

TOWN BOARD  
APRIL 28, 2004

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 5:30 p.m.

PRESENT: Theresa Egan, Supervisor  
Daniel Plummer, Councilman  
George Lenhardt, Councilman  
Thomas Marcelle, Councilman  
Tim Gordon, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Egan welcomed everyone to a regular meeting of the Town Board, especially the PIG class participants and invited them to join in the pledge of allegiance.

The first item on the agenda was to approve Town Board minutes of April 14, 2004.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the Town Board minutes of April 14, 2004 as submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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The next item was a presentation by Ms. Wright, Superintendent, and Mr. Brian Creis from the Ravena-Coeymans-Selkirk School District. Mr. Creis reviewed the budget for the year 2004-2005. He noted the major cost centers indicating this takes up 91 percent of the budget. He said there is a capital project they are in the middle of and some handicap tuition is included in that figure. He said the additional 5 percent comes from the custodial, maintenance, insurance, utilities and transportation and only 4 percent goes to textbooks, supplies, equipment, the tests and the district wide support from the business office. He noted what was driving the budget is the fringe benefits, as everyone was aware.

Mr. Creis noted the other driving force is debt service cost. He said the increase was covered by the State aid for the project and therefore, will not affect the taxpayers at all this year. He did mention that increase energy cost has not allowed a noticeable reduction in maintenance costs.

Mr. Creis noted the district is over 151 square miles and very large. Transportation travels over 5300 miles per school day to 80 different schools. He said the cost of gasoline and oil is driving the increase and majorily affecting the budget this year.

Mr. Creis said as a district they control costs by reviewing all the State aid documents to be sure that they receive maximum State aid. He said they have been able to recover some costs that way. He said they look at their purchasing policies and review the leasing agreements as well.

Mr. Creis said they do not want spikes in their tax rates, indicating they do that with sound financial decision making and getting the most out of the dollars. He said they protect the taxpayers also by using reserves.

Mr. Creis also gave information pertaining to comparisons with other school districts. He noted there are 2 propositions to go before the voters – one for buses and the other was due to the capital project started in 1999 with voter approval, this has dragged out longer than anticipated and they have had a lot of things like inflation and scope creep on some of the jobs affecting the cost of the project. He said they are asking the voters that approved this setting aside a capital reserve fund to approval this expenditure of \$900,000. He said if this is done -- they have to finish the bus garage and the site work between the middle school and high school for safety reasons, noting they only have one lift with 66 buses now. He said DOT inspections are mandatory and the safety of the children is number one. He said they also have to add some bays.

Mr. Creis feels the district is in pretty good shape financially. He said they have one of the lowest tax levy increases in the area.

Supervisor Egan noted this was one of the most concise budget process overviews she had ever heard. Mr. Creis said he knew there were a lot of things going on. The Supervisor said for the students in attendance, Bethlehem Central is not the only school district in the Town of Bethlehem. She noted there is the Ravena-Coeymans-Selkirk School District and the Guilderland School District. She said the Board appreciates having this presentation. She also said Mr. Leveille, Mr. Hannafin and herself had met with the school officials. She thinks this is important for a cooperative effort for every one. She thanked them.

Councilman Plummer asked what percentage of student population comes from the Town of Bethlehem. Mr. Creis said he did not have that figure but said it is the second largest assessed, as far as, taxable properties and is around \$300 million. He said the Town of Coeymans is the only one that is higher at about \$331 million. He said in proportion to the Town's, as far as, taxable assessed value, if you looked at it that way, New Scotland is about \$35 million and New Baltimore maybe \$66 million. He said it is about 35 or 40 percent. Councilman Plummer said Selkirk is an area where a lot of effort will be focused for the commercial and industrial growth. He asked Mr. Creis if that is where the community and the school district look for possible business growth. Mr. Creis said it was, indicating they have a lot of open space in the school district. He said there is a lot of talk about areas being developed. Councilman Plummer further asked if that was the kind of stuff that they wanted to coordinate with. Mr. Creis said that was correct.

Supervisor Egan said Ravena-Coeymans-Selkirk is feeling some of the same growing pains that have occurred at Bethlehem Central, indicating this was a surprise. This was agreed to and noted they are also looking for the same kind of growth and development that Bethlehem is looking for. It was very interesting to them. She said they are starting to see new growth in Selkirk and are very interested in working collaboratively to see how they could be a partner with the Town and encourage this kind of growth.

Supervisor Egan thanked Mr. Creis and Ms. Wright.

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The following item was a request from Building Inspector, Mark Platel, for approval of dumping permit for 25 Forsten Drive, Delmar.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the issuance of a dumping permit for 25 Forsten Drive, Delmar, NY as requested by Building Inspector, Mark Platel. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval to go to bid for Sanitary Sewer Connection, Town Highway Garage, 74 Elm Avenue East, Selkirk and adopt resolution pertaining to permissive referendum. Could advertise on May 5, 2004 and open bids on May 18, 2004 at 2:00 p.m.

#### **RESOLUTION AND PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 28th day of April 2004, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to fund the construction of a sanitary sewer connection at the Town Highway Garage on Elm Avenue East, and

WHEREAS, it is estimated that the costs of said work will not exceed \$60,000; and

WHEREAS, in recognition of these needs, funds for such purpose are in the General Fund Capital Reserve Fund; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the construction of the sanitary sewer connection; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$60,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the General Fund Capital Reserve Fund the funds necessary up to \$60,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Mr. Plummer, was seconded by Mr. Gordon and duly adopted by the following vote:

AYES: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

NOES: None.

ABSENT: None.

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

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of seasonal personnel as listed in the Memorandum dated from Nan Lanahan, Administrator, Parks and Recreation Department, at the titles and salaries listed. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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The next item was a request from Director of MIS, Jeff Dammeyer, for authorization for use of Capital Reserve Funds, not to exceed \$95,000 for the purchase and implementation of tax payment collection system, subject to permissive referendum.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to authorize the use of Capital Reserve Funds not to exceed \$95,000 for the purchase and implementation of tax payment collection system, subject to a permissive referendum.

Councilman Lenhardt asked Mr. Dammeyer about the other towns and how many are in similar situations and what they are doing. Mr. Dammeyer said the City of Albany just converted theirs about 4 or 5 months ago. He said the reason many are waiting is because this was discussed for about 5 years now whether they

were going to continue on to a version 5 which would run on multiple platforms instead of just the PC one. He said about 38 percent of the RPS users in New York State were using the same system. He said they dropped off a majority of customer, further noting that we kept waiting thinking version 5 would be coming and then due to financial constraints, there was not enough money to rewrite the software so they allowed just the PC platform. He said the current software used now is actually built into the RPS system now in use and shares the actual same file structures. He said there is no way it will work.

Councilman Lenhardt said he understood that and the logic but he was curious about what some other townships might be doing to alleviate their situation. He said he knows some probably aren't as well off as others and sometimes they have other means of accommodating their problems. He said the City of Albany, as Mr. Dammeyer is aware, has gone to this PC server. He said maybe Mr. Leafer might know. Mr. Leafer said he thought the Town is only one of maybe 2 or so left in Albany County. Councilman Lenhardt said that was probably why the State took the path they chose.

Mr. Dammeyer said the history is that they went and created the Version 4 software before talking to all the users in New York State and asking what it was used for. He said they assumed that many users are using RPS strictly for assessment. He noted they have interfaced it into many other departments because that data pertains to functions of every department in the Town. He further noted they took a survey after the fact and then realized people really have done other things with this software. He said they went back to the drawing board saying how can we solve the problem for everyone and for financial reasons, they could not do it. Councilman Lenhardt said they broke the cardinal rule of going out to a new program without checking with their user community first. Councilman Lenhardt thanked Mr. Dammeyer.

Supervisor Egan asked if there were any other questions. There were none and the Supervisor thanked Mr. Dammeyer.

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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The following item was to acknowledge receipt of the Annual Investment Report from Comptroller, Judith Kehoe.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to receive the Annual Investment Report from Comptroller, Judith Kehoe. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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The next item was a request from Comptroller, Judith Kehoe, for approval of the investment policy and report. Supervisor Egan noted this is done annually.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the investment policy as requested by Judith Kehoe, Comptroller. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: None.

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Supervisor Egan said with respect to the request from Mike Cirillo, Engineering Services Administrator, for approval of expenditure of up to \$750,000 from the General Fund Capital Reserve Fund for construction of sidewalks on Elsmere Avenue, Delmar and Maple Avenue, Selkirk, subject to permissive referendum and the request for a negative declaration for SEQR purposes relating to sidewalk work on Elsmere Ave, Delmar and Maple Ave, Selkirk which are being removed from the agenda, there has been some intervening meetings this week with Department of Transportation regarding securing some funds to finance this that may or may not require additional SEQR work. She said in addition, there is some SEQR work that must be done noting this is not a Type I action.

The Supervisor noted after discussion it was decided that there is a need to undertake some of the work in coordination with the discussions. She said while the Elsmere Avenue and Maple Avenue sidewalk projects are internally discussed and work is continuing on them in regard to the permissive referendum or the expenditure of funds, this is being tabled. She further noted they are in the process of identifying all the affected landowners and a letter will be sent out letting them know that these projects have been slated to start this summer with the conclusion by November. She said there will be a more definite time table as this proceeds but the landowners should expect to see Town employee and other representatives out in the area.

Councilman Plummer asked if this time frame was for the first phase of the projects. Supervisor Egan said it will be for the Elsmere project from Norge Road to the bypass, indicating this will be phase 1. Mr. Sagendorph noted it would be the Maple Avenue project from the existing sidewalk to Cottage Lane.

Councilman Lenhardt noted on the Elsmere Avenue project there is 32 properties involved and he wondered how many resistant landowners there might be. Supervisor Egan said she does not think this has gotten that far at this time. She said there has been initial contact with the landowners. Mr. Sagendorph explained prior to the survey being started but looking back at the records a Mr. Tom Welch took a petition around to all the landowners on Elsmere Avenue a number of years ago and there was about 50 percent acceptance rate at that time. He said a number of landowners have changed over the last nine (9) years so it is back to square one to address the granting of easements. Councilman Lenhardt said he was familiar with the Elsmere Avenue one and hoped there was not an adversarial position with the property owners. Mr. Sagendorph said they would like to see the Elsmere Avenue project move forward, as well as, Maple Avenue in Selkirk. Supervisor Egan noted the Maple Avenue area has only about seven (7) residences. Mr. Sagendorph agreed it was seven (7) or eight (8).

Supervisor Egan noted the topic of sidewalks came up at a number of forums recently. She said Bethlehem Tomorrow did a walkable community forum and she believed the findings were circulated in the last couple weeks to the Town Board Members. She noted one of the things identified was a need for the Elsmere Avenue sidewalk. The Supervisor mentioned that Mr. Sagendorph spoke at this forum. Councilman Lenhardt said he attended the meeting and it was not mentioned about the experience with the landowners in the past. He said it sounds good until you want to put it in front of their house and they say put it across the street. He said that is where the Town finds a problem.

Mr. Sagendorph said both projects were contingent upon the acquisition of the parcels necessary. Councilman Lenhardt and Supervisor Egan thanked Mr. Sagendorph.

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Supervisor Egan noted that she received an acknowledgement that Police Chief, Lou Corsi, has been appointed to the Albany County Traffic Safety Board

for a 1-year term commencing January 1, 2005 and ending December 31, 2006. She congratulated the Chief on this appointment.

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Supervisor Egan next asked Ms. Freida Arenos to come forward. The Supervisor presented Ms. Arenos a proclamation, certificate of merit, for her leadership, dedication and service to Peer Helpers and Mentor Club projects and her desire to help educate others about important social issues. The Supervisor congratulated her on being the recipient of the 2004 Student Community Service Recognition Award by the Guilderland YMCA. A second proclamation for Ariel Schwartz will be sent to her due to her being unable to attend the meeting.

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Supervisor Egan updated everyone that there was a notice on the back table pertaining to the BPAC meetings. She noted the annual meeting is May 3<sup>rd</sup> at 6:30 at the Bethlehem Methodist Church and the next visioning sessions will be May 20 at Town Hall and that will be the zoning, planning and building portion of it. May 24 will be held at the Slingerlands Elementary School and that will envision the Slingerlands corridor, the Bethlehem Tech Park and the Route 85 expansion.

Supervisor Egan next noted the press is around due to the announcement by the EPA that Bethlehem is one of the final 3 sites chosen for the dewatering facility. She said the site chosen is the Bethlehem Harbors site. She noted it is down on the river a little bit south of the port, a little bit north of the PSEG plant. She said several members of the press have been at Town Hall and she has been on the phone with EPA registering the disappointment that Bethlehem is appearing as a final 3. She said she also indicated as she has since January that the Town is undergoing the comprehensive town planning process and trying to diversify and stabilize the tax base by increasing the economic development commercial operations and that this certainly interferes with that. She said it interferes for several reasons including taking a site away from the Town, a waterfront site, and they do not know what effect this will have on having anyone else place their business next door to it or across the street from it. She said discussions will be ongoing but most importantly there is a public forum planned for Bethlehem on May 13, 2004 at the Delmar Reformed Church beginning at 6:30 p.m.

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Supervisor Egan asked if anyone wished to address the Board. Mrs. Marie Capone said recently on the CBS news she heard an interview with Mr. Romney, the Governor of Massachusetts. She said he said the peoples' voice have the right to be heard. She thinks that was what Mr. Jasinski was saying due to the fact that the Board has a new policy that the input is not taken from the people as an issue happens. She said this is not the democratic way. She said it is supposed to be the people.

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Supervisor Egan asked if anyone else wished to address the Board. Mr. Robert Jasinski addressed the issue of the 5:30 meeting time and said coming into the summertime it is difficult to get to the meeting. He asked if a decision has been made by the Board regarding the time during the summertime. Supervisor Egan said the Board has not yet.

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Mrs. Lutkus asked what this was going to do to the marine project that was presented for River Road. Supervisor Egan said it is the same site and noted the EPA has been made well aware of the fact that there is a project planned and the status of that project is the report today that we still made the final 3. Mrs. Lutkus thanked Supervisor Egan.

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The Supervisor asked if anyone wished to speak. Mrs. Linda Jasinski said she was glad to see the time frames for the focus group meetings are at least at 7

p.m. when people can make it. She said not that anybody cares but she was missing her daughter's science fair to be at the meeting.

Mrs. Jasinski said she owns property in both Bethlehem Central School District and Ravena-Coeymans-Selkirk School District and since Selkirk does a wonderful job of keeping the taxes down. She said maybe the Bethlehem School District could meet with them to find out how they are doing that and get a few lessons from them or whatever. She thanked the Supervisor. Supervisor Egan suggested that information be passed on to Dr. Loomis.

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

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to meet in Executive Session following the close of the regular Town Board meeting to discuss a personnel issue. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 6:03 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Marcelle, Mr. Gordon.  
Noes: None.  
Absent: None.

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Town Clerk

#### EXECUTIVE SESSION

There was no formal action taken at the Executive Session.