

TOWN BOARD
OCTOBER 28, 1998

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
Robert C. Johnson, Councilman
Susan Burns, Councilman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR FULLER: Good evening and welcome to a regular meeting of the Bethlehem Town Board. Ask you to join us please in the pledge of allegiance.

The first item on tonight's agenda is a public hearing to consider changing zoning at Elm and Delaware Avenue. And, for all you high school students, I am sure you are familiar with the Stewart's location and Hostetter's and the property next to Stewart's. Ask the Clerk to read the call of the hearing.

Public
Hearing to
Consider
Change in
zoning at
Elm and
Delaware
Avenue

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on October 28, 1998 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York to consider proposed Local Law No. 13 of 1998, concerning rezoning of property from residence B district to CC retail commercial district for lands located at the southeast and southwest corners of the intersection of Delaware Avenue, Cherry Avenue and Elm Avenue. Said lands consist of three lots of record as shown on the "Tax Map, Town of Bethlehem, Albany County, New York", dated 3/98, and include those lots having the following Tax Map numbers:

- (1) Lot No. 85.18-4-17
- (2) Lot No. 85.18-4-18
- (3) Lot No. 85-19-1-1

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk, CMC
TOWN CLERK

- - -

State of New York)
County of Albany)

JAIMIE WILLIAMS of the Town of Bethlehem, being duly sworn, says that she is the Office Assistant of 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 14 day of October 1998.

/s/ Mary A. Ahlstrom

Sworn to before me this 19th day of October 1998.
/s/ Kathryn Olsen
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 14, 1998, 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
 28th day of October 1998.
 /s/ Catherine T. Picarazzi
 Notary Public

- - -

The motion was made by Mr. Lenhardt 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, Mr. Johnson,
 Ms. Burns.
 Noes: None.

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SUPERVISOR FULLER: Mr. LaForte. Is Mr. Hostetter here?

MR. LA FORTE: He said he would... probably wouldn't be able to make it and I don't see him.

TOWN CLERK NEWKIRK: It's the other one, John, just pull the black piece down.

MR. LA FORTE: Okay. Good evening ladies and gentlemen, Members of the Board. Thank you for this opportunity to present. I'll be brief and... but, I certainly will try to answer any questions should they arise. Let me give you the motivation for this request, there are 3 parcels that are involved. The vacant lot next to Stewart's which is the one that my wife and I own. The Stewart's property and the Mobil gas station, the Hostetter property. The... This is an attempt to try to equalize the treatment between the 3 properties and to provide them or to sanction what is already in existence. The 2 properties on the corner, the Mobil gas station and Stewart's currently operate as businesses within the CC commercial requirements. Stewart's may go a little bit beyond that because it was granted some variances, some conditions that were probably deprived from the Hostetter parcel. Our particular interest is that over the years the vacant lot has never had any interest other than for the... for a commercial use. Our attempts to sell it as a residential property which the B zone that is currently existing now would only permit... has not been successful and we'd like to increase the opportunity for it to become a productive parcel. Currently the B zone on the particular parcel that I'm interested in is... would only allow a single family dwelling. A multi-family dwelling would require greater than the lot frontage than we currently own.

There is ample protection in the zoning ordinance to not be concerned about what could happen when those lots in that the zoning would require site plan approval for virtually any of the commercial uses that would be permitted. That briefly is our case. If there are any questions, I will be happy to answer them.

SUPERVISOR FULLER: Are there any questions from the Town Board? Mr. LaForte did present this to the Town Board about 6 weeks ago, 2 months ago.

MR. LA FORTE: Yes.

SUPERVISOR FULLER: And, tonight is the opportunity for the public hearing which is the time for the public if they have any questions,

comments. And, the opportunity for the public to speak in favor or in opposition.

Are there any questions?

MRS. CAPONE: I am against John's change of zoning. It is just to make more money, basically. When I asked him many times why didn't you sell it to Stewart's, and he said, they wanted me to give it to them. It didn't feel right. So, I look into it. He wants \$100,000 for it. So, it's a hardship that he's created himself. There's 2 family next to it. Next to it is Michael Mooney. Yes, he built a deck in the back of his house. He had a building permit and it was under Town requirement. He has a little kid this high. I don't want to see this little kid live next to gas pump. Somebody told me, this afternoon is Michael Mooney going to go the Town Board meeting tonight... I said, I don't know. I never talked to him about it. I just feel that it is not right to make it commercial next to a residential that Michael Mooney bought next to a residential lot. Thank you.

SUPERVISOR FULLER: Is there anyone else wishing to speak in favor or in opposition?

MR. LA FORTE: Sheila, may I respond first, please.

SUPERVISOR FULLER: Are there any people involved in this rezoning change here this evening? Yes.

MR. LA FORTE: Marie, I don't know where you got your information from but I offered the lot for sale to Stewart's, no price was ever discussed. They rejected it. They said they had all they wanted. As far as the \$100,000 figure goes, if you know anybody that will sell it... or buy it for half that price, I would be tickled pink. To be perfectly honest, about 10 years ago, we had a contract with Cumberland Farms to sell the lot at \$50,000. They were going to use that lot and their lot to open up a convenient store. That fell through. But, later on, about -- let's see, about 4 years ago, Tom Burke wanted to build an office building at the property using the 2 properties in conjunction with one another. We at that time, gave an option to Tom Burke for \$45,000. So, Marie, you know... let's be honest.

MRS. CAPONE: Right now, how much are you asking for it?

MR. LA FORTE: How much would you give?

MRS. CAPONE: Well, no, you are the seller.

MR. LA FORTE: Yes.

MRS. CAPONE: How much do you set? When you go to Macy's, you don't say how much are you going to sell the sweater for, they tell you how much it is.

MR. LA FORTE: If you have somebody who wants to buy it, I will be glad to discuss the price with them.

MRS. CAPONE: Okay, let's go back to the principle... I don't want to get station next to a household where there is a little kid.

MR. LA FORTE: There's been nothing said...

SUPERVISOR FULLER: Marie, thank you.

MR. LA FORTE: Okay. There has been nothing said about a gas station.

SUPERVISOR FULLER: Is there anyone else wishing to speak in favor or in opposition?

COUNCILMAN BURNS: I was following up on what Marie said. Were any of the neighbors notified or sent letters, as far as, the change?

SUPERVISOR FULLER: No.

COUNCILMAN BURNS: Does the Town intend to do that?

SUPERVISOR FULLER: No. This has been on... the public notice has been in the paper. You know, the Town can't send out to 28,000 residents. We went through this 2 weeks ago. Did notify the people that the Flach property would not be on tonight's agenda. I did call the 6 people that were here for that hearing to let them know. That's all. No, we are not... we can notify them as best we can, John LaForte is a neighbor of theirs. John knew it was on the agenda, he could have told them. Mr. Hostetter owns the property and Stewart's owns it. That's it.

COUNCILMAN BURNS: Well, it seems to me that those neighbors within a certain radius should be alerted and made aware of what's happening.

MR. LA FORTE: Sue, before I initiated this action, I contacted the neighbors on both sides of the... I did not contact Mr. Mooney or Mahoney...

SUPERVISOR FULLER: Mr. Mooney, Marie...

MR. LA FORTE: But, did Vanan...

TOWN ATTORNEY KAPLOWITZ: Vanarnum.

SUPERVISOR FULLER: Vanarnum.

MR. LA FORTE: Okay and the people in back to tell them what I'm... my intentions were and asked them if they wanted to participate. I think I covered that at the last meeting.

COUNCILMAN BURNS: I have another question. Maybe this is for you Jeff. In your memo it says that this is to be referred to the Albany County Planning Board and that they won't be able to act on it until November.

MR. LIPNICKY: Right.

COUNCILMAN BURNS: And, what are they acting on... what will they come back to us with?

MR. LIPNICKY: Well, under 239 of General Municipal Law requires any type of zoning changes that take place within a certain distance of a State/County highway, or County drainage way and certain other factors that they sent to the County Planning Board for review. Okay. And, the nature of the county review is a recommendation to the Town Board with any comments they might have on the proposed zoning. So, that's essentially it. And, the whole purpose of 239 is to have some outside agency take a look at the potential inter-municipal impacts. In other words, how we... how the zoning change might impact the State highway for example. Or, if in the case of the one by Selkirk, what type of impact might the zoning change have on the Town of Coeymans. Okay. So, the concern there is really what are inter-municipal impacts that they're an independent body looking at that. That's really the philosophy and purpose of it.

COUNCILMAN BURNS: So, you are recommending that we wait until we get that recommendation?

MR. LIPNICKY: Well, essentially under the Town Law, you can't act until you have that recommendation.

SUPERVISOR FULLER: Which is what's a part of the memo that you sent to the Board that we can't act until after the Planning Board in Albany County meets on this.

So, I think...

MRS. CAPONE: Mrs. Burns....think did not contact Mr. Mooney. Mr. Mooney is the only lot that abuts his lot.

COUNCILMAN DAVIS: Sheila.

SUPERVISOR FULLER: Yes, Doris.

COUNCILMAN DAVIS: Just a question for the clarification for anyone who might not have been at previous meetings.

MR. LA FORTE: Sure.

COUNCILMAN DAVIS: Can you let everyone know what your initial request for rezoning was?

MR. LA FORTE: My original request was for commercial C...

COUNCILMAN DAVIS: Right.

MR. LA FORTE: And, the Board recommended that I... and I agreed, was going to take commercial CC. Back in 1969 I believe the then Zoning Board members voted unanimously to change these 2 parcels to double C.

COUNCILMAN DAVIS: And the double C, the reason that we did that was because we felt it was more restrictive...

MR. LA FORTE: Right.

COUNCILMAN DAVIS: ...and the Town would have more control.

MR. LA FORTE: Exactly.

COUNCILMAN DAVIS: So, essentially you are not really getting the zoning change that you had requested?

MR. LA FORTE: Absolutely. Thank you.

SUPERVISOR FULLER: Any other questions? May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to close the public hearing at 7:47 p.m. The motion was passed by the following vote:

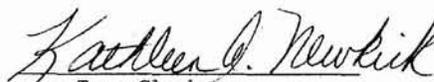
Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,
Ms. Burns.

Noes: None.

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SUPERVISOR FULLER: Thank you, John.

MR. LA FORTE: Thank you very much for your patience.


Town Clerk

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

Parks and Recreation request for acceptance of a donation of a bench at Henry Hudson Park

The next item on the agenda was a request from David Austin, Administrator, Parks & Recreation Department, for acceptance of donation of a bench for placement at the Henry Hudson Park from Raymond Endreny. Supervisor Fuller said delivery and placement of the bench will not require any Town labor or assistance. It is valued at \$1500. Supervisor Fuller thanked Mr. Endreny for his generous donation.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to accept a donation of a bench for placement at the Henry Hudson Park from Raymond Endreny, New York, New York in memory of his father with thanks. The motion was passed by the following vote:

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

Councilman Davis asked Mr. Austin if this is something that will have to be secured. Mr. Austin said it is, noting it is a blue stone bench and will be secured to a concrete foundation which is being put in by a contractor.

Parks and Recreation Seasonal personnel

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

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the appointment of seasonal personnel as requested by Administrator, David Austin, as follows:

Recreation Supervisor II at \$6.15 per hour.

Peter Feinberg
97 Brockley Drive
Delmar, NY 12054.

The motion was passed by the following vote:

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

Authorization for Supervisor to sign E-911 agreement between County of Albany and Town of Bethlehem

The following item was a request for authorization of the Supervisor to sign the E-911 Agreement between the County of Albany and the Town of Bethlehem. Supervisor Fuller said this is a routine signature. She said it is a public service answering point services, known as a PSAP, our telecommunications. She explained we are partners in Albany County. She said it is basically for signature of the Supervisor to the contract.

The motion was made by Mr. Johnson and seconded by Ms. Burns to authorize Supervisor Fuller to sign the E-911 Agreement between the County of Albany and the Town of Bethlehem. The motion was passed by the following vote:

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

Acknowledge receipt of 1998 Highway Inventory

The following item was to acknowledge receipt of the 1998 Highway Inventory in accordance with Highway Law Section 142(3).

Hearing began: 8:00 p.m.

SUPERVISOR FULLER: It is now 8 o'clock, we are able to start our public hearing on our Preliminary Budget. I would 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, 1999 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 28th day of October 1998 and that at such hearing any person may be heard in favor of or against any item or items therein contained.

Public Hearing on Preliminary budget for 1999

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	\$71,442.00
Councilmen (each)	9,975.00
Town Clerk	49,650.00
Superintendent of Highways	68,995.00
Receiver of Taxes & Assessments	42,075.00

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 14, 1998 and the TIMES UNION, an Albany newspaper, on October 15, 1998.

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

State of New York)
County of Albany)

JAIMIE WILLIAMS of the Town of Bethlehem, being duly sworn, says that she is the Office Assistant of 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 14 day of October 1998.

/s/ Mary A. Ahlstrom

Sworn to before me this 19th day of October 1998.

/s/ Kathryn Olsen
Notary Public, Albany County
- - -

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 14, 1998, 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
28th day of October 1998.

/s/ Catherine T. Picarazzi
Notary Public

- - -

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

Noes: None.

SUPERVISOR FULLER: The budget was presented to the Town Clerk September 23rd. Public work sessions were held by the Town Board where we meet with our department heads. They were held on October 6 and 7 and after the Town Board has gone through the budget, it now comes to the public tonight for a public hearing on our total budget. It is not scheduled for adoption until November 12th.

The budget represents a 3 percent cost of living raise for all employees, all non-union employees. It appears to be a \$2.74 cent increase in our General Fund. Our Highway, Water and Sewer funds remained the same as last year. Overall we're looking at less than... about 1 percent increase. If we go just the General Fund, it is considered a 5 percent increase.

Mr. Davies had questions and comments on Water issues

Are there any further questions from the Town Board?

Okay, I would ask those in the audience questions. This is questions or?

MR. DAVIES: Well, I have questions and I have some comments. How would you like to handle it?

SUPERVISOR FULLER: Questions, right now only.

MR. DAVIES: And, then later comments?

SUPERVISOR FULLER: In favor or in opposition comments.

MR. DAVIES: Well, it's a combination maybe of both.

SUPERVISOR FULLER: Well, okay, Sherwood. Go for it.

MR. DAVIES: I think according to my calculations, this is probably the 10th time I have appeared at a public hearing on the budget. And, I didn't want to disappoint any of your Board Members.

TOWN ATTORNEY KAPLOWITZ: More than that, I would think.

MR. DAVIES: So, I thought I better show up tonight. This may seem a little... well, it may not appear to be related to the budget but it is. The first question has to do, what is the status of the new well... test well/production well? Have tests been run? Has water analysis been taken?

SUPERVISOR FULLER: We don't have any information on that as yet, Sherwood and when we do the Town Board will be presented with the information at a Town Board meeting.

MR. DAVIES: Because I think this has to do with some of your budgeting for the next fiscal year. So, that was one of the reasons. I would think it should have been completed in August, that you'd have some preliminary information.

SUPERVISOR FULLER: Well, we don't.

MR. DAVIES: You don't. Okay. I guess maybe the others had to do with some combination of questions and comments. So, shall I defer to other people?

SUPERVISOR FULLER: Sure. You can do that. Is there anyone else who has questions or comments on the Town budget? I am sure all of your parents probably would have questions and comments.

MRS. CAPONE: I don't know if people like Sherwood and his people realize how much it costs the Town to have all the public hearings and all the nonsense about water. Thank you.

SUPERVISOR FULLER: Okay, Sherwood.

MR. DAVIES: On page 6 of the budget that I have, it may not be your budget. But, it does indicate a proposal to budget for \$165,000 for the purchase of Albany water. Is this enough money? The reason I ask the question is that as of November 1 of this year, we would have spent \$220,000 to buy Albany water.

SUPERVISOR FULLER: Yes. I would say it is enough.

MR. DAVIES: There's enough.

SUPERVISOR FULLER: Yes.

MR. DAVIES: And, what's the... is there any basis for that... any engineering analysis report?

SUPERVISOR FULLER: I am not an engineer but we have a contract with the City of Albany. We have an estimate of how much water we will need. It depends on, you know, the spring, the rain. You certainly know it, as well as, I do. Our Vly Creek Reservoir is still here. Sherwood, this isn't about water. This is the budget hearing this evening.

MR. DAVIES: Yes, that's right, that's what I am speaking to.

SUPERVISOR FULLER: Okay.

MR. DAVIES: The money you have appropriated. And, if you spent \$220,000 in 1998, and only budget for \$165,000, then do you intend to use Clapper Road water for serving our residential community?

SUPERVISOR FULLER: Sherwood, you know it, as well as, everyone else knows it. It is being used for the industrial area of Town, has been and will continue to be.

COUNCILMAN DAVIS: Sherwood, you were here last night and heard Bruce address that same question. You are asking questions you asked last night. It is getting very redundant.

MRS. CAPONE: Thank you.

MR. DAVIES: I think...I think I deserve an answer, either an engineering answer or something.

COUNCILMAN DAVIS: There was an answer. You received one.

MR. DAVIES: What was it?

COUNCILMAN DAVIS: You heard it and I heard it.

MR. DAVIES: What?

MRS. CAPONE: You forget already?

MR. DAVIES: The next question, will Bethlehem revise the water agreement with Albany?

SUPERVISOR FULLER: Revise it to what?

MR. DAVIES: To provide for enough water. There is a limitation on the maximum amount of water that can be purchased from the City of Albany.

SUPERVISOR FULLER: That was already done this year, Sherwood.

MR. DAVIES: We...pardon?

SUPERVISOR FULLER: That was already done this year. I believe it was July.

MR. DAVIES: For 1998. And, we exceeded that.

SUPERVISOR FULLER: We have a 10 year contract with the City of Albany and I believe, you raised this issue before and I showed you the copy of the contract and showed you the letter from the City of Albany saying that we were able to buy more water.

MR. DAVIES: Your letter of July from the Albany Water Board indicated that the Town could purchase up to a maximum of 9 million gallons every 7 days. Nine million gallons. In this last year, in the summer, you exceeded that and it was up to 10 and 12 million gallons per week. The question is, will the agreement be revised to permit us to purchase the needed water to serve our community?

SUPERVISOR FULLER: Sherwood, I don't think this community has ever done without water. And, I think the questions that you are raising, you know the answer to. And, I don't know what the game is but I suggest it cease.

MR. DAVIES: I apolo....

SUPERVISOR FULLER: I am a Town municipal leader.

MR. DAVIES: Look I resent that, Sheila.

SUPERVISOR FULLER: And, so do I, Sherwood.

MR. DAVIES: I am asking a simple question.

SUPERVISOR FULLER: Mayor Jennings and I have an agreement and you know it. And, why are you raising the questions that we don't have enough water?

MR. DAVIES: Because it's going to affect our community.

SUPERVISOR FULLER: Do you know what affects...

MR. DAVIES: Would you prefer that I stop discussion? I would be glad to if you are offended by these questions.

SUPERVISOR FULLER: I am offended by these questions because the questions have been asked since 1995.

MR. DAVIES: The agreement is 1998, Sheila, not 1995.

SUPERVISOR FULLER: The questions of the Clapper Road plant water supply, that's gone on for a long time.

MR. DAVIES: Not the water agreement with Albany. I would say...

SUPERVISOR FULLER: The water agreement with Albany started...

MR. DAVIES: Sheila, that you are disturbed by the type of questions.

SUPERVISOR FULLER: No, you know what I am disturbed about Sherwood, as long as you would like to know what I am disturbed about.

MR. DAVIES: I would.

SUPERVISOR FULLER: What our taxpayers are looking at when we have to schedule different meetings, bring in experts at great taxpayer expense to be here and last night was just a recent example of the Army Corps meeting. Sherwood, there was nothing new or different at that meeting and yet the taxpayers will be paying for everyone that was brought in here. Is that fair to this community? That's what I'm concerned about, Sherwood.

COUNCILMAN DAVIS: And, you are asking questions that you asked last night.

MR. DAVIES: Well, could I continue then?

I am asking the Town Board, that was the Corps of Engineers last night. And, I think the Town Board should be able to respond.

COUNCILMAN DAVIS: We all heard them and we all heard the same answers. Same questions and same answers.

MR. DAVIES: Well, let me continue... let me continue with some of these. In exhibit A in your budget following page 6, it shows a water tax rate decline of 4 percent from 1994 to 1999. The sewer tax rate declined 12 percent. This seems rather unusual. There has been hundreds of thousands of dollars transferred from the water and sewer budget to the Capital Reserve fund. I've heard questions asked about that and nobody's really come up with an answer. It would appear that what happened, was that in 1993 there was a reassessment to full evaluation. The revenue produced should have been neutral, that is no increase essentially. But, if you go back and look at that, and I think you can do it, you will find that the tax rate although it declined, the tax rate was such that it increased the water and sewer revenue about 20 percent. So, you had a hell of a windfall that you put in the Capital Reserve fund and is a basis for these declining rates, in my opinion. I think that should have been looked at and should be looked at in the future.

In the water fund, there is a water property tax which indicates revenue of... it is your summary budget on revenue. It shows district property tax of 1.3 million dollars approximately. It shows water rents of 2.9 million dollars. This is the water rents that's charged to the users. I would like to call your attention to the fact that Selkirk Cogen and GE Plastics uses about half of all water used in the Town, about 1 billion gallons per year compared to residential and other users of 1 billion gallons a year. The property... water property tax paid by Selkirk Cogen is approximately \$170,000 a year. So, all other users pay about a little over a million dollars. Now, if you take these numbers you will find that for every thousand of gallons, Cogen and GE Plastics pays about \$1.68 compared to all others in the community of \$2.29. So, there is quite a differential. Is that reasonable and fair? Well, there probably should be a difference because they're a large user, I acknowledge that. But, is it equitable to have this differential? Where actually, in my opinion, the way these rates are set up, industry doesn't pay its fair share.

On the sewer budget, last year, as I recall, there was some concern or some consideration to take a look at the old sewers in the older part of Delmar/Elsmere because of cave ins, damaged sewers and so forth, they're old tile sewers. I found nothing in the budget to indicate there would be any money to take a look at the possible need for repairs of these lateral sewers. I think that's quite important. Now, on the sewer district property tax, it shows here, district property tax revenue, \$2,474,344, now that's more than the district property tax, that includes the water, sewer rental charge based upon water usage. And, I think it should be broken down because it is quite important. That sewer rent charge is about 60 percent more than your water use or water rent charge. The sewer rent charges, in my opinion, are much too high. They should be lowered, there should be one, but it's much too high. For example, residential users watering lawns, washing cars, filling swimming pools are paying for... a much higher rate for the water that doesn't go into the sewer that actually represents considerable income to the Town.

If I have in any way offended you, Sheila, I apologize but I feel strongly on some of these concerns.

SUPERVISOR FULLER: Sherwood, I can understand your feeling strongly but I feel strongly also with sitting down and you and I have discussed this over the years since I have been here as Town Supervisor. You know that it's not an issue and why do you continue to bring it up as an issue? The residents in this community are drinking the Vly Creek Reservoir. There are 4 to 6 residents, I am not sure of the correct number, on Creble Road. That's all there

is. They requested it. The game needs to stop and that's what I get upset over.

Would you like to respond to Sherwood's questions on the water/sewer budgets?

MRS. KEHOE: Okay.

SUPERVISOR FULLER: Thank you, Judi.

MRS. KEHOE: Sure. As far as the rates that are levied in those funds, those are typically recommended by the Commissioner of Public Works based on... it's drive by the operating costs to take care of the maintenance and service provided by the water and sewer funds and then from there, the revenues are derived based on those operating costs that need to be filled.

As far as the declining tax rates in the water fund, I think that's a good thing. I am sure..

SUPERVISOR FULLER: That's what we are supposed to be doing?

MRS. KEHOE: Right. And, that would transfer the money to the reserves. That is also indicative that we are planning ahead for the future by budgeting conservatively and by under expending on those funds that means that we have funds that are left over that can be transferred to the reserves. There has been discussion on the age, as Sherwood has mentioned, on some of the laterals. We know that those will need to be replaced in the future and there would be some significant maintenance costs. That is the whole reason that we have those reserves created to handle that.

So, the comments are true. The tax rates have been declining and we have been funding the reserves but I think that is a positive comment on the budget process and the management of the finances for those 2 funds. And, again, as far as the waters use surcharge and is it too high, I would defer to Bruce Secor on that as Commissioner. He would have information perhaps or could get information on comparison, perhaps, to other communities. But, looking at it from the Comptroller's perspective, the fees appear to be adequate to cover the operating expenses for those funds. So, from that standpoint, I agree with the rate structure as presented in the budget.

SUPERVISOR FULLER: Thank you, Judi. Any other questions or comments on the budget?

MRS. CAPONE: We're looking good, let's move.

SUPERVISOR FULLER: Any further questions or comments from the Town Board? I know you are not used to adjourning this early but you are only going to Executive Session on police negotiations.

COUNCILMAN LENHARDT: I just have one comment regarding the declining tax rates in the sewer and water. I think that is a sign of good government.

SUPERVISOR FULLER: Okay. May I have a motion to close the public hearing.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to close the public hearing at 7:47 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson,
Ms. Burns.

Noes: None.


Town Clerk

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

Supervisor Fuller asked for a motion to meet in Executive Session following the close of the regular meeting.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to meet in Executive Session following the close of the regular meeting to discuss negotiations. The motion was passed by the following vote:

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

Meeting
adjourn
to
executive
session
No formal
action
taken

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to close the regular Town Board meeting at 8:20 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.