

TOWN BOARD  
September 27, 2000

A regular meeting 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  
C. Terri Picarazzi, Deputy Town Clerk  
Bernard Kaplowitz, Esq., Town Attorney

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Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board and invited them to join in the pledge of allegiance.

The first item on the agenda was the presentation of the Tentative Budget for the year 2001 for the Town of Bethlehem to the Town Clerk. The Town Supervisor read the following budget message:

**2001 Budget Message**

We have repeatedly stated that the budget is the financial plan that helps us to better manage the operations of the Town. Usually toward the end of the year, the board's agenda considers requests to transfer funds between budget categories, to reflect the slight changes between what we anticipated, and what actually transpired. The May 16, 2000 slope failure along Delaware Avenue dramatically reminded us that the budget is just a plan, and that actual events can significantly impact even the best-laid plans.

We like to control the events in our lives, and face some of our greatest challenges when we are forced to respond to external forces which are beyond our immediate control. We watched in disbelief as the ground we trusted to be firm slipped into the Normanskill, taking with it the California Produce Stand, and threatening other local businesses and residences. We are grateful to all the many people who worked together to respond to this crisis. From DOT, to the City of Albany, to the Bethlehem Chamber of Commerce, to Town employees, and of course, to our residents, who pulled together to ease the burdens caused by this disaster.

The opening of two lanes of traffic helped abate much of the problem. The remediation work is progressing smoothly, with an anticipated completion date by Thanksgiving. We are relieved that the federal government has provided emergency aid to the state and to the town. The Town will receive up to \$479,000 in reimbursements for our share of costs incurred in responding to the slope failure. These funds will make the Town whole for the unanticipated overtime costs incurred as the police department provided an around-the-clock presence at the scene. We thank the officers who sacrificed large amounts of their personal time over the summer months, working long hours as dedicated professionals to help us through this crisis.

Even though much of our effort was focused on responding to the slope failure, as with any business, the daily operations of local government continued. A great deal of our efforts were spent on the installation of the new computer network. As was approved last year, the technology upgrade for town hall was completed. All equipment is installed, and the system users have completed their training. The expansion of the network to the Highway and Parks Department offices is ahead of schedule. We thought this work would wait until 2001, but actually will be completed this fall.

There were several capital projects completed this year. The Elm Avenue Park soccer fields were regraded, and should be ready for play next spring. The Elm Avenue Park

basketball courts are being reconstructed this month, as are the tennis courts at the Selkirk Park.

The radio communications project is in the beginning stages. This project will bring much needed improvements to the public safety radio network used by all emergency service providers in Town. A consulting engineer is preparing a report to advise the Town on the type of system to install, as well as the bid specifications required. This should be completed in 2001, when the Board will review the report and authorize the next phase of the project.

Other capital projects underway this year include \$75,000 for improvements at the fire training center, and \$450,000 for the North Bethlehem Water Transmission Main project. With all the DOT bridge construction occurring in the Blessing Road area, it may have been easy to overlook this work being done by the Town. These improvements will restore reliability to an older section of piping infrastructure that had been experiencing repeated water main breaks.

Another issue that continues to be at the forefront is addressing the pedestrian safety concerns that we all share. We recognize that this is a multi-faceted issue that requires a common sense approach. We would welcome a time when our community could be free from accidents, but recognize that people will unfortunately experience accidents despite our best efforts to promote safety. Nonetheless, we will continue to foster the safety of our residents. Reminding pedestrians and drivers about the importance of safe practices is critical. Steadily working to add sidewalks on heavily traveled through-streets is also important. The Town will continue their efforts to acquire appropriate neighborhood support for sidewalks. As the approvals are received, we will provide the necessary funding to install additional sidewalks.

The Town continues to foster reasonable commercial growth, working closely with the Town's Industrial Development Agency, known as the "IDA". Bethlehem Ice Group, Van Allen Senior Housing, First Columbia Group's new medical facility, and the Hess Mart expansion projects have completed construction, and are open for business.

As was recently reported in the news, the IDA has hired Tech Valley, LLC to produce an inventory of suitable parcels along the 9W/Route 144 corridor, for the development of a technology park. The inventory will list the attributes of the identified sites, in a format that makes it easier for developers to analyze whether or not that particular site meets their business needs. We are encouraged by the momentum of the IDA, and their continued efforts to help grow the commercial tax base of the Town.

The litigation between the Town, the Bethlehem Central School District, and Niagara Mohawk is still proceeding. The suit challenges the assessment on the NiMo steam station on Route 144, from 1993 to 1998. Recent events impacting this valuation include potential effects of a deregulated utility environment, and the acquisition of the plant by PSEG at a purchase price substantially lower than the current assessment. Although the Town is fairly certain the older values will withstand the legal challenge, undoubtedly the value of the assessment going forward will decline.

We are eager to work with PSEG representatives to determine the appropriate assessment. We plan to cushion the ultimate impact of this reduction on the other taxpayers of the Town. It is our intention to keep any future tax rate increases at reasonable levels, even if it means we need to collect fewer tax dollars overall due to a PSEG reduction. Maintaining sufficient cash within the Town's operating funds should enable this to happen. The impact at the Town level is likely to be less than the impact for the school district. The school district is very much aware of the dollars at stake and the potential burden to residents from a surge in the school tax levy, and is also aggressively working to minimize these effects. As this issue unfolds, the Town and the School District will continue to keep you informed.

The 2001 budget enables the continuation of services, while preserving financial strength. Prior budgets have been, and continue to be conservative. The budgets have been designed to be a reasonable operating plan. If actual results occur exactly as budgeted,

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there are no financial consequences. If the actual results surpass the budget, as they historically have, financial strength is enhanced.

The year 2000 general fund budget provided for a \$650,000 planned deficit. Thanks to conservative estimates and the continued strength of the economy, it is projected that there will likely be a modest surplus. This surplus will be available to cover the budgeted 2001 planned deficit of \$498,000.

Highlights of items included within the 2001 budget are as follows:

- ❑ The police department budget provides for the hiring of two additional officers. The growth of our Town, and the services required from our officers, make it important for us to provide for adequate staffing levels. The two new officers will bring the number of police officers to 41.
- ❑ The parks department budget provides for the hiring of one new maintenance position. The parks facilities have grown considerably over the years, and it is now time to expand the staff available to keep the multiple parks locations in good shape.
- ❑ We have proposed a 3% increase in base salaries for Town employees.
- ❑ There is a significant reduction in the Recycling, Garbage and Refuse line item, of approximately \$1,000,000. There is a corresponding reduction in the related revenue code. This reflects the change in tipping patterns by local haulers, who are now tipping their collected waste at alternate sites. They used to elect to tip under the Town's permit, which we then charged back to the haulers, accounting for the larger revenue and expense item.
- ❑ There is also a reclassification in the Advanced Life Support program charges. The Town contracts with the Albany County Sheriff's Department to provide emergency response vehicles, supplies and paramedics. These costs are now being included within the ambulance district tax levies, to better reflect the true costs for ambulance and paramedic services. The net cost to taxpayers is the same. The only difference is that the charges will now appear as part of the ambulance levy, rather than as part of the General Fund levy.

We have provided for a 3% increase in each of the operating fund tax rates. The modest increase is necessary to maintain the financial stability we have come to expect. The proposed rates generate a combined increase of less than \$12 for the average property owner.

Town services continue to be a great value for our residents. This chart shows the operating fund taxes on a \$130,000 property over the last few years. These modest amounts include police protection, parks and recreation facilities, senior service programs, highway maintenance, and water and wastewater treatment. The healthy economy has played a large role in our ability to hold the line on taxes, with strength in sales tax and mortgage tax funding a substantial portion of our revenues. Note that the estimated 2001 total of \$406 is still less than the operating fund taxes in 1994.

Considering the vast array of services provided, we believe that we have successfully provided a good value to the community. The public is encouraged to attend the scheduled work sessions, to be held on Thursday, October 12 and Thursday, October 19. All workshops start at 7:00 pm. The meeting on the 12th will be to review most of the General Town budget, and the meeting on the 19th will be for the MIS Department, Highway, and Public Works.

The public will have a chance to offer comments on the budget at the hearing, which will be held on Wednesday, October 25, at the regular Town Board meeting. Copies of the budget are available for public inspection at the Town Clerk's office, as well as at the reference desk at the Bethlehem Public Library.

Comptroller Kehoe said the 2001 budget continues services while preserving financial strength. She noted the prior budgets have been and continue to be conservative. The budgets have always been designed to be a reasonable operating plan and if our budget... or if our actual results occur exactly as they have been budgeted,

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there are no financial consequences, according to Comptroller Kehoe. If the actual results surpass the budget, as they usually have, financial strength is in hand she said.

Mrs. Kehoe said the year 2000 General Fund budget has provided for a \$650,000 planned deficit. She said thanks to conservative estimates, and the continued strength of the economy, it's projected there will be a modest surplus this year. This surplus will be available to cover the budgeted 2001 planned deficit of \$498,000.

Highlights in the 2001 budget were presented by Mrs. Kehoe as follows:

The Police Department budget provides for the hiring of 2 additional officers. The growth of our Town and the services required from our officers make it important for us to provide for adequate staffing levels. The 2 new officers will bring the number of police officers to 41 for the Town.

The Parks Department budget provides for the hiring of 1 new maintenance position. The Parks facilities have grown considerably over the years and it is now time to expand the staff available to keep the multiple parks locations in good shape.

A proposed 3 percent increase in the base salary for all Town employees is presented.

There is a significant reduction in the recycling, garbage, and refuse line item of approximately \$1,000,000. There is a corresponding reduction in the related revenue code and this reflects the change in the tipping patterns by the local haulers who are now tipping their collected waste at alternate sites. They used to elect to tip under the Town's permit, which we would then charge back to the haulers and that was what accounted for the larger revenue and expense item.

There's also reclassification in the Advanced Life Support program charges. The Town contracts with the Albany County Sheriff's Department to provide emergency response vehicles, supplies and paramedics. These costs are now being included within the ambulance district tax levy to better reflect the true cost for ambulance and paramedic services. The net cost to taxpayers is the same; the only difference is that the charges will now appear as part of the ambulance levy rather than as part of the General Fund levy.

A 3 percent increase in each of the operating fund tax rates has been added. This modest increase is necessary in order to maintain the financial stabilities that we have come to expect. The proposed rates generate a combined increase of less than \$12 for the average property owner and on the screen you can see what these projected tax rates are. For a \$130,000 property, which is the approximate average value of assessed homes in Bethlehem, it does, however, that sample bill excludes Albany County taxes because we don't know those rates yet and it is not part of our authority for taxing and it also excludes other special districts such as ambulance and fire and water and sewer district extensions.

A chart showing the operating fund taxes on \$130,000 property over the last few years was shown. It's really a relatively low amount if you look at it's been hovering around 400 or just under that, these amounts include police protection, park and recreation facilities, senior services, highway maintenance and water and wastewater treatment.

The healthy economy has played a large role in our ability to hold the line on taxes with strengths and sales tax and mortgage tax funding a substantial portion of our revenues. These factors combine to help us keep the tax rates low. Note that the estimated 2001 levy of \$406 is still less than the operating fund taxes of about \$412 back in 1994.

Considering the vast array of services provided we do believe that we have successfully provided a good value for the community. We encourage the public to attend the work sessions, which are scheduled for Thursday, October 12 and Thursday, October 19. Each of those sessions begins at 7 o'clock. The first meeting covers most of

the general fund budgets except for Management Information Services Department, Highway, Administration and Engineering. On the second night, we will cover the MIS, Highway and Department of Public Works.

The public will have a chance to offer comments on the budget at the hearing, which is scheduled for Wednesday, October 25 at 7:30 at the regular Board meeting. Copies of the budget are available for inspection at the Town Clerk's office and also at the Bethlehem Public Library.

Supervisor Fuller thanked Comptroller Kehoe and hoped that everyone will participate in the budget work sessions to see the Board go through and make the decisions for our community.

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The next item was a request from Chief of Police, Richard LaChappelle, for approval of appointment of Craig Sleurs, effective October 7, 2000. Mr. Sleurs is currently a Deputy with the Albany County Sheriff's Department and his lateral transfer to the Bethlehem Police Department is made with the approval of the Albany County Civil Service Commission. Mr. Sleurs is presently a resident of the Ravena community and he will move into the Town of Bethlehem within the 30 days of his appointment. He is a former employee of the Town of Bethlehem, according to Supervisor Fuller, and comes highly recommended by his present employers and supervisors.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of Craig Sleurs, Ravena, New York to the position of Police Officer of the Town of Bethlehem, effective October 7, 2000. 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 item was to accept a letter of resignation due to retirement from Building Inspector, John Flanigan. Supervisor Fuller noted Mr. Flanigan is counting the days until November 10, 2000. She said she thinks it is with mixed emotion that he is leaving after 32 years of excellent service for the Town of Bethlehem.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to accept the resignation due to retirement of John Flanigan, Slingerlands, New York as Building Inspector of the Town of Bethlehem, effective November 10, 2000. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Councilman Davis said it was with reservations. Mr. Flanigan noted there are mixed feelings about it. Councilman Lenhardt said it is always a major decision for a person.

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The following item was a request from John Flanigan, Building Inspector, for approval of a Dumping Permit for premises Old Town Road and Route 9W, Selkirk.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the dumping permit for Kenneth Gonyea, Coeymans Hollow, New York for premises located on the corner of Old Town Road and Route 9W, Selkirk with stipulations noted from the Engineering Division, Department of Public Works.

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 Building Inspector, John Flanigan, for approval of a Trailer Permit to allow construction trailer at Dowerskill Village Section 3, Elm Avenue East, Selkirk.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve a Trailer Permit to allow construction trailer at Dowerskill Village, Section 3, Elm Avenue East, Selkirk, Town of Bethlehem. 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 agenda item was a request from Judith Kehoe, Comptroller for approval of a budget transfer for the Town Historian in the amount of \$9,000 for a sanitary sewer connection at the Bethlehem Historical Association building, Route 144 Selkirk. The work will require a grinder pump unit to tie into the town's pressure system.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve a budget transfer of \$9,000 line item number A-8160.4, Recycling, to line item number A-7510.4, Town Historian, for installation of a sanitary sewer connection at the Bethlehem Historical Association building. The motion was passed by the following votes:

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

Noes: None.

Absent: None.

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The next item was request from Judith Kehoe, Comptroller, for approval of a Budget Transfer of Grant money from the New York State Department of Economic Development in the amount of \$75,00 for the Department of Public Works to install a sewer line extension at the Bethlehem Volunteer Ambulance building and police sub-station, Route 9W, Selkirk. Supervisor Fuller noted the work is about to begin and the budget modification is needed. She noted Assemblyman John Faso following a request for assistance made this \$75,000 contract possible.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the budget transfer of grant money from New York State Department of Economic Development in the amount of \$75,000 from budget line item number A-1490.4, Public Works, to line item number A-3789, NYSDDED Grant, for the Department of Public Works to install a sewer line extension at the Bethlehem Volunteer Ambulance building and police sub-station, Route 9W, Selkirk. 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 was a request from David Austin, Administrator, Parks and Recreation Department, for authorization of the Supervisor to sign an agreement with the Bethlehem Soccer Club pertaining to construction of pavilion at the Elm Avenue Park

soccer area. Supervisor Fuller noted the Bethlehem Soccer Club recently received a State grant also through Assemblyman Faso to construct a picnic pavilion. She said the pavilion would serve as a gathering space and a shelter in the event of sudden inclement weather.

The motion was made by Ms. Burns and seconded by Mrs. Davis to authorize the Supervisor to sign an agreement with the Bethlehem Soccer Club pertaining to construction of a pavilion at the Elm Avenue Park soccer area. The motion was carried by the following votes:

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

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

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the following seasonal personnel:

Recreation Instructor III  
John Hooper  
Delmar, NY.

The motion was passed by the following votes:

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

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The following is a request from Gregg Sagendorph, Highway Superintendent, for authorization of the Supervisor to sign a resolution permitting the Town to apply for grant money from New York State for partial reimbursement of recycling costs. Supervisor Fuller said she thinks everyone will be glad to have this contract and noted the approximate cost would be roughly \$18,000, which is half of the \$36,000 cost.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve authorizing the Supervisor to sign a resolution permitting the Town to apply for grant money from New York State for partial reimbursement of recycling costs. 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 authorize the Supervisor to sign the Albany County Waterfront Committee Intermunicipal Agreement. Supervisor Fuller explained this basically is a community leader from 12 different areas developing a more regional approach for development of the waterfront along the Hudson and Mohawk Rivers. She said the authorization is for the Board to authorize the signing of the agreement. She noted she serves on the committee and they meet on a regular basis.

The motion was made by Mrs. Davis and seconded by Ms. Burns to authorize the Supervisor to sign the Albany County Waterfront Committee Intermunicipal Agreement.

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 item was to approve the appointment of a Member to Bethlehem Industrial Development Agency. Supervisor Fuller requested that Daniel Plummer be approved as a Member of the Bethlehem Industrial Development Agency. She said this appointment fills the vacancy that exists since the resignation of J. Robert Hendrick and be effective immediately.

The following resolution was presented.

WHEREAS, the Town Board of the Town of Bethlehem, by resolution duly adopted November 14, 1973, established and organized the Bethlehem Industrial Agency and

WHEREAS, there is a need to appoint a new member of such agency,

RESOLVED that Daniel Plummer is and he hereby is appointed a member of such agency to replace former member J. Robert Hendrick to serve at the pleasure of the Town Board.

The foregoing resolution was presented by Ms. Burns, seconded by Mr. Lenhardt and duly adopted by the following vote:

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

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Councilman Burns noted Mr. Plummer will be a great addition to the Bethlehem IDA. Councilman Plummer thanked Councilman Burns. Supervisor Fuller noted he will have his work cut out for him and noted it is a volunteer position.

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The next item was a request to approve a change in the Town Board meeting schedule from November 22, 2000 to November 21, 2000.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the change in meeting date for the Town Board from November 22, 2000 to November 21, 2000. 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 August 9 and August 23, 2000.

The motion to approve the minutes of the Town Board meeting of August 9 and August 23, 2000 with corrections was made by Mr. Plummer and seconded by Mrs. Davis. 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 said a public service announcement is that Voter Registration dates are October 7, 2000 from 1 to 9 p.m. and October 11, 2000 from 5 to 9 p.m. Contact the Town Clerk for the appropriate location, either the Town Hall or the Bethlehem Volunteer Ambulance Building.

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Supervisor Fuller asked if anyone wished to address the Board. Mr. Howard Shafer addressed the board on issues concerning Route 396, Selkirk. He said he distributed a flier to the Board that has been passed out to the post office boxes in Selkirk and all the residents on Maple Avenue. He said the second package was a copy of a newspaper article in the News Herald, copy of a letter from Department of Transportation concerning the truck traffic and general traffic on Route 396 and for each Board Member, he asked to take particular attention to the last page. He said the last page is a report by DOT in which they monitored traffic for approximately 1 hour and 91 percent of traffic in one direction and 95 percent of the traffic in the opposite direction were over the speed limit. He said 93 percent of the car traffic exceeded the speed limit with 88 percent of the truck traffic. He said as a spokesperson for the people on Maple Avenue, they would like the Town of Bethlehem to come up with some proposal as far as trying to slow down the traffic. He noted since the highway has been resurfaced, there have been 2 dump truck accidents. He said one was a DWI and the second was an equipment failure, as well as, both were speeding.

Mr. Shafer noted inspections of the trucks were not being done. Supervisor Fuller said the Police Chief was in attendance and asked if the inspection of the trucks is being done. The Chief noted the inspection of the trucks has nothing to do with the problem; it is apparently the character of the road and the speed. Commercial vehicle enforcement is something the Police Department is actively involved in. He said the speed situation is being looked at and they try to get down there as often as they can.

Mr. Shafer and the Chief of Police discussed current devices used to bring attention to the traveling speed. Supervisor Fuller noted the strips and mats are very noisy, however, they had looked at them.

Resident, Robert Samsel, noted Route 396 is a State highway and asked if the State could do something. He said he would like to see more control on Beaver Dam Road that is being used for a speedway. He also commented why not get the State Police involved. Chief LaChappelle noted the State Police are aware of the problem.

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Supervisor Fuller asked if anyone else wished to address the Board. She noted the copies of the budget will be available and the dates of the budget work sessions are October 12 and October 19 at 7 p.m. at Town Hall.

The motion was made by Mrs. Davis and seconded by Ms. Burns to adjourn to Executive Session to discuss a personnel matter. The motion was passed by the following vote:

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

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 8:05 p.m. 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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Deputy Town Clerk

#### EXECUTIVE SESSION

There was no formal action taken at the Executive Session.