

TOWN BOARD
JANARY 8, 2004

The Organizational 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 6:30 p.m.

PRESENT: Theresa Egan, Supervisor
George Lenhardt, Councilman
Daniel G. Plummer, 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 the Organizational meeting of the Town of Bethlehem. She invited everyone to join in the pledge of allegiance.

Supervisor Egan noted there are copies of the agendas available, noting there were a couple of adjustments to it. She noted her first official duty was the giving up of the Town car. She said that has been turned over to Administrator, Nan Lanahan, Parks and Recreation Department.

Supervisor Egan in accordance with the Town Law Section 42, the Supervisor appointed Daniel Plummer as Deputy Supervisor for the term expiring December 31, 2004. She noted this was a privilege and honor to appoint Councilman Plummer.

Supervisor Egan pursuant to Sections 20 and 24 of the New York State Town Law appointed the Town Attorney.

Town Attorney	James Potter	\$45,086
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The motion was made by Mr. Plummer and seconded by Ms. Egan to approve the appointment of James Potter, Delmar, NY to the position of Town Attorney.

Councilman Marcelle said he had a very nice and pleasant conversation with the Supervisor about the appointment process. He commended the Supervisor on her thoroughness and how this was approached. He said he thought it was approached very well but noted he will not be opposing any nominations at the meeting and that he had mentioned this to her previously. Mr. Marcelle said it has always been his philosophy when possible to interview candidates. He noted resumes were provided for the candidates, noting some had their home phone numbers and very few had their work numbers listed.

Mr. Marcelle said he did not have any doubt that the Supervisor reached out to try to find people she felt comfortable with and people she thought would best serve the Town. He said he assumed that there was some sort of a process, whatever that was. He said he personally feels he is not in a position, not having done interviews, to be able to vote in the affirmative. He said he will be abstaining from the appointment. He said there are certain individuals that he has known and he will vote for but the ones he does not, he will not vote for. He said he also does not want this to be viewed as being adversarial in any way, it is just his philosophy.

Supervisor Egan said based on the conversation earlier, she appreciated his straight forwardness on this and she absolutely understands his opinion and does not view it at all as adversarial. She asked if there was any further discussion.

Councilman Lenhardt added that he received one (1) resume of all the candidates and he will abstain from the ones he is not familiar with.

Supervisor Egan asked if there was any further discussion. Hearing none, the motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: Mr. Lenhardt, Mr. Marcelle.

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Town Attorney Potter thanked the Board for this appointment and noted he looked forward to getting to know Councilman Marcelle better. He said he understood the position and that of Councilman Lenhardt as well. He said there are a couple matters to be brought to the attention of the Board. He said he checked with his partners at Hinman Straub to see if there were any conflicts of interest. He noted one of the partners represents a property owner in the Town who has provided a temporary easement to the Town for purposes of the water pipeline. He said as he understands it, that attorney is currently in negotiation with Todd Tobin about making that a permanent easement. He said that would be a conflict which he feels would be appropriate for him to abstain from. He said he would recommend to the Town Board that Todd Tobin continue to negotiate on behalf of the Town under these circumstances. He said also he would recommend a waiver of the conflict with respect to his partner so that the family does not have to go out and hire a new attorney who would have to become familiar with the matter.

Town Attorney Potter said the second thing that was brought to his attention a short while ago is an issue about the Town Attorney having a nominal prosecutorial function also serving as an officer of a political party. He said he is presently a member of the Bethlehem Democratic Committee and while the Town has 2 prosecutors that serve in Town Court, not only the Town Attorney oversees those prosecutors. He noted this was an issue he would have to resolve. He said he can either relinquish the prosecutorial function that the office nominally has or relinquish the party position. He said that is something he will resolve before any prosecutorial issues are presented. He said he anticipated being able to resolve this within the next 2 or 3 days. Councilman Marcelle asked if Mr. Potter indicated this was a statutory requirement. Town Attorney Potter said it is not a statutory requirement, it was an ethics opinion that he was recently handed. He said they are advisory of course and not statutory or regulatory. He said it is an issue that he wants to run down to make sure there are no concerns there.

Councilman Marcelle said he knows historically a lot of members of the Albany County District Attorney's office have had some relationship with political committees and he did not think it has ever been viewed as a conflict in this County. He said he is not sure, being a Town Attorney and doing traffic court and being a member of the Committee is a conflict of interest. He said he is talking as a Town Board Member who is not a member of Mr. Potter's Committee or a member of his party and so he said he would like Mr. Potter to keep – as he researches out and do the due diligence and do what he felt comfortable with – from where he sits as a Republican that it does not disturb him that he is a member of the Democratic Committee. Town Attorney Potter said he appreciated that and certainly he has not reached any conclusions on this but he wanted to bring it to the attention of the Board.

Town Attorney Potter said with all that being said, he said his roots in the Town are deep. He said his parents both graduated from Bethlehem Central, he graduated from Bethlehem Central, 2 of his 3 children have graduated from Bethlehem Central and hopefully the third one will also. He said certainly the Town has given an awful lot to him and his family and he considers it a privilege to be able to give back to the Town through this office. He said he is looking forward

to the challenges of the job and the opportunity to work with the new Town Supervisor and each member of the Town Board.

Supervisor Egan and Councilman Marcelle thanked Town Attorney Potter.

Pursuant to Article 3, Section 30 of Town Law, the Town Clerk, Kathleen A. Newkirk, hereby appoints Catherine T. Picarazzi and Julie McNeil as Deputy Town Clerks at salaries as set forth in the Year 2004 adopted budget. Terms to run concurrent with the term of the Town Clerk and expire on December 31, 2005.

The next item was to adopt the resolution setting salaries for the year 2004.

WHEREAS, the Town Board has held an organizational meeting for the year 2004, according to law,

NOW, THEREFORE, BE IT RESOLVED, that the attached list of salaries for the employees of the Town of Bethlehem are hereby authorized to be paid.

The foregoing resolution was presented for adoption by Mr. Lenhardt, was seconded by Mr. Marcelle and was duly adopted by the following vote:

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

Noes: None.

Absent: None.

Abstain: None.

The next item was to authorize Highway Department salaries according to the approved grade/step schedule for 2004, as follows:

<u>TITLE</u>	<u>GRADE LEVEL</u>
Highway Foreman II	17
Highway Foreman I	16
Automotive Mechanic	15
Equipment Operator II	15
Maintenance Mechanic	
Equipment Operator II	13
Equipment Operator I	12
Laborer II	10
Laborer I	7
Part-time Laborer	\$8.25/hour
	\$7.75/hour

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Highway Department salaries according to the approved grade/step schedule for 2004. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: None.

The next item was to authorize the Public Works Department salaries according to approved grade/step schedule for 2004.

<u>Job Title</u>	<u>Grade Level</u>
Director of Field Operations	23

Eng. Services Administrator	23
Chief Water Treatment Plant Operator	23
Deputy Chief Water Treatment Plant Operator	19
Chief Sewage Treatment Plant Operator	20
Assistant Chief Sewage Treatment Plant Operator	18
Foreman II	18
Foreman I	16
Instrumentation Mechanic/Pump Station Mechanic	14
Senior Water Treatment Plant Operator	16
Office Manager	15
Administrative Asst. I	12
Administrative Aide	10
Senior Sewage Treatment Plant Operator	16
Water Treatment Plant Operator	13
Water Treatment Plant Operator II	14
Sewage Treatment Plant Operator	13
Principle Utility Technician	13
Water Treatment Plant Operator Trainee	9
Sewage Treatment Plant Operator Trainee	9
Senior Utility Technician	12
Utility Technician	10
Utility Service Helper	7
Equipment Operator II - Maintenance Mechanic	15
Equipment Operator II	13
Equipment Operator I	12
Utility Billing Clerk	8
Senior Utility Billing Clerk	11
Clerk-Typist II	8
Clerk-Typist I	6
Temporary Employee	- Hourly Rate Range from
Meter Reader	Minimum wage to
	\$17.00/hour
Temporary Clerk - Typist	-commensurate with
	duties performed.
Senior Engineer	21
Assistant Engineer	19
Principal Engineering Technician	17
Senior Engineering Technician	14
Engineering Technician	11
Engineering Aide I	7
Draftsman	7

(Longevity pay to be added to above salary rates in accordance with Town Board policy.)

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the Department of Public Works salaries at the grade/step schedule for 2004 as listed. The motion was passed by the following vote:

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

The next item was to approve the following in accordance with the policy on appointments of part time personnel, as adopted by the board in October 1993, the following list of part time employees is presented for approval:

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

FULL TIME

<u>TITLE NAME</u>	<u>F-T GRADE</u>	<u>100/70%</u>	<u>2004 RATE</u>
Enforcement Off.	Sleurs,Joseph	3 yr.off.	100 \$23.31
Clerk Typist I	Hulme,Ann	6	70 9.37
Clerk Typist I	Vadney,Lois	6	70 9.37
Clerk Typist I	Merritt,Ahlfied	6	70 9.37
Clerk Typist I	McCarroll,Bella	6	70 9.37
Clerk Typist I	Boughton,Karen	6	70 9.37
Clerk Typist I	Hahn,Patricia	6	70 9.37
Maint. Helper	Turner, Jesse	6	100 12.48
Maint. Helper	Hannmann, Kathy	6	100 12.48
Maint. Helper	Susan McNally	6	100 12.48
Maint. Helper	McCall, Selwyn A.	6	100 12.48
Youth Employ.	Lackner, Susan	14	70 13.90
Recycling Coord.	Fisher, Sharon	11	100 17.00
Asst.Bldg.Insp.	Dominelli,Edward	15	70 16.48
Public Info.Sp.	Lewis,Richard	15	70 14.50
Temporary Senior	Granito, Karen	11	100 17.00
Assessment Clerk			
Clerk I	Rifenburg, Brooke	4	100 12.16
Clerk Typist	McNeil, Meredith	6	70 9.37

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the foregoing appointments at the salaries indicated and set in accordance with the policy of appointments of part time personnel. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: None.

The next item was to authorize the appointment of the Town Historian.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to approve the appointment of Joseph A. Allgaier, Delmar, New York to the position of Town Historian at the annual salary of \$2,600.

Councilman Marcelle noted this is an appointee that he knows and has worked with because his first grader did a paper on the first business established in the Town of Bethlehem. He said they had the opportunity to go interview Mr. Allgaier and it was a pleasure so he could support this appointee.

Supervisor Egan said for the record that she went to school with Mr. Allgaier's son and had an opportunity to chat with Mr. Allgaier and he has actually said you don't have to pay me. She said she thinks that is the first time she has ever heard anyone say that. She said he uses the salary to defray expenses. She said she was very happy when he said he was willing to stay on.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: None.

BOARD OF APPEALS

Supervisor Egan noted there was one position to be filled on the Board of Appeals and asked for any nominations.

The motion was made by Mr. Plummer approve the appointment of Leonard Micelli, Glenmont, NY to the position of Member Board of Appeals term expiring at the salary of \$4,453. The motion was seconded by Mr. Gordon and passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: Mr. Lenhardt, Mr. Marcelle.

Mr. Micelli thanked the Board for the appointment. He said he resides at 19 Chapel Lane, Glenmont, NY. He noted he is a director of the soccer ball and volunteer fireman at station number 2 in Glenmont and will be honored to serve. He said he stepped in briefly at the meeting and liked it very much. He said he will not disappoint the Board. Supervisor Egan thanked Mr. Micelli.

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The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of Michael Hodom, Delmar, NY to the position of Chairman, Board of Appeals at a salary of \$5,706. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: None.

PLANNING BOARD

The following item was to appoint the following positions for the Planning Board for 2004:

Chairman	Parker Mathusa	\$11,791
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The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of Member, Parker Mathusa, to the position of Chairman, Planning Board, for the year 2004. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: None.

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Mr. Mathusa thanked the Board and said he looks forward to working with the Board, noting it will be a great year.

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Member (Term expires 12/31/2010)	Thomas Cotrofeld	\$4,453
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The motion was made by Mr. Plummer and seconded by Ms. Egan to approve the appointment of Thomas Cotrofeld, Delmar, New York, to the position of Member, Planning Board. The motion was passed by the following vote:

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

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Member	Christine Motta	\$4,453
(Term expires 12/31/2005)		

The motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the appointment of Christine Motta, Slingerlands, New York to the position of Member, Planning Board. The motion was passed by the following vote:

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

Councilman Lenhardt said he voted yes and noted he received the resume. He also said he was quite impressed by the resume.

The next item was to approve the appointment of the following Counsel to serve at the pleasure of the Town Board, in the following capacities but subject to the direction of the Town Attorney who may assign them to any additional subject matter or capacity, as and where needed.

Water & Sewer District		Claim Basis
Highway Department		Claim Basis
Town Court Attorneys	Christopher Hanifin	\$10,713

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the appointment of Christopher Hanifin, Delmar, New York to the position of Counsel to the Town Court to serve at the pleasure of the Town Board, and subject to the direction of the Town Attorney who may assign him to any additional subject matter or capacity, as and where needed. The motion was passed by the following vote:

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

Supervisor Egan said the Water, Sewer and Highway Counsel appointments, as well as, the one prosecutorial position will be left until a future date.

Planning Board	Keith Silliman	\$18,445
Board of Appeals	Michael Moore	\$18,445

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of Keith Silliman, Glenmont, New York to the position of Counsel to the Planning Board to serve at the pleasure of the Town Board, and subject to the direction of the Town Attorney who may assign him to any additional subject matter or capacity, as and where needed. The motion was passed by the following vote:

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

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The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the appointment of Michael Moore, Esq., Slingerlands, New York to the position of Counsel to the Board of Appeals to serve at the pleasure of the Town Board and subject to the direction of the Town Attorney who may assign him to any additional subject matter or capacity, as and where needed. The motion was passed by the following vote:

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

The next item was to approve appointment of the following School Crossing Guards:

Hugh Tuohey	\$11.54/hour
Isabel D. Glastetter	11.54/hour
William Gathen	11.54/hour
Lawrence Becker	11.54/hour
Raymond Linstruth	11.54/hour
Bertie C. Reed	11.54/hour

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the foregoing School Crossing Guards at the rates indicated. The motion was passed by the following vote:

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

The next item was in accordance with Public Health Law, appoint the following as Registrar of Vital Statistics for period January 1, 2004 through December 31, 2005:

Registrar of Vital Statistics - Kathleen A. Newkirk - \$1,000.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to approve the appointment of Kathleen A. Newkirk, Selkirk, New York to the position of Registrar of Vital Statistics for period January 1, 2004 through December 31, 2005 at the salary of \$1,000. The motion was passed by the following vote:

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

The next item was to acknowledge receipt of a communication from Town Clerk/Registrar Kathleen A. Newkirk, CMC, RMC, regarding appointment of Deputy Registrar of Vital Statistics, Catherine T. Picarazzi and Sub-Registrar of

Vital Statistics, Julie McNeil for the period January 1, 2004 through December 31, 2005:

The following item was to acknowledge appointment of Voting Machine Custodians for 2004 as per the Republican and Democratic Chairmen:

Kevin Kermani
William Burkhard

The next item was to receive recommendations from Commissioner of Public Works, Bruce Secor, regarding the appointment of Kenneth E. Drautz as a Consultant Chemist for Water Division of the Department of Public Works, and Special Consultant:

Consultant Chemist		
Water District #1	Kenneth E. Drautz	\$8,785

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of Kenneth E. Drautz as Consultant Chemist for Water District No. 1 at a rate of \$8,785. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: None.

The next item was to approve the appointment of the Supervisors for the Fire Training Ground for 2004:

Charles Wickham
Richard Webster
Kevin Shea
Gregory Gould

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of Charles Wickham, Richard Webster, Kevin Shea, and Gregory Gould as Supervisors for the Fire Training Ground for 2004. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: None.

The next item was to adopt a resolution authorizing the payment of membership dues for Town of Bethlehem employees as per the attached lists.

WHEREAS, the Town Board has held an organizational meeting for the year 2004, according to law,

NOW, THEREFORE, BE IT RESOLVED, that the attached list (on file in the Town Clerk's office) of membership dues for various Town departments are hereby authorized to be paid.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

The foregoing resolution was presented for adoption by Mr. Plummer, seconded by Mr. Lenhardt and duly adopted by the following vote:

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

The next item was to authorize Town Superintendent of Highways, Gregg Sagendorph, to make highway purchases in an amount not to exceed \$10,000.00 without prior approval of the Town Board.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve Gregg Sagendorph, Highway Superintendent, to make highway purchases in an amount not to exceed \$10,000.00 without prior approval of the Town Board. The motion was passed by the following vote:

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

The following item was in accordance with provision of Section 303 Multiple Residence Law, to authorize the following appointments:

Local Enforcement Officer

Bethlehem Emergency

Management Office Director

John E. Brennan

Fire Inspectors

Philip Peters

David Languish

Kevin Shea

Harlen Metz

Paul Miller

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the appointment of John E. Brennan, Bethlehem Emergency Management Office Director and Fire Inspectors Philip Peters, David Languish, Kevin Shea, Harlen Metz, and Paul Miller. The motion was passed by the following vote:

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

The next item was to approve the following appointment:

Board of Assessment Review

Richard Haverly - \$120 per diem

Herbert G. Steele - \$120 per diem

Kenneth S. Ford - \$120 per diem

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of Board of Assessment Review Members Richard

Haverly, Herbert. G. Steele and Kenneth S. Ford at the per diem rate of \$120. The motion was passed by the following vote:

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

The following item was to set the mileage rate of \$.30 per mile for personnel who use their automobiles in the performance of the duties of their offices to be paid on presentation of duly itemized claims for audit by the Comptroller in accordance with Town Law, Section 102, Subdivision 1.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve setting the mileage rate of \$.30 per mile for personnel who use their automobiles in the performance of the duties of their offices to be paid on presentation of duly itemized claims for audit by the Comptroller in accordance with Town Law, Section 102, Subdivision 1. The motion was passed by the following vote:

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

The next item was to approve the petty cash funds as follows:

PETTY CASH FUNDS - Establish in accordance with Town Law,

Section 64, Subdivision 1 (a)

Receiver of Taxes and Assessments	\$300.00
Town Clerk	200.00
Comptroller	200.00
Water District No. 1	200.00
Town Justice Department	200.00
Police Department	400.00
Recreation Department Office	150.00
Parks Pool	200.00
Highway Department	200.00
Sanitation Department	200.00

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the foregoing Petty Cash Funds in accordance with Town Law, Section 64, Subdivision 1(a). The motion was passed by the following vote:

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

The next item was to designate the Holidays for the Town of Bethlehem as follows:

Designate Holidays for Town of Bethlehem employees:

2004

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

January 1	New Years
January 19	King's Birthday
February 16	President's Day
May 31	Memorial Day
July 5	Independence Day
September 6	Labor Day
October 11	Columbus Day
November 2	Election Day
November 11	Veterans' Day
November 25,26	Thanksgiving Day
December 23	½ day
December 24	Christmas Day
December 31	New Year's Day 2005

Discussion ensued regarding the policy for Saturday and Sunday holidays. It was stated that a Saturday holiday would result in the previous Friday being designated and if the holiday falls on Sunday, the next Monday is designated. Councilman Lenhardt said it has been his experience that even in this situation, the employees received the half day before Christmas eve. He said he would be in favor of it.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the foregoing holidays including the ½ day on December 23 and the full day on December 24 for the year 2004 for the Town of Bethlehem. The motion was passed by the following vote:

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

The next item was to designate banks as the depositories in which all Town officers shall deposit all money coming into their hands by virtue of their offices:

Key Bank, N.A. Albany, NY	M and T Bank Albany, NY	Evergreen Bank Glens Falls, NY
J.P. Morgan-Chase Albany, NY	Charter/One Albany, NY	Fleet Bank Albany, NY

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the foregoing banks as depositories in which all Town officers shall deposit all money coming into their hands by virtue of their offices. The motion was passed by the following vote:

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

The next item was to acknowledge receipt of the Notice from Association of Towns regarding 2004 Annual Meeting in New York City to be held February 17, 18, 19 and 20, 2004.

Designate Delegate and Alternate to the Annual Meeting of the Association of Towns as follows:

Delegate - George Lenhardt
 Alternate - Theresa Egan

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

The motion was made by Ms. Egan and seconded by Mr. Marcelle to approve the appointment of George Lenhardt as Delegate to the Association of Towns meeting in New York City, February 17 through 20, 2004. The motion was passed by the following vote:

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

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The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the appointment of Supervisor Theresa Egan as Alternate Delegate to the Association of Towns meeting in New York City, February 17 through 20, 2004. The motion was passed by the following vote:

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

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Councilman Lenhardt said in regard to this, he was not familiar with how this has been handled in the past but there was a series of resolutions that are being put forth. He said the various departments should be consulted before the Delegate goes to determine any information. He said he would welcome any comments from the departments before the conference. Supervisor Egan said she would make sure that all department heads have a copy of the resolutions and ask they communicate their desires regarding the resolutions.

Set Regular Town Board Meetings

2nd and 4th Wednesdays of each month beginning at 5:30 p.m.

A discussion ensued regarding the time of the meetings. Supervisor Egan suggested moving the meetings earlier and noted she and Councilman Marcelle had discussed this. Councilman Marcelle said there were a couple reasons. He said at the County Legislature they hold all the significant committee meetings that impact the public at 5:30 and some start at 5:00 going forward. He said this is not considered a bar to participation by the public. He said one of the issues that they both face is that they have small children, as well as, a lot of people in Town. He said you go to the parks on a weekend and you realize who populates this Town. He said he thinks that allows a time for people to come and comment, particularly at the beginning of the agenda, be able to get home to dinner and put their kids to bed as their needs dictate. He said he just thinks it is a wonderful idea to be more user friendly government for the people. Supervisor Egan noted these were a lot of her concern is that people coming home from work can stop and proceed home. She said she thinks this is an easier transition. Councilman Plummer said he supports 5:30 p.m. as well. He thinks it would result in more productiveness by the Board Members. He said in the 4 years he has been on the Board, it is not unusual to be here until 10:30, 11:00 o'clock or midnight. He said then there are Executive Session as well. He said it is not, in his judgment, the most productive times for making decisions. He said he thinks it will be more convenient for people if it is set at 5:30. He said maybe there will be more people in attendance as a result.

Supervisor Egan asked Councilman Lenhardt if he had any comment. Councilman Lenhardt said he is agreeable to any time. He said his children have grown and gone.

Supervisor Egan asked Councilman Gordon if he had any comment or remarks. Councilman Gordon said his concern was that most people in this Town actually work outside of the Town and actually require them if they wished to participate to use time at work or ask to leave early. He said they may have family responsibility as was discussed. He said it might not be possible to get here that quickly. He said it looks like the Board is trying to make the meeting as accessible as possible. He said he does not know if doing the meeting at 5:30 accomplishes this or not.

Supervisor Egan said the motion on the table was for the 2nd and 4th Wednesdays of each month beginning at 5:30 because that seems to be the majority consensus.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the setting of the regular Town Board meetings the 2nd and 4th Wednesday of each month beginning at 5:30 p.m. The motion was passed by the following vote:

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

Noes: Mr. Gordon.

Absent: None.

Abstain: None.

Set Official Hours for business at Town Hall
8:30 A.M. – 4:30 P.M.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve setting the official hours for business at Town Hall from 8:30 a.m. to 4:30 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstaining: None.

The next item was to designate an Official Newspaper of the Town - THE SPOTLIGHT and also designate the Times Union and Ravena News Herald as additional newspapers for the publication of notices, resolutions and ordinances.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to designate an Official Newspaper of the Town - THE SPOTLIGHT and also designate the Times Union and Ravena News Herald as additional newspapers for the publication of notices, resolutions and ordinances. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstaining: None.

The next item was to authorize the Supervisor to execute the following Leases for 2004:

Water District No. 1 - Town Hall	\$10,300.
Sewer District - Town Hall	\$10,300.
Sewer District - Town Garage, Adams St.	\$20,500.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to authorize the Supervisor to execute the foregoing Leases for 2004. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstaining: None.

The next item was to authorize the Supervisor to execute an Agreement with Callanan Industries - Firearms Training Site - Quarry - 2004 - \$1.00

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to authorize the Supervisor to execute the Agreement with Callanan Industries, Albany, New York for the Firearms Training Site, Quarry, 2004 for \$1.00

Councilman Marcelle said he is reminded that there have been a couple issues dealing with Callanan Industries in the Town and they always like to remind the Town of all that they do for it. He said lest he be chastised that they are not recognized, he thanked the company. He said they have built the park in South Bethlehem and done a lot of wonderful things to provide the Town services. He noted he just wanted to acknowledge that. Supervisor Egan thanked Mr. Marcelle.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstaining: None.

The next item was to increase the fee schedule as established by Town Board for field inspections and Engineering Review as of January 1, 2004, as follows:

Senior Engineer: \$82.00 per hour straight time and \$123.00 per hour for overtime, weekends and holidays.

Senior Inspector: \$68.00 per hour straight time and \$102.00 per hour for overtime, weekends and holidays.

Inspector: \$52.00 per hour straight time and \$78.00 per hour for overtime, weekends and holidays.

Survey Field Crew: \$102.00 per hour straight time and \$153.00 per hour for overtime, weekends and holidays.

Subdivision Review Fees revised as follows:

- 1 & 2 lots - Final Plat \$105 per lot.
3 or more lots - Final Plat \$105. per lot.

Site Plan Review Fees

A \$100.00 application fee and fees for review and approval on an “as cost incurred basis” by the Town of Bethlehem Engineering Division. Service charge of 1.5% per month for balances due after 30 days.

Planned Development Districts

Planned Residence District (Building Project Approval)

Fee for Engineering Review and Approval

1. For any portion of the area comprising the building project that is subdivided into lots for single family or two-family dwellings, the fees shall be as indicated in the Final Plat column for subdivisions. A \$100.00 per lot fee.
2. For any other residential units the fee shall be: \$65.00 per dwelling unit.
3. Notwithstanding the above, the total fee for review and approval shall not exceed \$25,000.
4. For any other use permitted in a P.R.D., the review and approval fee shall be determined by the Town Engineering Division upon request of the Owner.

Planned Commercial District (Building Project Approval)

Fees for review and approval will be billed to the owner/developer on an “as cost incurred basis” by the Town of Bethlehem Engineering Division.

Planned Manufacturing District (Building Project Approval)

Fees for review and approval will be billed to the owner/developer on an “as cost incurred basis” by the Town of Bethlehem Engineering Division.

NOTE: The “as cost incurred basis” is intended only to defray the normal cost accrued by the Town Engineering Division.

Fees

In addition to the above-mentioned fees, are fees required from, or by, agencies other than the Town, as well as fees charged by other Town Departments.

The fee for Preliminary Plat and Final Plat (or Section) review and approval will cover highway, drainage, sanitary sewer and water supply approvals. However, if a proposed subdivision includes special features including, but not limited to heavy highway cuts or fills, excessive highway gradients, drainage detention reservoirs, sewage pumping stations or complex water distribution problems, the fee may be increased by an amount necessary to defray the additional costs to the Town for such review and approval. This additional cost may include the cost of special consultants engaged by the Town to assist in such reviews.

Costs associated with extension to districts to provide necessary services to the project site.

Subdivision, site plan and planned development district review fee will be collected by the Secretary of the Planning Board prior to Planning Board approval.

Service Charges

A service charge of 1.5% per month for balances due after 30 days.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955, extension 158.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the previous fees and changes as proposed. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: None.

The next item was to authorize the Supervisor to execute an agreement with Albany Honor Court Program, Inc. - 2004 - \$3,000.00.

The motion was made by Mr. Lenhardt and seconded by Mr. Marcelle to authorize the Supervisor to execute an agreement with Albany Honor Court Program, Inc., for the year 2004 at a cost of \$3,000.00. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: None.

The next item was to adopt the Resolution for the facsimile signature for checks drawn on accounts at Key Bank, N.A. The following resolution was presented for adoption:

RESOLUTION NECESSARY FOR FACSIMILE SIGNATURES

RESOLVED: That checks of this corporation, drawn on Key Bank, N.A., may be signed by the printed facsimile signature of the Supervisor, Theresa Egan, of this corporation, with like force and effect as if said facsimile signature had been affixed by such officer or either of them, manually, and that said Bank is hereby authorized, empowered and directed to pay said checks so drawn and to charge the same to the account of this corporation, with like force and effect as if said signature had been affixed by such officer or either of them, manually, and be it

FURTHER RESOLVED: That all of the terms and conditions embodied in the agreement between said Bank and this corporation, as the same appears upon the original signature card of this corporation now in the file of said Bank, shall apply to all checks of this corporation so signed, and be it

FURTHER RESOLVED: That said Bank shall not be liable for and that this corporation does hereby waive any claim which it may have against said Bank, and does hereby agree to defend, indemnify and save harmless said Bank from any liability, loss or damage incurred by it for paying or charging to the account of this corporation any checks to which such facsimile signature may have been affixed without authority, by the unauthorized use of the machinery and equipment by which such facsimile signatures to such checks other than such die, device, machinery or equipment used by this corporation for that purpose.

The foregoing resolution was presented for adoption by Mr. Plummer, was seconded by Mr. Lenhardt and duly adopted by the following vote:

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

The following item was the approval of 25 cents per page to be charged for all Freedom of Information requests and any other materials that are requested by the general public for copying.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the charge of 25 cents (\$.25) per page for all Freedom of Information requests and any other materials that are requested by the general public for copying. The motion was passed by the following vote:

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

The next item was to authorize the Supervisor to execute an Agreement with the Town's insurance carrier to have a Public Officials Liability Policy, as well as, a Fidelity Bond in effect for the year 2004.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to authorize the Supervisor to execute an Agreement with the Town's insurance carrier to have a Public Officials Liability Policy, as well as, a Fidelity Bond in effect for the year 2004. The motion was passed by the following vote:

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

Supervisor Egan said there were 2 matters to be brought to the Board's attention that are not on the agenda.

The Supervisor said one was to accept a painting offered by Herbert Steele, Glenmont, New York and has been hung in the Supervisor's office over the copier. Mr. Steele presented this back in December and the Supervisor explained with everything going on with the holidays, it could not be accepted until this evening.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to accept a painting offered by resident, Herbert Steele, Glenmont, New York. The motion was passed by the following vote:

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

The next item was to authorize the Supervisor approving meeting and conference attendance for Town employees. Supervisor Egan noted the previous

Board had given the authorization for the Supervisor to approve attendance at meetings and conferences and she felt this should be done with the Board's approval.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to authorize the Supervisor to approve attendance at meetings and conferences. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: None.

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Councilman Lenhardt noted this was reasonable.

The next item was to appoint Commissioner of Public Works, George Leveille, effective January 12, 2004. Supervisor Egan noted Commissioner of Public Works, Bruce Secor, will be retiring effective February 28, 2004. She asked if there was a motion to fill the position of Commissioner of Public Works.

The motion was made by Mr. Plummer to approve the appointment of George Leveille, Delmar, New York to the position of Commissioner of Public Works.

Supervisor Egan noted this will be effective January 12, 2004 and there will be a period of approximately 6 weeks where there will basically be co-commissioners, if you will. She noted she has had discussion with Mr. Secor where he is amenable to that and was looking forward to the transition with the new Commissioner. She said he has been very gracious and helpful with respect to that matter.

The motion was seconded by Mr. Gordon.

Councilman Marcelle noted he would go back to his original discussion. But he also said as long as Commissioner of Public Works, Bruce Secor, was in attendance, he knows that he has been a dedicated Town employee wanted to thank him for his service and wish him all his best, as well as, his wife in his retirement and that wonderful things happen to him also. Supervisor Egan said unofficially that if she could and if they had a budget, she wishes she could get him a helicopter. She said this was based on an earlier conversation.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: Mr. Lenhardt, Mr. Marcelle.

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Supervisor Egan said Mr. Leveille was in attendance if anyone had any questions. She welcomed Mr. Leveille. Mr. Leveille thanked the Supervisor and Members of the Board and noted he was very excited about the opportunity to work for the Town he lives in after working for many years for the one just north of the Town. He said he is looking forward to working with everyone. Supervisor Egan said they have big expectations for him.

Supervisor Egan noted the next Town Board meeting would be held January 14, 2004 at 7:30 p.m.

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The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 7:15 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

Abstain: None.

Town Clerk