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TOWN BOARD  
SEPTEMBER 24, 1997

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  
Freeman T. Putney, Councilman  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Robert C. Johnson, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. We begin our meeting tonight, I will ask George Lenhardt to lead us in the pledge of allegiance. Thank you.

Do you like our new arrangement here with the seating, those of you who have been here before? We are trying this tonight to see. The room seems to have gotten bigger with the new paint job. So, to bring everybody closer to the Board, I thought we'd try it.

Okay, the first item on tonight's agenda is a public hearing to consider establishment of the Delmar, Elsmere, Slingerlands Ambulance District to include all lands currently within the Delmar, Elsmere, Slingerlands Fire Districts. I would ask our Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

Public  
Hearing  
for estab-  
lishment  
of Delmar,  
Elsmere,  
Slingerlands  
Ambulance  
District

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on September 24, 1997 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider establishment of the Delmar, Elsmere, Slingerlands Ambulance District to include all lands currently within the Delmar, Elsmere, Slingerlands Fire Districts.

All parties in interest 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  
TOWN CLERK

Dated: August 27, 1997

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State of New York)  
County of Albany )

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher 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 10 day of September 1997.

/s/ Mary A. Ahlstrom

Sworn to before me this 12th day of September 1997.  
/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 September 10, 1997, 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  
24th day of September 1997.  
/s/ Catherine T. Picarazzi  
Notary Public

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The motion was made by Mr. Johnson and seconded by Mr. Lenhardt 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. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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SUPERVISOR FULLER: For a little information for those who have not been involved in this discussion, the purpose of tonight's hearing, the Town Board is looking to set up an ambulance district with the Delmar Fire Department. Basically, what it is, does not change the service you are presently receiving in the Town. Ambulances still arrive. The question of more or less a paper shuffle. It is taking money from a fire district budget and adding an ambulance line. Right now your ambulance service has been paid for in the Elsmere Fire District budget and the Slingerlands Fire District budget and the Delmar Fire District budget. What we are doing now, is going to be looking to tax in the Elsmere, Delmar, Slingerlands area a separate line on the tax warrant.

We have many representatives here so, I will ask you to -- if you have any questions to start with and then we go to in favor or in opposition. Anyone wishing to speak on this? Yes.

MR. HARDER: I am George Harder. I live at 15 Euclid Avenue. I would like to know if the residents of the Town are going to incur additional costs with this service.

SUPERVISOR FULLER: The residents of the Town should not incur any additional service. They are presently paying for the service right now. It is called their fire district line on your tax bill.

MR. HARDER: And, there will be no additional costs.

SUPERVISOR FULLER: There shouldn't be.

MR. HARDER: Thank you.

SUPERVISOR FULLER: You are welcome. Any other questions? Okay. Anyone wishing to speak in favor?

MR. DAY: Madam Supervisor, I am Gerald Day, Chairman of the Board of Fire Commissioners, Delmar Fire District. I wish to speak in favor of this proposal because of a number of reasons. And, if I may take just a moment of your time. The Delmar Ambulance was formed in 1937 by the members of the Delmar Fire Department who saw a need for emergency care and transportation to the Albany hospitals. The first ambulance was a donated one by the Applebees of Applebee Funeral Home. The squad continued to grow in numbers and in calls and operated on donations only.

They continued to operate on donations to the early '60s when it became apparent that the donations alone could not support the growing demand for ambulance service. The members of the squad were all members of the Delmar Fire Department and they asked the Board of Fire Commissioners to help them out to continue this very important community service. The Board agreed to support the service by helping the squad. During the '60s mutual aid by the members of the Slingerlands and Elsmere Fire Departments helped man the ambulance during the day time hours.

The early '80s it became apparent that the cost of operating the ambulance and the purchases of equipment needed a different way of funding the operation. The members of the Department approached the Fire District to take over the operation of the squad. The Delmar Commissioners met with the Commissioner of Slingerlands and Elsmere Fire Districts and explained the financial and members problems together. The 3 Boards agreed to join in funding of the ambulance and encourage their members to participate in the ambulance service.

How do we continue to operate the ambulance over the short haul and plan for replacement of ambulance and equipment in the long run. The Town suggested that we consider an ambulance district such as the Bethlehem Volunteer Ambulance which covers the Selkirk Fire District and the Western Turnpike Ambulance district that covers the North Bethlehem section of the Town. Both of these ambulance districts have been in operation for a few years and are very satisfied with the arrangements.

After many meetings and discussions, the membership of the squad agreed to enter into an ambulance agreement with the Town to cover the Delmar, Elsmere and Slingerlands Fire Districts if it could be worked out. The volume of ambulance calls has risen steadily during the last 25 years and it has risen drastically since the 911 became part of Bethlehem. Before 911, the ambulance did not handle transports, they handled only emergency calls. Now, under 911, they are required to accept all types of calls. Also, donations for use of the ambulance have declined steadily since the early '80s down to a point where we do not receive enough to cover the day-to-day supplies that are needed to operate the ambulance. Without financial support for the ambulance and a way to cut the unnecessary calls, and most importantly to continue the support of the volunteers who give so much of themselves, not only taking calls but continue their training and the schooling and the time away from their own families, we have a sad future for the volunteer ambulance service. Thank you.

SUPERVISOR FULLER: Thank you, Gerry.

MR. PRESKA: Getting quite used to being up here at the microphone. Chuck Preska, past officer of Delmar Rescue Squad. I think Gerry pretty well summed up everything that has gone on with the ambulance in the last few years and speaking from experience of 7 years of trying to operate the ambulance as one of the lieutenants or a captain, the costs incurred in operating the ambulance have increased significantly over, you know, the last 10 years. Also, the number of runs have increased and to have some type of funding which would guarantee us a set, you know, money that we could depend on which would help with the planning and so on, I think would be of immense help, you know, to the ambulance squad as it is and would help spread the burden around instead of going to each individual fire district and say you know, you have to chip in according to how many people you have in your fire district.

I would also ask that the Town Board take a look, possibly form some type of committee to look at the long range of EMS in the Town and the direction we should be going. Are we going to be able to continue to do it with volunteers? You know, the daytime shortages because of people working 2 jobs and multiple people in the families working and things like that are stuff that I think we really need to be looking at and see where we need to be in a year, 2 years, 3 years, you know, 10 years down the line where we are heading with EMS. It is one of the few areas in the Town that really has no representation in the Town Board or in the Town any where and along with that, I would ask you to consider either the appointment of someone on a volunteer basis, paid basis, part-time, full time, however you deem necessary

to be some type of an EMS coordinator in the Town who you could go to for advice or who would be responsible to you people to give you the answers you need to deal with EMS in the Town and not have the situation where you have now where you have to go to the people who may at some point in time the people you are asking questions of, in many cases have a vested interest in giving you a certain answer and I think we need to have someone who can have an independent voice in the Town that you people can depend upon.

SUPERVISOR FULLER: Thank you, Chuck.

MRS. CAPONE: I would like to submit George Lenhardt.

MR. WEBSTER: My name is Fred Webster, Commissioner of the Elsmere Fire District. Very happy to be on this side of the table. We of the Elsmere Fire District support this ambulance. I think that it's a... it will become a fair way to apportion the costs across the tax district rather than the hit and miss method we have been using. In answer to Mr. Harder, the Elsmere Fire District budget is already in the Comptroller's hands and has been reduced by the amount of our contribution to the ambulance district.

SUPERVISOR FULLER: Thank you, Fred. Anyone else wishing to speak in favor? Anyone wishing to speak in opposition? May I have a motion to close the public hearing?

The motion was made by Mr. Putney and seconded by Mrs. Davis to close the public hearing at 7:42 p.m. The motion was passed by the following vote:

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

Noes: None.

*Kathleen J. Newkirk*  
Town Clerk

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

Supervisor Fuller asked for a vote to establish the ambulance district as per the item on the agenda.

The motion was made by Mr. Putney, and seconded by Mrs. Davis to adopt the establishment of the Delmar, Elsmere, Slingerlands Ambulance District to include all lands currently within the Delmar, Elsmere, Slingerlands Fire Districts.

Motion was passed to establish Delmar, Elsmere, Slingerlands Ambulance District

Councilman Lenhardt had one question as to whether the Town can contract with the fire district, asking if that has been settled. Supervisor Fuller said this may have to be looked at from the Legislature regarding Municipal Home Rule Law. She noted the Legislature is not in session at this time and will not be until January. She said the importance right now is to form the district and continue forward.

The motion was passed by the following vote:

- Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
- Noes: None.

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Councilman Johnson said thank you to the Delmar Fire District, Jerry Day, for everything they have done in the past and all the volunteer hours that the Delmar members have put in with the ambulance service, including those in the Bethlehem Ambulance and North Bethlehem Ambulance District. He said thank you for everything they have done, it is appreciated. Supervisor Fuller thanked everyone.

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Authorize LeBoeuf Lamb to retain engineering services of Gannett Fleming review of ground water infiltration system

The next item was to authorize LeBoeuf Lamb to retain the engineering services of Gannett Fleming at a cost of \$8,250 for review of the design and construction of the ground water infiltration system.

Supervisor Fuller explained about 4 to 6 weeks ago, John Rudy, Esq. was with the Town Board and this is an authorization for him to be able to hire the firm of Gannett Fleming for review of the design and construction of the ground water infiltration system. She said 3 people sent in proposals and the attorney has recommended Gannett Fleming as the one being most experience. She said this would be the one providing the best investigation for the Town. She said they are a firm out of Pennsylvania, they are not from the immediate area. The cost to the Town is \$8,250 for their review, combined with John Rudy's cost, the total cost appears to be \$30,000 at this time. Supervisor Fuller noted all the information and all the requests for proposals will be available in the Clerk's office for public review.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve John Rudy of LeBoeuf Lamb proceeding with the hiring of Gannett Fleming of Pennsylvania to review the design and construction of the ground water infiltration system. The motion was passed by the following vote:

- Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
- Noes: None.

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Presentation of 1998 Tentative Budget

The next item on the agenda was the presentation of the 1998 Tentative Budget for the Town of Bethlehem. Supervisor Fuller said this is a tentative budget being presented for the first time. She said the Town Board will have work sessions where the parts of the budget will be discussed further. She said the most important message is to let everyone know that there is no increases in taxes for the year 1998. She said some of the highlights are important

especially for the high school students to hear about what the Town services offer and what the cost of the services are. This is a new presentation for the budget because many people just know that the Town is going along day-to-day, taxes are decreasing or we are holding the line, but the amount of services that are provided for the dollars are important.

Supervisor Fuller started with the Parks office which has been visited by more than 200,000 times a year with about 50,000 people per year participating in programs and special events. This year work has been completed on 5 additional playing fields in the rear of the Elm Avenue Park. Regrading has been done to soccer fields and also expansion of the park playing area in the back to accommodate 5 fields for soccer. The Henry Hudson Park in Selkirk now offers a new boat launch.

The next department, the Senior Services Department, has the staff and many volunteers who have direct contact with over 1,000 seniors each week through daily phone calls, senior van appointments, meals on wheels, social programs and walk in visits at Town Hall. The largest cost saving measure to the department continues to be the extensive use of volunteers in the Senior Citizens Department with about 16,000 hours per year contributed to this program.

The next department is the Highway Department which is one of the more visible. She said employees are seen on the roads, plowing the snow so everyone can get to school on time, picking up brush or leaves at curb, paving a road that is frequently traveled, maintaining the sidewalks in good repair, sanding, salting, and plowing of roads. Additional assignments this year have included maintaining flower beds at key intersections throughout the Town, watering all the plants and all the new trees that were put in on Delaware Avenue. In 1997 and probably within the next 2 weeks, the new composting facility on Route 32 will be completed. The project is in response to the Town's requirement to close the North Street yard waste disposal facility and the Town's commitment to reduce the amount of material shipped to landfills. The total cost of this project is about \$724,000 which is being funded from the composting reserve.

In 1997, the bike path project -- which many people have noticed, especially on VanDyke Road and Elm Avenue -- should be completed, providing a safer route for biking and pedestrian traffic in the vicinity of the Elm Avenue Park and the high school. The project cost about \$368,000 with 95 percent of that being paid with Federal and State funding.

Also in 1997, household hazardous waste day was held again. This is the 3rd year of what has been considered a very successful program here in the Town.

The Department of Public Works encompasses engineering, water and sewer departments. Water Department operates 2 water plants, one in New Salem and the other on Clapper Road in Selkirk. The New Salem plant draws water from the Vly Creek and provides water for residential areas. It's supply is supplemented during months of peak use with water from the City of Albany.

The Sewer Department operates the Town's wastewater treatment plant on Dinmore Road and provides ongoing maintenance and repair to the Town's extensive sanitary sewer collection system.

The thirty-nine person Police Department serves the need of our 27,000 plus residents. Our officers are focused on programs which help maintain the safety of our community. The Town's participation in the Youth Court program provides an appealing alternative to traditional punishments doled out to youthful, non-violent offenders.

The Town is now in its second year of offering paramedic service through a contract with the Albany County Sheriff's Department. With the Town of New Scotland participation in the ALS program, we will now see a decrease in our costs. In 1997 the Town will save about \$25,000 and in 1998 the Town expects to save about \$76,000. This is an example of regionalization benefiting multiple communities.

The Tax Department where presently they are collecting the school tax bills has also leaped into the world of automation in 1997. Through the use of new software, they are able to process receipts more efficiently which means less money is spent on part time employees and perhaps, most important, less time for residents waiting for service at the tax office window.

The Town Clerk's office has made great strides in automation over the last few years. The new software processes many of the previously manual tasks of the office saving both transaction time and time spent preparing monthly reports. The Records Management Program provides an organized system for safe storage and easy retrieval of records required to be retained. The office has received 6 grants to administer this program with approximately \$100,000 spent to date.

Primary goal of the Assessor's office is to maintain equitable assessed values on all Town property. Five years ago the Town underwent a complete reevaluation of all parcels and currently the first update of this information is taking place. The update should be completed in 1998. The work will be done by the Town Assessor with assistance from a temporary staff member. This has resulted in a very cost effective means of completing this task as opposed to delegating the process to an outside consultant.

In today's Spotlight, there was a comment -- although we have not had an exodus of existing businesses particularly -- those considered to be railroads or utilities are facing market pressures from deregulation which has the potential to significantly reduce their assessed values. Between 1997 and 1998 rolls, there was a 28 million dollar reduction on 1 parcel alone which means that in order to maintain the stable tax levy, increased tax rate would need to be rendered on all parcels. We are not proposing that tax increase since we have been able to control expenditures and increase other revenues. However, it is important to note as a trend because it signals that our attentions must be focused on commercial growth.

In looking at the difference, we have had \$48 million in the last 4 years reductions as a result of taxes. We also have in addition to that a special franchise which has been settled by the State of New York. Supervisor Fuller said that is \$48 million that has been left to this community but that has not been because of businesses leaving, it is because of the certioraris that are brought against the Town.

The next department is the Building Department. It actively works with residents and contractors to provide information on required ordinances and to ensure that all work meets State and local code requirements. It is staffed with 5 inspectors and 3 clerks who routinely respond to calls from residents reporting violations of Town ordinance. They also spend considerable time in the field working with contractors to monitor compliance with requirements. Due to an increase in activity, the Department is requesting approval for an additional building inspector in 1998.

Supervisor Fuller said she would take a few minutes to discuss the items specifically relating to the 1998 General Fund budget. In the 1998 budget, the General Fund expenditures have increased 2.2 percent, \$10,475,000. Anticipated was 2.3 percent increase in revenues to \$9,700,000. The budget will be balanced through a \$775,000 charge to fund balance which represents available funds from prior budget surplus. Proposed new revenue sources, Planning Board fees have not been increased in many years. As a result, the Planning Department and Planning Board render significant services to construction projects without the Town receiving reasonable compensation for the efforts that have been required. In 1998, the Board will review a new fee structure, obtain public comment, and adopt a revised fee structure. An additional \$20,000 has been budgeted from this source.

Calls provided by the County Advanced Life Support service are covered by most insurance plans. In the past, insurance companies were not billed for these services. We will be proposing to charge for these calls in 1997 and thereafter. The billing will be an

insurance only charge. If insurance is not available, residents will not be charged for the services. By using a billing agency who deducts a slight fee for their services before remitting the monies to the Town, the Town can expect to generate about \$25,000 per year.

The Town also has provided school resource officers to the Bethlehem Central School District. In 1998 budget, the school has agreed to contribute \$18,750 to the Town to help offset this cost.

One of the larger revenue sources for the Town is the sales tax. On September 8, 1997 the County Legislature repealed the 1 percent on home heating fuel which is estimated to reduce the Town's revenue by about \$100,000. This decrease is mitigated by the County Legislature's Act to extend the 8 percent sales tax through November of 1999. Although a repeal of the sales tax on clothing is being discussed, it is not expected to significantly affect the total received by the Town.

Appropriations for all funds include a 3 percent cost of living adjustment for all Town employees. The Town is one of the larger employers in our community with about 200 full time employees. The Highway Department has 60, Police and Telecommunicators have about 50 and Public Works has 45. The other 10 departments employ about 45 people in total.

In the handout of the 1998 projected tax rates for all funds, you will also see a comparison to the prior rates, back to 1994 through 1998. The Water District tax rate will remain unchanged at about 70 cents per \$1,000 of assessed value. The residential water rate will be unchanged in 1998 at \$1.07 per 1,000 gallons. The industrial water rate will be increased from \$1.28 per 1,000 gallons to \$1.36, effective January 1, 1998.

Supervisor Fuller noted the Town Board will be holding public work sessions on this budget. They will be held on Thursday, October 9, 1998 and Thursday, October 16, 1998 beginning at 7 p.m. The Supervisor invited all to attend these work sessions. She said these are informational meetings held at Town Hall.

Supervisor Fuller said Wednesday, October 22, 1997 at 7:30 p.m. will be a public hearing on the budget and final adoption for the budget will be November 12, 1997.

Supervisor Fuller thanked everyone for their patience. She said the Town Board received this preliminary budget tonight for the first. She said she had it a little earlier. She said the Town Board will have their opportunity at the work sessions to review the requests as the preparation of the final budget is done for the community.

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The next item on the agenda was a request from John Flanigan, Building Inspector, for approval of a construction trailer for Haswell Farms Subdivision, Feura Bush Road, Delmar.

Building Department  
Approval Constructic  
Trailer

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the issuance of a construction trailer permit for Haswell Farms Subdivision, Feura Bush Road, Delmar. The motion was passed by the following vote:

- Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
- Noes: None.

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

Parks and  
Recreation  
approval seasonal  
personnel

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator, Parks and Recreation

Department, dated September 24, 1997 at the titles and rates indicated. The motion was passed by the following vote:

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

Engineering  
Services  
acceptance  
of deeds  
Fisher Hollow

The following request was from Michael Cirillo, Engineering Services Administrator, for approval of acceptance of deeds for the Fisher Hollow Subdivision, Phase 3, Slingerlands.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the acceptance of deeds for the Fisher Hollow Subdivision, Phase 3, Slingerlands, from Charlew Construction Co., Inc., Schenectady, New York as recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

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

Engineering  
Services  
acceptance  
of deeds Haswell  
Farms

The next request was from Engineering Services Administrator, Michael Cirillo, for approval of acceptance of deeds for the Haswell Farms Subdivision, Phase 1, Feura Bush Road, Delmar.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the acceptance of deeds for the Haswell Farms Subdivision, Phase 1, Feura Bush Road, Delmar from Haswell Farms Homeowners' Association, Guilderland, New York. The motion was passed by the following vote:

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

Commissioner  
Public Works  
Water Service  
out-of-district  
customer

The next item was a request from Bruce Secor, Commissioner of Public Works, for approval of water service as out-of-district customer for a residence at 1594 Route 9W, Selkirk. Supervisor Fuller explained the resident's property is on the Town line between Bethlehem and Coeymans, noting the water district was extended to serve the Selkirk area. The last fire hydrant on Route 9W, according to Supervisor Fuller, is approximately at the division line between Bethlehem and Coeymans. She said the resident has requested water service which could be done as an out-of-district customer. Supervisor Fuller said in contacting the Supervisor of the Town of Coeymans, he had no objection if the service was to be offered. Request is made for authorization of the Town Board to provide water service tap under the standard agreement for an out-of-district customer under which double the water rate is paid.

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve water service as out-of-district customer to Mrs. Caroline Borger, 1594 Route 9W, Selkirk, NY at double the water rate. The motion was passed by the following vote:

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

Assessor  
for re-  
appointment  
of Mr. Steele  
to Bethlehem Board  
of assessment

The next item was a recommendation from David Leafer, Assessor, for reappointment of Herbert G. Steele to the Bethlehem Board of Assessment Review for the term beginning October 1, 1997 and ending September 30, 2002.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the reappointment of Herbert G. Steele to the Bethlehem Board of Assessment Review for the term beginning October 1, 1997 and ending September 30, 2002. The motion was passed by the following vote:

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

Supervisor Fuller explained Mr. Steele has served for 3 years and his appointment is up. She said these are 3 year terms and he has done an exceptional job and they are very appreciative that he is willing to give another 3 years.

The following request was from Highway Superintendent, Gregg Sagendorph, for approval of disposal of vehicles at auction, Clifton Park, NY.

Highway Superintendent approval for disposal of vehicles at auction

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the request of Gregg Sagendorph, Highway Superintendent, for disposal of vehicles at auction in Clifton Park, NY. The motion was passed by the following vote:

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

The following item was a request from Richard LaChappelle, Chief of Police, for approval of appointment of per-diem Telecommunicator, Robert L. Griffin, Delmar, NY, effective September 29, 1997. Supervisor Fuller explained this is an hourly rate of pay. She said this is a budgeted position and this a per-diem Telecommunicator replacement due to a resignation.

Chief of Police approval per-diem Telecommunicator

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to approve the appointment of Robert L. Griffin of Delmar, NY as a per-diem Telecommunicator at the hourly rate of pay, effective September 29, 1997. The motion was passed by the following vote:

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

The following item was a request from Chief of Police, Richard LaChappelle, for approval of appointment of per-diem Telecommunicator, Richard J. Hotaling, effective September 29, 1997. Supervisor Fuller noted this is also a replacement position.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the appointment of Richard J. Hotaling, Selkirk, NY to the position of per-diem Telecommunicator at the hourly rate of pay, effective September 29, 1997. The motion was passed by the following vote:

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

The following request was from Judith Kehoe, Comptroller, for adoption of a resolution pertaining to a Deferred Compensation Plan for Town of Bethlehem employees. Supervisor Fuller noted the resolution just came into the office yesterday and the employees have

Comptroller for adoption of resolution for Deferred compensation plan

been very patient in waiting for Board action. She explained this is why it was added late to the agenda.

DEFERRED COMPENSATION RESOLUTION

WHEREAS, Section 457 of the Internal Revenue Code ("Section 457") was recently amended by the Small Business Job Protection Act of 1996 to Require that all eligible deferred compensation plans established after August 20, 1996 provide that all amounts deferred and the income thereon be held in a trust, custodial account or annuity contract for the exclusive benefit of participants and their beneficiaries;

WHEREAS, the New York State Deferred Compensation Board (the "Board") pursuant to Section 5 of the New York State Finance Law ("Section 5") had previously implemented a freeze effective August 20, 1996 on new adoptions of deferred compensation plans pending conforming amendments to State law, since prior provisions required amounts deferred and income thereon remain the sole property of the employer and subject to the general creditors of the employer until paid out;

WHEREAS, Section 5 has now been amended to conform to the requirements of Section 457 as stated in the first "whereas" above;

WHEREAS, the Board has further determined that lifting the freeze would be beneficial to local employers and their employees;

WHEREAS, the Board, pursuant to Section 5 and the Rules and Regulations of the New York State Deferred Compensation Board (the "Regulations"), including the proposed Regulations published in the State Register dated February 12, 1997, was promulgated the Deferred Compensation Plan for Employees of the Town of Bethlehem (the "Model Plan") and offers the Model Plan as amended and restated September 3, 1997 for adoption by local employers;

WHEREAS, the Town of Bethlehem, pursuant to Section 5 and the Regulations, desires to adopt the Model Plan as amended and restated September 3, 1997 in a form known as the Deferred Compensation Plan for Employees of the Town of Bethlehem;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Bethlehem hereby adopts the "Model Deferred Compensation Plan for Employees of the Town of Bethlehem as amended and restated September 3, 1997".

AND, BE IT FURTHER RESOLVED, after seeking and evaluating competitive proposals, to select PEBSCO as the Administrative Service Agency and Nationwide as Financial Service Organization.

AND, BE IT FURTHER RESOLVED, that the Town of Bethlehem is hereby authorized to enter into appropriate contracts necessary to establish the "Model Deferred Compensation Plan for Employees of the Town of Bethlehem as amended and restated September 3, 1997" effective October 15, 1997. Appropriate contracts are those defined in the Model Plan and the Regulations. In addition, contracts shall include those necessary to contract with PEBSCO and Nationwide, these latter contracts are limited to five years in duration per the Regulations, and shall be rebid after that time.

IN WITNESS WHEREOF, the undersigned have executed this Resolution in the Town of Bethlehem, New York this 24th day of September, 1997 and direct that it be filed as appropriate.

The foregoing resolution was presented for adoption by Mrs. Davis and seconded by Mr. Putney. The motion was passed by the following vote:

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

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The next item was to approve the Town Board minutes of August 13, 1997.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the Town Board minutes of August 13, 1997 as submitted. The motion was passed by the following vote:

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

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Supervisor Fuller asked if anyone wished to address the Board.

Mr. Red Davis said for the third time he asked the Supervisor to suspend the meetings of the Capital District Civil War Roundtable in the Library. Mr. Davis noted there is a situation of the stealing of money and he did not feel it appropriate for this group to meet at the Town of Bethlehem Library. He also stated the group revoked his membership and he has been an outcast. He noted this is a non-profit organization. He asked that the Town Board suspend any more meetings of this group in the Town of Bethlehem. The Supervisor previously advised Mr. Davis that the school has jurisdiction over the Library. Mr. Davis thanked the Board for their time.

Mr. Red Davis  
comments on  
Capital Distri  
Civil War Roun  
table

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Residents Sherwood Davies and William Kelleher addressed questions to the Board regarding the approval of LeBoeuf Lamb hiring the engineering firm of Gannett Fleming for review of the construction and design of the ground water infiltration system. Supervisor Fuller and Attorney Kaplowitz answered questions fielded.

Davies and  
Kelleher  
questions  
on hiring  
Gannett Flemi

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Resident Marie Capone asked Supervisor Fuller and Attorney Kaplowitz to explain for the high school students what Mr. Red Davis had been referring to earlier in the meeting. Supervisor Fuller and Attorney Kaplowitz noted that Mr. Davis has had an ongoing conflict with a Civil War group and has not had any resolve to the problem and feels the Town Board should suspend the Civil War Roundtable from meeting in the Town of Bethlehem due to an accusation of a theft of money.

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Resident George Harder asked in regard to the hiring of the engineering firm for the review of the ground water infiltration system when the work will begin. Supervisor Fuller said as soon as LeBoeuf Lamb are notified the work can begin. She said the estimate of length of time for the work is 1 month.

Mr. Harder  
questions on  
Gannett Flemi  
will start

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Resident Chuck Preska addressed the Board with information and suggestions regarding the revenue recovery discussed with regard to the establishment of the Delmar, Elsmere, Slingerlands Ambulance District. Supervisor Fuller thanked Mr. Preska.

Preska address  
board informat  
regarding reve  
recovery dis-  
cussion Ambula  
District

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Supervisor Fuller asked if there was anyone else wishing to speak to the Board. She thanked the students for attending the meeting.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 8:33 p.m. The motion was passed by the following vote:

Adjourn the  
Town Board  
Meeting

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

*Kathleen D. Newport*  
Town Clerk