradt

Sworn to before me this 18th day of October 2000.

/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 18, 2000, 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 2000.

/s/ Catherine T. Picarazzi  
Notary Public

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The motion was made by Mrs. Davis 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, Mrs. Davis, Ms. Burns, Mr. Plummer.  
Noes: None.

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SUPERVISOR FULLER: The tentative 2001 budget was presented on September 27, 2000. It has now been thoroughly reviewed by the Town Board. There were 2 budget workshops and the Board had the opportunity to discuss everything in the budget with the different Town departments. The basic changes are few. It did not change the bottom line of the total of the total budget.

Some of the new things that will occur here in the Town are 2 new Police Officers and basically we're requesting that they are on the road to help with not only traffic enforcement but pedestrian safety.

The Board has also approved the addition of a groundskeeper position for Parks and Recreation. Since we've been doing a lot of work in the Town, park expanding, fields... building fields, expanding fields many of the people are stretched to the very end, so, one more groundskeeper. Hopefully we're all set now for a while, Dave.

The Board also authorized the next step in building additional sidewalks on Elsmere Avenue between Murrin Drive and the bypass and possibility of extending the sidewalks to Feura Bush Road. The Highway budget includes funds for an engineering, plan and report which will identify the location of the sidewalk, prepare preliminary plans to construct it and will provide a total cost estimate. This work is just beginning and we will have more information on that as the year 2001 begins.

Today's Spotlight had a couple of errors. On the front page story it referred to sidewalks by the middle school, it referred to sidewalks on Hampton Place... Hampshire Place which is off of Bender Lane, neither of those is accurate. And, also it was stated that this would be going for competitive bid. This is not something for competitive bid, this is a professional plan that would be done by probably one of the people who have been working for the Town – Clough Harbor most recently had done a lot of work in identifying areas that needed to be addressed as far as sidewalks.

So, those 3 errors have created a little bit of confusion so I wanted to correct that here tonight and for the television which will have it on next week.

The revised budget summary as presented tonight... the estimated taxes on the \$130,000 property in our Town, a taxpayer will only pay an additional \$11.85 for the 4 main operating funds – which is highway, sewer, water and our general fund, most important the general fund, how did I forget. The taxes for the year 2001 are still lower than those levied in 1994, so when you take a look at the Town of Bethlehem and you see all the services that are provided, I think we are getting a very good bargain for our investment here in the Town.

Is there anyone wishing to speak in favor of our preliminary 2001 budget? Anyone wishing to speak in opposition?

MRS. CAPONE: I am here from Delaware Avenue. The street that is most traveled by car and by pedestrian. I would hope that you would put a sidewalk on Delaware between Bennett Terrace and Hostetter's gas station. The high school student come down, cross at the Library, go down, cross again at Stewart's. I think it would be more safe if there was a sidewalk there. Thank you.

SUPERVISOR FULLER: Thank you. Is there anyone else wishing to speak in favor or in opposition? Any questions or comments?

May I have a motion to close the public hearing.

The motion was made by Mr. Lenhardt, seconded by Mrs. Davis to close the public hearing at 7:37 p.m. The motion was passed by the following vote:

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

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Town Clerk

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

Supervisor Fuller noted hearing only the one comment this evening, the Board will have the budget brought back before the Board November 8, 2000 as the Final Budget for adoption.

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The next item was a request from Comptroller, Judith Kehoe, for adoption of a Resolution pertaining to Modifications to the Deferred Compensation Plan. Comptroller Kehoe gave some background information about the change made to the plan by the Internal Revenue Service. She said the change is favorable and the Town must adopt the resolution pertaining to this change being contained in the State plan. Supervisor Fuller noted this plan was revised January 1, 2000, however, the Town just received the notice about 2 weeks ago from our representatives.

The following resolution was presented for adoption:

Deferred Compensation Committee Resolution  
To Amend and Restate the Model Plan

WHEREAS, the New York State Deferred Compensation Board {the "Board"}, pursuant to Section 5 of the New York State Finance Law {"Section 5"} and the Regulations of the New York State Deferred Compensation Board {the "Regulations"}, has promulgated the Model Deferred Compensation Plan for Employees of the Town of Bethlehem {the "Model Plan"} and offers the Model Plan for adoption by local employers;

WHEREAS, the Town of Bethlehem, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Town of Bethlehem;

WHEREAS, effective January 1, 2000, the Board amended the model Plan to include modifications required by the U.S. Department of Treasury Internal Revenue Service {the "Internal Revenue Service"} in conjunction with a favorable letter ruling that it issued concerning the status of the Model Plan as an "eligible deferred compensation plan" under Section 457(b) of the Internal Revenue Code and to permit participants who elect to receive benefit distributions in the form of a larger initial distribution followed by smaller installment payments to delay the commencement of installment payments for a period of just less than two years from the payment of the initial distribution;

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

WHEREAS, upon due deliberation, the Town of Bethlehem has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Town of Bethlehem by adopting the amended and restated Model Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Bethlehem hereby amends the Deferred Compensation Plan for Employees of the Town of Bethlehem effective October 25, 2000 by adopting the amended and restated Model Plan effective January 1, 2000, in the form attached hereto as Exhibit A.

The foregoing resolution was presented for adoption by Mrs. Davis, seconded by Ms. Burns and duly adopted by the following vote:

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

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Question was raised with regard to the number of employees participating in this program and whether this represents a good number to the Comptroller. Mrs. Kehoe said there is about 50 percent participation in the Deferred Compensation plan. She said the plan assets are growing very rapidly, noting they are up to approximately \$275,000 with 2 years of participation. She said the maximum an employee can defer is up to \$8,000 per year currently. She said it is all pre-tax income and available whenever someone chooses to retire. She said there are no age limits on this plan which makes it attractive for a number of employees.

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The next item was a request from David Austin, Administrator, Parks and Recreation Department, for approval of seasonal personnel.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as listed in the Memorandum from David Austin, Administrator, Parks and Recreation Department, dated October 25, 2000 at the titles and salaries indicated. The motion was passed by the following vote:

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

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The following request was from Michael Cirillo, Engineering Services Administrator, for bond reduction pertaining to Dowerskill PRD 4, Section 3.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the reduction in bond from \$693,500 to a new bond amount of \$80,000 for Dowerskill PRD 4, Section 3 – Phase 1W as recommended by Engineering Services Administrator, Michael Cirillo, at the request of Charlew Construction Co., Inc., Schenectady, NY. The motion was passed by the following vote:

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

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The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval of bond reduction for Cherryvale Subdivision, Phase 2.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the reduction in bonding from \$88,000 to a new bond amount of \$38,000 for Cherryvale Subdivision, Phase 2 as recommended by Michael Cirillo, Engineering Services Administrator, as requested by Charlew Construction Co., Inc., Schenectady, NY. The motion was passed by the following vote:

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

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The next item was to approve the Town Board minutes of September 13 and September 27, 2000 as submitted.

The motion was made by Ms. Burns and seconded by Mr. Plummer to approve the Town Board minutes of September 13, 2000 as submitted. The motion was passed by the following vote:

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

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The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the Town Board minutes of September 27, 2000 as submitted. The motion was passed by the following vote:

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

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Supervisor Fuller asked if anyone wished to address the Town Board, however, no one spoke.

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

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

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

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The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 7:43 p.m. The motion was carried by the following vote:

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

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Town Clerk

#### EXECUTIVE SESSION

There was no formal action taken at the Executive Session.

