

TOWN BOARD
DECEMBER 30, 1996

A special 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
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 welcomed everyone to the special meeting of the Bethlehem Town Board. The first item was to acknowledge receipt of the Report of Examination from the State Comptroller. She asked if there were any questions or comments. She noted there was a response prepared and said this is not a new issue to the Town. She said in 1992, they cited the same matters especially on the HUD program. She said the response will be sent following the meeting.

Acknowledge
receipt of
Report of
Examination
from State
Comptroller

Supervisor Fuller said we are in excellent shape, noting that she and the Comptroller did have an exit interview with the State Comptroller's staff. Supervisor Fuller noted the Comptroller's office deserves a round of applause for a job well done.

Councilman Putney had a question regarding the response to the second item in terms of the separation of duties. He asked if the proposed solution was told to the auditors and asked if they reacted in any way. Comptroller Kehoe said they were told. Councilman Putney again asked if there was any reaction. Comptroller Kehoe said they have to make the comment, it has been a comment in the past, they have made it for other municipalities, therefore, they must make this comment. She said she does not understand the logic in repeatedly making a comment when a good case has been made for controls being adequate. She said they are asking the Supervisor's secretary to stuff the mail, noting there are over 100 a week, some weeks there are 200 or 300. She said the other towns that she talked to that have been dealt out this finding, did not agree with it but they have the staffing so that they could do it. She said they send the Supervisor's secretary up to the Comptroller's office or whatever to do this.

Councilman Putney asked along the same line, is the independent auditor, who audits the books, been aware of the criticize and our proposed response. Comptroller Kehoe said they haven't found anything. Councilman Putney said it was implied but he was not sure if that was addressed. Comptroller Kehoe said their testing revealed no problem with the system either and the independent auditors did not make any suggestions on how it can be improved. She said there are multiple check points. Councilman Putney said they were aware of the fact that the Comptroller's Department had made that suggestion. Comptroller Kehoe said yes.

Councilman Johnson said he does some professional auditing himself and he said one thing that auditors do not like to do, is to turn in a report and say that everything is absolutely perfect, that they could not find anything. He said they almost never will do that. They will find something and that is the way he reads this. Supervisor Fuller said that is their job.

Comptroller Kehoe asked if the Board wished the first paragraph changed to read that this is per review of the Town Board. Supervisor Fuller answered in the affirmative.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the response to the State Comptroller's office indicating it had been reviewed by the Town Board. The motion was passed by the following vote:

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

Noes: None.

Chief of
Police
approval
transfer
of funds

The next item was a request from Richard LaChappelle, Chief of Police, for approval of Transfer of Funds.

The motion was made by Mrs. Davis and seconded by Mr. Putney to approve the transfer of funds as requested by the Chief of Police, Richard LaChappelle, as follows:

\$3,000 from Contingency to Police A3120.1
\$16,300 from 1910.4 to Police A3120.4
\$5,000 from A3510.1 to Police A3120.1
\$1,150 from A3020.1 to Communications A3020.4
\$7,400 from A3020.1 to Police A3120.4
\$2,600 from A3020.1 to Communications A3020.2
\$3,000 from A3510.2 to Police A3120.4
\$4,500 from A3120.2 to Police A3120.4.

The motion was passed by the following vote:

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

Noes: None.

Comptroller
request
approval of
year end budget
transfers

The next item was a request from the Comptroller, Judith Kehoe, for approval of year end budget transfers, creation of Capital Reserve Fund, and supplemental appropriation.

Councilman Putney questioned on the purposes of the 2 reserves, asking if they had to be used for the specific purposes listed. Comptroller Kehoe said they did not.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the year end budget transfers as requested by Comptroller Judith Kehoe and listed in her memorandum dated December 27, 1996. The motion was passed by the following vote:

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

Noes: None.

Resolution
establish
Capital
Reserve Fund

The following resolution was presented to establish a Capital Reserve Fund.

RESOLUTION TO ESTABLISH CAPITAL RESERVE FUND
FOR GENERAL FUND IMPROVEMENTS AND EQUIPMENT

RESOLVED, that pursuant to Section 6-c of the General Municipal Law, as amended, the Town Board of the Town of Bethlehem does hereby establish a Capital Reserve Fund to finance the cost of the construction and/or acquisition of General Fund building improvements and/or General Fund equipment.

The Supervisor is hereby directed to deposit moneys of this reserve fund in a separate bank account, to be known as the General Fund Capital Reserve Fund.

The Supervisor is authorized to invest, from time to time, the moneys of this fund pursuant to Section 11 of the General Municipal Law.

No expenditure shall be made from this fund, except upon authorization of this board pursuant to Section 6-c of the General Municipal Law, and subject to permissive referendum is required by law.

The foregoing resolution was presented for adoption by Mr. Lenhardt, seconded by Mr. Putney and passed by the following vote:

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

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The following resolution was presented for adoption.

RESOLUTION TO APPROVE A SUPPLEMENTAL APPROPRIATION

RESOLVED, that pursuant to Town Law Section 112, the Town Board does hereby approve a supplemental appropriation in the amount of \$720,500, from unappropriated cash surplus within the General Fund. The purpose of said appropriation shall be to finance the creation of the General Fund Capital Reserve Fund, in the amount of \$699,000, and to partially finance the addition of moneys to the existing Parks and Recreation Capital Reserve Fund in the amount of \$21,500.

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

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

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Supervisor Fuller noted this is planning for the future.

The next item was to consider adoption of a resolution authorizing use of Capital Reserve Funds as requested by David Austin, Administrator, Parks & Recreation Department.

Resolution
authorizing
use of Capital
Reserve Funds
By Parks and
Recreation

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 30th day of December 1996, 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 construct a boat launch at Henry Hudson Park; and

WHEREAS, it is estimated that the costs of said work will be approximately \$101,000; and

WHEREAS, in recognition of these needs, funds for such construction are in the Recreation Capital Reserve Account;

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete this boat launch project; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve monies to fund this project up to a maximum amount of \$101,000; and

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Recreation Capital Reserve Account the funds necessary up to \$101,000 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. Putney, was seconded by Mr. Lenhardt and duly adopted by the following vote:

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

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Mr. Austin was asked if he had an anticipated date for the opening of the launch. Mr. Austin said it was weather dependent

really but he hopes by spring. He said the State bid for the work in the water has been let and the date for completion was April.

Approval
Seasonal
personnel
for Parks
and Recre-
ation

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

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the appointment of seasonal personnel as requested by Administrator, David Austin, Parks & Recreation Department as listed on the memorandum dated December 30, 1996, effective January 1, 1997. The motion was passed by the following vote:

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

Noes: None.

Commissioner
of Public
Works
approval
to hire
special
counsel
for Water
District
Properties
Town New
Scotland

The next item was a request from Bruce Secor, Commissioner of Public Works, for approval to hire special counsel with regard to Water District Properties in the Town of New Scotland. Supervisor Fuller noted this is on the assessment of the properties in New Scotland. Attorney Kaplowitz said the resolution is to hire Joshua Effron as the Special Counsel. He said Mr. Effron handles this type of matter and is very well qualified.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the hiring of Joshua Effron, Delmar, NY as Special Counsel to represent the Town of Bethlehem in regard to the re-assessment of Water District properties in the Town of New Scotland. The motion was passed by the following vote:

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

Noes: None.

Highway Super-
intendent
approval
transfer of
funds

The following item was a request from Gregg Sagendorph, Highway Superintendent, for approval of Transfer of Funds.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the transfer of \$10,000 from account number D.5110.1, General Road Repair (Personal Services) to account number D.5110.4, General Road Repair (Contractual) as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

Noes: None.

Approval
Town Board
Minutes
11/13/96,
11/26/96
12/11/96

The next item was to approve the Town Board minutes of November 13, 1996, November 26, 1996 and December 11, 1996 as submitted.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the Town Board minutes of November 13, 1996; November 26, 1996; and December 11, 1996 as submitted. The motion was passed by the following vote:

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

Noes: None.

Public Works
end of year
budget
transfers

The next item was a request from Commissioner of Public Works, Bruce Secor, for approval of end of year budget transfers for the Water Department.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve transfers of funds as requested by Bruce Secor, Commissioner of Public Works, as follows:

\$10,000 from account F8310.2 Equipment to F8340.4 Contractual;
\$3,000 from account F8310.2 Equipment to F8340.1 Personal Services;
\$15,000 from account F8330.4 Contractual to F8330.4 Contractual.

The motion was passed by the following vote:

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

The next item was a request from Commissioner of Public Works, Bruce Secor, for approval of end of year budget transfers for the Sewer Department.

Public Works
approval end
of year budget
transfer Sewer
Department

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the year end budget transfers for the Sewer District as requested by Bruce Secor, Commissioner of Public Works, as follows:

\$4,000 from account G8110.4 Contractual to G8110.1 Personal Services;
\$10,000 from account G8110.4 Contractual to G8120.4 Contractual;
\$8,000 from account G8130.4 Contractual to G8130.1 Personal Services;
\$5,000 from account G8130.4 Contractual to G8130.2 Equipment.

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 Bruce Secor, Commissioner of Public Works, for approval of partial release of security bond for Westland Park Section 3.

Public Works
approval
partial
release of
security bond
Westland Park
Section 3

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the release of \$8,000. from the security bond for Westland Park Section 3. The motion was passed by the following vote:

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

Supervisor Fuller asked if anyone wished to address the Board this afternoon. There were none. Supervisor Fuller thanked everyone for attending and wished everyone a very Happy New Year.

Supervisor Fuller asked for a motion to meet in Executive Session following the close of the Special Meeting to discuss personnel matters.

Executive
session
no formal
action taken

The motion was made by Mrs. Davis and seconded by Mr. Putney to meet in Executive Session following the close of the Special Meeting to discuss personnel matters. The motion was passed by the following vote:

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

Supervisor Fuller asked for a motion to adjourn the Special Meeting of the Bethlehem Town Board.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to adjourn the special Town Board meeting at 4:10 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.