

TOWN BOARD
JANUARY 10, 2001

The Organizational Meeting and 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
Kathleen A. Newkirk, Town Clerk

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Supervisor, Sheila Fuller, welcomed everyone to the first meeting of the new year of the Bethlehem Town Board. She hoped this year would not bring another landslide since that was the highlight of the year 2000.

As this meeting was begun, the Supervisor noted the first order of business was the Organizational Meeting for the Town government. She said there would be several votes taken and these are routine and required by law to be done first. She noted one of the agenda items is the land use planning reference resource document which will be coming back to the Town Board with discussions at various meetings. She said the parkland set aside is being presented for the first time and there the New Visions Plan for the 4 corners will be presented. She said that was planned for this evening, however, this was postponed until such time as a Town Attorney is appointed. She said this will be a very interesting topic. She said these are the big items for the upcoming year and many more interesting topics will come along.

Supervisor Fuller invited everyone to join in the pledge of allegiance. She especially welcomed the students who were in attendance.

The Supervisor said the first item was in accordance with Town Law Section 42, for the Supervisor to appoint a Deputy Supervisor for the term expiring December 31, 2001. Supervisor Fuller appointed Councilman George H. Lenhardt.

The next item was to appoint a Town Attorney, however, she said there was no appointment at this time. An appointment will be made at the next meeting on January 24. She noted there have been 5 or 6 applications received and interviews will be done on Wednesday, January 17, 2000.

The following item was to adopt a resolution setting salaries for the year 2001.

The motion was made by Ms. Burns and seconded by Mrs. Davis to adopt the resolution setting salaries for the year 2001 with the attached list of employees, titles and salaries (on file in the Town Clerk's office). The motion was passed by the following vote:

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

The next item was to authorize Highway Department salaries according to approved grade/step schedule for 2001, as follows:

| <u>TITLE</u> | <u>GRADE LEVEL</u> |
|-------------------------------|--------------------|
| Highway Foreman | 16 |
| Highway Dept. continued: | |
| Equipment/Automotive Mechanic | 14 |
| Equipment Operator II | 14 |
| Maintenance Mechanic | |
| Equipment Operator II | 12 |
| Equipment Operator I | 11 |
| Laborer II | 9 |
| Laborer I | 7 |
| Part-time Laborer | \$7.25/hour |
| | \$6.75/hour |

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the salaries for the Highway Department at the Titles and grade levels presented. The motion was passed by the following vote:

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

Noes: None.

Absent: None

The following item was to authorize Public Works Department salaries according to approved grade/step schedule for 2001, as follows:

| <u>JOB TITLE</u> | <u>GRADE LEVEL</u> |
|--|--------------------|
| Director of Field Operations | 23 |
| Engineering Services Administrator | 23 |
| Chief Water Treatment Plant Operator | 23 |
| Deputy Chief Water Treatment Plant Operator | 19 |
| Chief Sewage Treatment Plant Operator | 20 |
| Foreman II | 17 |
| Foreman I | 16 |
| Instrumentation Mechanic | 14 |
| Senior Water Treatment Plant Operator | 16 |
| Office Manager | 15 |
| Administrative Asst. I | 12 |
| Senior Sewage Treatment Plant Operator | 16 |
| Water Treatment Plant Operator II | 14 |

| | |
|---|--|
| Water Treatment Plant Operator | 13 |
| Sewage Treatment Plant Operator | 13 |
| Public Works continued: | |
| Principal 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 | 14 |
| Equipment Operator II | 12 |
| Equipment Operator I | 11 |
| Utility Billing Clerk | 8 |
| Senior Utility Billing Clerk | 11 |
| Clerk-Typist II | 8 |
| Clerk-Typist I | 6 |
| Temporary Employee Meter Reader | - Hourly Rate Range from Minimum wage to \$17.00/hour commensurate with duties performed. |
| Temporary Clerk-Typist | |
| Senior Engineer | 21 |
| Principal Engineering Technician | 17 |
| Sr. 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 foregoing salary grades were approved on a motion made by Mr. Plummer and seconded by Mrs. Davis and passed by the following vote:

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

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

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.

| <u>FULL TIME TITLE</u> | <u>NAME</u> | <u>F-T GRADE</u> | <u>100/70%</u> | <u>2000</u> |
|------------------------|-------------------|------------------|----------------|-------------|
| Clerk Typist I | Roberts, Tracie | 6 | 70 | \$11.81 |
| Enforcement Off. | Sleurs, Joseph | 3 yr.off. | 100 | 20.50 |
| Clerk Typist I | Hulme, Ann | 6 | 70 | 8.48 |
| Clerk Typist I | Vadney, Lois | 6 | 70 | 8.48 |
| Clerk Typist I | Giordano, Joan | 6 | 70 | 8.48 |
| Clerk Typist I | Merritt, Ahlfied | 6 | 70 | 8.48 |
| Clerk Typist I | McCarroll, Bella | 6 | 70 | 8.48 |
| Clerk Typist I | Boughton, Karen | 6 | 70 | 8.48 |
| Clerk Typist I | Hahn, Patricia | 6 | 70 | 8.48 |
| Clerk Typist I | Kitchen, Deborah | 6 | 100 | 12.12 |
| Recycl. Coord. | Fisher, Sharon | 11 | 100 | 15.40 |
| Youth Employ. | Felson, Sharon | 14 | 70 | 12.60 |
| Outreach Worker | Sinuc, Linda | 14 | 100 | 17.99 |
| Asst.Bldg.Inspector | Dominelli, Edward | 15 | 70 | 16.48 |
| Public Info.Specialist | Lewis, Richard | 15 | 70 | 13.00 |
| Maintenance Helper | Jesse Turner | 6 | 100 | 11.31 |
| Maintenance Helper | Lee Sleurs | 6 | 100 | 11.31 |
| Maintenance Helper | Roger Griffiths | 6 | 100 | 11.31 |

The foregoing list was approved on a motion made by Mrs. Davis and seconded by Ms. Burns at the titles and salaries indicated. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to authorize the appointment of Town Historian, Joseph A. Allgaier, at a salary of \$2,600.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of Joseph A. Allgaier, Delmar, New York as Town Historian at a salary of \$2,600. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Fuller next asked for approval of appointments to the Board of Appeals.

The motion was made by Mr. Lenhardt and seconded by Ms. Davis to approve the following appointments for the Board of Appeals:

| | | |
|------------------------------------|-----------------|----------|
| Member (Term expiring 12/31/05) | Marjory O'Brien | \$4,036 |
| Chairman | Michael Hodom | \$5,171. |

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The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Fuller next asked for approval of the Planning Board appointments.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the following appointments for the Planning Board:

| | | |
|--|-------------------|----------|
| Chairman | Douglas Hasbrouck | \$10,687 |
| Member Planning Board (Term expires 12/31/2007). | Daniel Odell | \$4,036 |

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to appoint the Comptroller for the Town of Bethlehem.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the appointment of Judith Kehoe, Delmar, New York, to the position of Comptroller for the term expiring December 31, 2002. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was to approve the appointment Counsel to serve at the pleasure of the Board and subject to the direction of the Town Attorney.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the following Counsel to serve at the pleasure of the Board in the following capacities and subject to the direction of the Town Attorney, to be assigned as and where needed:

| | | |
|------------------------|----------------------|-------------|
| Board of Assessors | Daniel Santola | Claim Basis |
| Water & Sewer District | Charles J. Tobin,III | Claim Basis |
| Highway Department | Michael Smith | Claim Basis |
| Police Department | Joshua Effron | \$13,372 |
| Planning Board | Keith Silliman | \$16,718 |
| Board of Appeals | Peter Bishko | \$16,718. |

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the appointment of the following School Crossing Guards:

| | |
|----------------------|--------------|
| Hugh Tuohey | \$10.46/hour |
| Isabel D. Glastetter | 10.46/hour |
| William Gathen | 10.46/hour |
| Lawrence Becker | 10.46/hour. |

The motion was passed by the following vote:

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

Supervisor Fuller noted the Voting Machine Custodians for the year 2001 will be coming back on another agenda. At this time neither the Republican nor Democratic Chairmen have submitted names for this position.

The following item was a request 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.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of Kenneth E. Drautz as a Consultant Chemist for Water District #1, Department of Public Works, and Special Consultant at a salary of \$8,278. The motion was passed by the following vote:

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

The next item was to approve the appointment of the Supervisors for the Fire Training Ground for 2001.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the appointment of the Supervisors for the Fire Training Ground for 2001 as follows:

Charles Wickham
Richard Webster
Kevin Shea
Gregory Gould.

The motion was passed by the following vote:

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

The next item was to adopt a resolution pertaining to membership dues for the various Town departments.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to adopt a resolution authorizing membership dues for Town of Bethlehem employees as per

the lists attached to the resolution and on file in the Town Clerk's office. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.
Noes: None.
Absent: 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 Mrs. Davis and seconded by Ms. Burns to authorize Highway Superintendent, Gregg Sagendorph, to make highway purchases in an amount not to exceed \$10,000 without prior approval of the Town Board. The motion was passed by the following vote:

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

The next item was to appoint positions in accordance with provision in Section 303 Multiple Residence Law.

The motion was made by Mr. Plummer and seconded by Ms. Burns that in accordance with provision of Section 303 Multiple Residence Law, the following appointments are authorized:

Bethlehem Emergency
Management Office Director

John E. Brennan

Fire Inspectors

Jason Tice
Gregory Gould
Edward Costigan
Harlen Metz
David Kellerman.

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 noted the Fire Marshall and Code Enforcement Officer appointments will be made at a later date.

The next item was to appoint the members of the Board of Review.

The motion was made by Mrs. Davis and second by Mr. Lenhardt to approve appointment of the following Board of Review Members:

Richard Lewis
Robert J. Wiggand
Gilbert Brookins
Marjory O'Brien
Michael Hodom.

The motion was passed by the following vote:

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

The next item was to approve the Members of the Board of Assessment Review.

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the appointment of the Board of Assessment Review Members as follows:

Richard Haverly - \$120 per diem
Kenneth Ford - \$120 per diem
Herbert G. Steele - \$120 per diem.

The motion was passed by the following vote:

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

The next item was to set the mileage rate for personnel using their automobiles in the performance of their duties.

The motion was made by Ms. Burns and seconded by Mr. Plummer 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 passed by the following vote:

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

The next item was to approve Petty Cash Funds for the Town Departments.

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to approve the following Petty cash Funds:

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 | 200.00 |
| Recreation Department Office | 150.00 |
| Parks Pool | 200.00 |
| Highway Department | 200.00 |
| Sanitation Department | 200.00 |
| DARE Program | 200.00. |

The motion was passed by the following vote:

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

The next item was to designate the Holidays for Town of Bethlehem employees.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the designation of the following holidays for Town of Bethlehem employees:

2001

| | |
|---------------------|------------------|
| January 1 | New Years |
| January 15 | King's Birthday |
| February 19 | President's Day |
| Holidays continued: | |
| May 28 | Memorial Day |
| July 4 | Independence Day |
| September 3 | Labor Day |
| October 8 | Columbus Day |
| November 6 | Election Day |
| November 12 | Veterans' Day |
| November 22,23 | Thanksgiving Day |
| December 24 | ½ day |
| December 25 | Christmas Day. |

The motion was passed by the following vote:

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

The next item was to designate banks for deposits by all Town officers.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to designate the following 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 |
| Chase Manhattan Bank Albany, NY | Charter One Albany, NY | Fleet Bank Albany, NY. |

The motion was passed by the following vote:

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

The next item was to acknowledge receipt of the Notice from the Association of Towns regarding 2001 Annual Meeting in New York City to be held February 18, 19, 20 and 21, 2000.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to designate the Delegate and Alternate to the Annual Meeting of the Association of Towns as follows:

Delegate – John Flanigan
Alternate - George Lenhardt.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to set the regular Town Board meeting dates.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to set the regular Town Board meeting dates for the 2nd and 4th Wednesdays of each month. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to set the official hours for business at Town Hall.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to set the Official Hours for business at Town Hall at 8:30 A.M. to 4:30 P.M. Monday through Friday. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to designate the official newspaper for the Town of Bethlehem.

The motion was made by Mr. Plummer and seconded by Ms. Burns to designate the 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: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Ms. Burns, Mr. Plummer.

Noes: None.

Absent: None.

The next item was to authorize the Supervisor to execute leases with Water District No. 1 and the Sewer District of the Town of Bethlehem.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to authorize the Supervisor to execute the following Leases for 2001:

| | |
|---|-----------|
| 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 passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to authorize the Supervisor to execute an agreement with Callanan Industries, Albany, New York.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to authorize the Supervisor to execute an Agreement with Callanan Industries, Albany, New York for the Firearms Training Site, Quarry, South Bethlehem, New York, for the year 2001 at a cost of \$1.00. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to approve the fee schedule for field inspections and Engineering review.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to approve the increase in the fee schedule as established by Town Board for field inspections and Engineering Review as of January 1, 2001, as follows:

Senior Engineer:

\$77.00 per hour straight time and \$115.50 per hour for overtime, weekends and holidays.

Senior Inspector:

\$64.00 per hour straight time and \$96.00 per hour for overtime, weekends and holidays.

Inspector:

\$47.50 per hour straight time and \$71.25 per hour for overtime, weekends and holidays.

Survey Field Crew:

\$96.00 per hour straight time and \$144.00 per hour for overtime, weekends and holidays.

Subdivision Review fees revised as follows:

1 & 2 lots - Final Plat \$95. per lot.

3 or more lots - Final Plat \$95. per lot.

NOTE: Refers only to Subdivisions approved prior to 1999.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to authorize the Supervisor to execute an agreement with Albany Honor Court Program.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to authorize the Supervisor to execute an agreement with Albany Honor Court Program, Inc. for the year 2001 at a cost of \$3,000.00. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to authorize the Supervisor to execute an agreement with Volunteer Center of Albany, Inc.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to authorize the Supervisor to execute an agreement with Volunteer Center of Albany, Inc. for a Community Services Sentencing Program for the year 2001 at a cost of \$3,000.00. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to adopt a resolution regarding facsimile signature for checks.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to adopt a Resolution for the facsimile signature for checks drawn on accounts at Key Bank, N.A.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to approve the charge for copies of records to be supplied under the Freedom of Information law.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approval the fee 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 passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to authorize the Supervisor to enter into an agreement with Casey and Lubbe, P.C.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to authorize Supervisor Fuller to enter into an Agreement to retain Casey & Lubbe, P.C., as the Town's Auditors for the year 2001. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was to authorize the Supervisor to executive an agreement regarding a Public Officials Liability Policy.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to authorize Supervisor Fuller 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 2001. The motion was passed by the following vote:

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

The Supervisor thanked everyone and indicated this was the end of the Organizational meeting. She noted the public hearing cannot begin until 8:00 p.m. and, therefore, she went to the 4th item on the regular agenda.

The next item was to approve the issuance of renewal of Trailer Camp Permits for Shady Grove East, Shady Grove West and Breckenridge Village, Selkirk.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the issuance of renewal of Trailer Camp Permits for Shady Grove East, Shady Grove West and Breckenridge Village. The motion was passed by the following vote:

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

The next item was a recommendation from Administrator, David Austin, Parks and Recreation Department, for approval of waiver of Dog Park Permit fee for Service Dogs.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the waiver of Dog Park Permit for service dogs. The motion was passed by the following vote:

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

Question was raised as to how many permits have been issued. Mr. Austin indicated 135 permits have been issued. Further question was asked if there is going to be a cap at 200. Mr. Austin indicated there was never a number indicated and he did not see a need for one. Comment was made that there have been many positive remarks. Mr. Austin said it has been going very good. Supervisor Fuller noted she thought the spring and summer will test the area, noting the Town Clerk has had some steady business at her window. Town Clerk Newkirk said that was definitely accurate, noting everyone is positive.

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

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator, Parks and Recreation Department, dated January 10, 2001 at the titles and salaries indicated and on file in the Town Clerk's office. The motion was passed by the following vote:

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

The next item was a request from Richard J. LaChappelle, Chief of Police, for approval of appointment of Police Officer, effective January 13, 2001.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the appointment of David Caputo, Coeymans, New York as Police Officer, Town of Bethlehem, at an annual salary of \$34,263, effective January 13, 2001 as recommended by Chief of Police, Richard LaChappelle. 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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Question was raised about how this Police Officer will be utilized. Chief LaChappelle said he will be a patrol officer. He said he is currently a supervisor with the Town of Coeymans with State certification. He said he will start here as a patrol officer.

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

The motion was made by Mr. Plummer and seconded by Ms. Burns to approve the appointment of Melissa J. McBride, Ravena, New York to the position of Telecommunicator at an annual salary of \$26,714, effective January 13, 2001 as requested by Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of release of bonding for Somerset Woods Subdivision, Phase 3. Supervisor Fuller noted this bond was for the application of the final wearing surface to Harwick Drive and Grafton Road. The work has been completed as per the Memorandum from Mr. Cirillo.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the release of bonding which is in the form of a cash escrow account for Somerset Woods Subdivision, Phase 3 as requested by Manchester Associates, Ltd, Altamont, NY in the amount of \$21,000 plus interest as per the request of Engineering Services Administrator, Michael Cirillo.

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

The following item was a request from Commissioner of Public Works, Bruce Secor, for approval to go to bid for Materials. Could advertise January 17, 2001 and open bids on February 13, 2001 at 2:30 p.m.

The following resolution was offered by Mrs. Davis and seconded by Mr. Lenhardt:

WHEREAS, the Town desires to advertise for bids for the purchase of Materials for use by the Town of Bethlehem, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for

such bids in THE SPOTLIGHT issue on the 17th day of January, 2001 and that bids be received up to 2:30 p.m. on the 13th day of February, 2001 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The next item was a request from Bruce Secor, Commissioner of Public Works, for approval to go to bid for Chlorine. Could advertise January 17, 2001 and open bids on February 13, 2001 at 3:00 p.m.

The following resolution was offered by Mr. Plummer and seconded by Mr. Lenhardt:

WHEREAS, the Town desires to advertise for bids for the purchase of Chlorine for use by the Town of Bethlehem, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 17th day of January, 2001 and that bids be received up to 3:00 p.m. on the 13th day of February, 2001 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

- - -

Question was asked of Mr. Secor regarding last year's bid and that there were no bids received. Mr. Secor noted normally they advertise in the newspapers and send out to the various bidders who said they had an interest. He said there was one time when there were no bids received so it was readvertised and bids were received. He said he thinks the problem was spreading the purchases over the entire year. He said they have also kept track of whether or not they can buy chlorine off the State contract. He said some years they can and some years they cannot depending on what the conditions are but they will continue to check this. He said he does not think there will be a problem this year.

Supervisor Fuller noted the next item was to consider a proposed Local Law to acquire reservation of park land in new residential developments or payment of fee in lieu thereof. She said she wanted to skip over this item and go to the following items because she did not want to get started and have to keep interrupting to go to the public hearings.

The next item was to authorize the Supervisor to execute the 2001 Animal Shelter Agreement with Mohawk and Hudson River Humane Society.

The motion was made by Mrs. Davis and seconded by Ms. Burns to authorize Supervisor Fuller to execute the 2001 Animal Shelter Agreement with Mohawk and Hudson River Humane Society, Menands, NY. The motion was passed by the following vote:

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

The following item was a request from Commissioner of Public Works, Bruce Secor, to adopt water rate changes for the year 2001.

Supervisor Fuller said the residential water rate will be \$.81 per 100 cubic feet or \$1.10 per 1,000 gallons and the industrial rate will be \$1.11 per 100 cubic feet and \$1.48 per 1,000 gallons. The minimum charge will remain at \$11.20 according to the Supervisor.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the water rate changes for the year 2001 as recommended by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

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

The next item was a request from Comptroller, Judith Kehoe, for approval of Budget Transfers for the year 2000. Supervisor Fuller noted this is the final transfers.

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the Budget Transfers for the year 2000 as requested by Comptroller, Judith Kehoe, and listed in her Memorandum dated January 9, 2001 and on file in the Town Clerk's office. The motion was passed by the following vote:

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

Supervisor Fuller noted she will go back to the agenda at 8 o'clock and asked if anyone wished to address the Board. Mrs. Marie Capone said everybody should be thankful that George is second in line.

Mrs. Capone said Mr. Sagendorph has been in the news, in the paper and in television. She said he has a problem and she asked why some of the kids from Youth Court aren't sent to work with him, noting there would be results. (Referring to the theft of street signs.)

Mrs. Capone said today in the Spotlight she saw something she didn't like, an advertisement for John Flanigan's job. She said in that department there is Kevin Shea who has been there 20 years, very honest, knows the job perfectly and is the one who should be the next one in line. She thanked the Board.

Supervisor Fuller said there was a vacancy in the Building Department for a Building Inspector and there also is for the Town Attorney and both jobs have been advertised in the Times Union and the Spotlight. She said she believed for the Building Inspector it was in some of the trade magazines. She said that process ends January 27 she thinks.

The Supervisor asked if anyone else would like to address the Board. No one spoke. She said this was a first for the Organizational Meeting and the time is passing really slowly.

Question was asked regarding whether the \$5,000 for each of the businesses even begins to cover what was lost. Supervisor Fuller said not at all and it was 35 businesses that applied for the \$5,000 grant. She said they did a significant amount of paperwork to even be eligible for that money. She said she thinks it helps cut their losses. She said they were really out of business from May until the end of August. She also mentioned when the 2 lanes opened back up it did increase the business. She said what has happened with that is that people using the detour routes, which is the biggest concern of the businesses, would not return to their previous route and they have found that to be true. She said normal traffic is back to the numbers it was but it is not the same traffic. She said in speaking with some of the businesses the day before, some are doing very well but others have lost a good deal. So, she said it cut their losses somewhat.

Supervisor Fuller said for Mr. Petaglia, owner of California Produce, the business that went right over the edge, is entitled to a \$100,000 grant but not until he has relocated in the Town of Bethlehem. She said it is not for him to help cut his losses, it is for him to start up the business again in the Town. She noted he is looking at different sites.

Mrs. Capone asked if the other businesses allowed the Town to look at their books. Supervisor Fuller said they had to go through the Federal government first. She said it was done strictly between the business, the Federal government and then to the State government. Mrs. Capone said they had nothing to do with the Town. The Supervisor said that was correct, noting the only thing the Town does is administer the grant, do the book work and noted it is the Comptroller who must keep track of it.

Mention was made that the \$5,000 will be taxed as well to the businesses. This was just learned the day before. Note was made that it was not a grant then.

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A student asked about the dog park and its location. Supervisor Fuller said it is in place and it is over on the Bypass Extension. She said the ribbon cutting was November 18, 2000 and there is a permit to be obtained to take your dog to the park. Supervisor Fuller explained the item on the agenda was to provide a permit for the dogs without charge for service dogs. The student thanked the Supervisor.

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Question was raised about the salary for the senior engineer, asking if he was the one who told people that Delaware Avenue was safe when 2 days later there was more slide. Comment was made that he shouldn't be paid that much. Supervisor Fuller explained it is the State of New York, noting Delaware Avenue is a State road. She said it was handled by the New York State Department of Transportation and they brought in the experts. She said they blamed it on the erosion at the base of the slope. She said she is not an engineer or geo-technical person but that was what they were led to believe. Question was asked as to why they did not see the erosion at the base of the hill. Supervisor Fuller said she thinks it had to do with the soil that was there at the site -- the clay -- and over the years it took its toll. She said no one anticipated what nature could do. Councilman Davis noted it was not the road that was unstable but the slope.

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Councilman Lenhardt, on a personal note, complimented the Police Department in regard to his participation in a funeral the week before for a Slingerlands Fire Department member commenting they did an excellent job in providing escort service for the funeral and providing public safety at all the intersections. He said he heard a couple comments during the procession of what a fine job they did and he was proud to be a part of this community and part of the Town government, as far as, our Police Department and the excellent job they did.

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Hearing Began: 8:00 p.m.

SUPERVISOR FULLER: Ask the Clerk to read the call of the hearing. The first hearing is for the Senior Citizens with Limited Income Tax Exemption Law.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on January 20, 2001 at 8:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending Chapter 111, Taxation, Article I, Partial Exemption for Aged Persons.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, CMC, RMC
TOWN CLERK

- - -

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 27th day of December 2000.

/s/ Elizabeth Bradt

Sworn to before me this 27th day of December 2000.

/s/ Sharon A. Doldo
Notary Public, Albany County

- - -

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on December 27, 2000, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
28th day of December 2000.

/s/ Catherine T. Picarazzi
Notary Public

- - -

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

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

Noes: None.

Absent: None.

SUPERVISOR FULLER: This basically is raising the eligibility level, percentage of exemption. The current rate is at \$19,500 and goes to \$20,500. Dave, did you have anything to add on this?

MR. LEAFER: Just... I don't want to talk but I can...

SUPERVISOR FULLER: Dave Leafer is our Town Assessor.

MR. LEAFER: ...and I want to leave room for anyone who does want to make a comment about this. The senior... we call it the senior exemption law which is not to be confused with the enhanced STAR has been in effect in Town for quite a long period of time since its inception. Periodically the State Legislature will move to amend the income levels, eligibility levels. We have a sliding scale in the Town that anyone who is over 65, it's their primary residence, and whose income is under \$27,900 right now, would qualify for at the very least the 5 percent level of exemption and if their income is under \$19,500 at the moment, would qualify for the maximum exemption of 50 percent. It's designed to help those folks who are on limited incomes and this increase in the sliding scale that we have the opportunity to vote on tonight which has been passed by the Legislature this year, merely takes the form of sort of a COLA, if you will, or an increase in the cost of inflationary cost to help people whose incomes are a little over that level but still at a level where they probably should be able to qualify for this type of exemption. Basically, it helps people to keep their homes that have lived in them for a number of years and really might have to move out if they didn't have this exemption.

The senior exemption applies to both the school tax bill and to the Town, Town highway and County portions of the General Property Tax bill in January. For those who might be concerned about what the increase would do to the tax rate or the mill rate for the Town, as of this time we have approximately 380 senior exemptions and the total amount of those exemptions are a little over \$12,200,000. The increase of this amount going from the \$27,900 upper limit to \$28,900 is about a... would probably represent about a 5 percent increase and if that 5 percent increase is what we realize then we might not be that high because not everyone will actually fall into necessarily a higher percentage category, we might be talking something of an increase in the exemption amount of about \$600,000 and if my calculations with many interruptions today are correct, that would show an increase in the mill rate based on this year's budgets, tax rates and what not, for Town and Town highway purposes of .0006. So, the rest of the taxpayers who would take on this burden will not really feel it.

SUPERVISOR FULLER: Thank you, you might as well stay close because you're...

COUNCILMAN PLUMMER: Did the School Board adopt it?

SUPERVISOR FULLER: They have to after we do.

MR. LEAFER: To this point in time, the County has adopted it and the Ravena-Coeymans-Selkirk School District sent us a notice that they had adopted it. Guilderland is meeting this coming week both to adopt it on the Town basis and, I believe, their school district is in the process of looking at it as well.

We would send notices out if it is adopted tonight to all of the school districts to let them know and I am sure that all of them would follow suit, they have in the past.

SUPERVISOR FULLER: Usually Bethlehem School District has voted after we have. They wait for the Town and then the School Board votes.

Those wishing to speak in favor of this tax exemption? Those wishing to speak in opposition?

The motion was made by Mr. Plummer and seconded by Mrs. Davis to close the public hearing at 8:11 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.

Town Clerk

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

Supervisor Fuller asked if the Town Board wished to adopt proposed Local Law No. 1 amending the Bethlehem Town Code, Chapter 111, Taxation, Article I, Partial Exemption for Aged Persons.

The motion was made by Mrs. Davis and seconded by Ms. Burns to adopt Local Law No. 1 of the year 2001 amending the Bethlehem Town Code, Chapter 111, Taxation, Article I, Partial Exemption for Aged Persons. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Hearing Began: 8:12 p.m.

TOWN CLERK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on January 20, 2001 at 8:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending Chapter 111, Taxation, Article V, Section 16, Exemption for Persons with Disabilities and Limited Incomes.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, CMC, RMC
TOWN CLERK

State of New York)
County of Albany)

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

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 27th day of December 2000.

/s/ Elizabeth Bradt

Sworn to before me this 27th day of December 2000.

/s/ Sharon A. Doldo

Notary Public, Albany County

- - -

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on December 27, 2000, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
28th day of December 2000.

/s/ Catherine T. Picarazzi

Notary Public

- - -

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

- - -

SUPERVISOR FULLER: You are on Dave.

MR. LEAFER: This exemption which was put into effect only a few years ago is very similar in many ways to the senior exemption that we just acted on. The only major difference being that the party does not have... who owns the property does not have to be 65 years of age but does have to have a permanent disability and the same income scale is used for this exemption as has been used for the senior exemption. So, in effect, what we are doing tonight... what the Legislature has done and what we have the local option to do, is to increase our sliding scale and again, we'd be increasing it on the same basis as the senior exemption that we just increased so that the upper limit would not be... for income eligibility would be now be \$28,900 and the maximum limit for a full 50 percent exemption would be \$20,500.

The one thing to note with this exemption is that if a person is... happens to be over 65 and also qualifies for this exemption on the basis of disability, they can only receive the one exemption, they can't receive them both. Again, looking at the figures which most of the taxpayers would probably be interested in, right now we have 9 such disability exemptions on the books for a total exemption value of about \$392,000. Again, with our total taxable assessment base of approximately just under 2 billion dollars, the impact of adjusting these levels is going to have absolutely no effect on the tax mill rate and therefore, we wouldn't even see it in terms of our... an increase... an actual increase in the tax rate per se. Again, it

benefits those people who are on limited incomes who have disabilities. There incomes are limited because of that disability and so we're providing a form of relief for them for school and general property tax bills.

SUPERVISOR FULLER: Thank you, Dave. Those wishing to speak in favor? This is for property owners with disabilities and limited income tax exemption law. Those wishing to speak in opposition?

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to close the public hearing at 8:16 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.

Town Clerk

The Supervisor convened the regular meeting following the close of the public hearing. She asked if the Board wished to take action on the previous public hearing regarding a proposed Local Law amending the Bethlehem Town Code relating to Taxation, Property Owners with Disabilities and Limited Income Tax Exemption.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to adopt Local Law No. 2 of 2001 amending the Code of the Town of Bethlehem, Chapter 111, Taxation, Article V, Section 16, Exemption for Persons with Disabilities and Limited Incomes. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The Supervisor noted the next hearing could not begin until 8:20 p.m. and asked if there were any other comments, questions, concerns.

Mr. H. Shafer asked in regard to the school zones, if the Town Code only allows changes in Town highways or if the Town is allowed to make changes on State and County highways as well. Supervisor Fuller said she believed it was Town highways. She said the State and County Departments need to provide a recommendation with regard to County and State highways.. Mr. Shafer thanked the Supervisor.

Hearing Began: 8:17 p.m.

SUPERVISOR FULLER: Okay, ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on January 20, 2001 at 8:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending Chapter 111, Taxation, Article III, Alternative Veterans Exemption to include God Star Parents as Eligible Recipients.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should

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contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, CMC, RMC
TOWN CLERK

- - -

State of New York)
County of Albany)

ELIZABETH BRADT of the Town of Bethlehem, being duly sworn, says that she is the RECEPTIONIST for THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 27th day of December 2000.

/s/ Elizabeth Bradt

Sworn to before me this 27th day of December 2000.

/s/ Sharon A. Doldo
Notary Public, Albany County

- - -

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on December 27, 2000, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
28th day of December 2000.

/s/ Catherine T. Picarazzi
Notary Public

- - -

The motion was made by Mr. Plummer and seconded by Ms. Burns to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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SUPERVISOR FULLER: Mr. Leafer.

MR. LEAFER: In 1984 the State Real Property Tax Laws changed their Veterans Exemption to the Alternative Veterans form. Under that exemption, anyone who has served during a period... who owns the property... has served during a period of designated war period -- for example the recent Gulf war which is still an open ended exemption period -- would be qualified, but not necessarily in a combat zone, would be qualified for a 15 percent tax exemption on their property assessment. If they actually served in that time period in a combat zone, they would receive an additional 10 percent exemption. And, in the event that a service person had been disabled while on duty, there is a disability rating that they can also receive. There are caps on the amount of exemption they can receive and that cap is based on... currently on a home value of \$180,000.

This new law that was passed into law this past fall, provides now that any parents of service personnel who were killed in the line of duty can receive the total of those 2 exemptions – both the war time service exemption and the combat exemption for a total of 25 percent. They cannot receive any service disability type of exemption. It's felt that this group of people should be added ,to in some very small way compensate them, for the loss that they have suffered as a result of their son or daughter having served their country to the ultimate limit.

I called and talked with the New York State Division of Veterans Affairs, talked to Harold Connolly there who is a great resource for all veterans if they need any information concerning their service records and what not, the best that we could come up with at this point is that there are probably no people in the Town of Bethlehem that might qualify. Now, that's just a blanket statement based on the fact that the meeting of the Gold Star Mothers in the area generally produces about 6 to 8 people when it is held once a year. At the time of the Gulf war, its inception, the VA hospital in Albany was set up to be the transfer point for all wounded and casualties from this area... from this region that would go to the hospital. We had one, fortunately, thank God. The most that I could see at this point, in terms of a rough calculation of what this would mean to the increase in that exemption, would be if we had a couple of people who qualified... a couple of parents who qualified and their homes are valued at \$140,000 it would mean we would add \$70,000 worth of exemption amount to the Alternative Veterans Exemption that we currently have on the records which is about 31 million dollars. This is going to be miniscule in terms of anything that would show up on the tax rate or taxes... any tax increase for the rest of the population. As a matter of fact, nobody would even recognize this one.

We did look at the idea of what happens if in the future, God forbid, we should have some other kind of major conflict, world conflict in which a Vietnam or something of that sort in which casualties were extremely high, I think... I don't think it would make a big difference at that point either in terms of the exemption process. There is always that possibility but hopefully, we will get our act together as a world and we won't have to be faced with that... that prospect in the future. At the present time, I'm not sure we'll have anybody who will take this exemption. But, it does seem reasonable to offer it to those parents who might qualify for it.

SUPERVISOR FULLER: Thank you, Dave. Is there anyone wishing to speak in favor? Anyone wishing to speak in opposition?

The motion was made to close the public hearing at 8:35 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.

Town Clerk

The Supervisor convened the regular Town Board meeting following the close of the public hearing. She asked if the Board wished to take action on the previous public hearing to adopt the proposed local law amending the Bethlehem Town Code relating to Taxation, Alternative Veterans Tax Exemption Laws.

The motion was made by Mrs. Davis and seconded by Ms Burns to adopt Local Law No. 3 of the year 2001, amending the Code of the Town of Bethlehem, Chapter 111, Taxation, Article III, Alternative Veterans Exemption. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

HEARING BEGAN: 8:36 p.m.

SUPERVISOR FULLER: The next item is a public hearing to consider Amendment to Bethlehem Town Code relating to Vehicle and Traffic, Speed Limit, School Zone on Herrick Avenue, McGuffey Lane, Parkwyn Drive; and Albin Road, Delmar. Ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on January 10, 2001 at 8:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending Vehicle and Traffic, Chapter 119, Article VI, Section 119-28, Schedule II, Speed Limits, School Zones to add the following streets:

Herrick Avenue: 300 feet in either direction from the building line of the Elsmere Grade School;

McGuffey Lane: 300 feet easterly from the building line of the Hamagrael Grade School;

Parkwyn Drive: 300 feet westerly from the building line of the Hamagrael Grade School; and

Albin Road: 300 feet northerly from the building line of the Hamagrael Grade School.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, CMC, RMC
TOWN CLERK

State of New York)

County of Albany)

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/s/ Elizabeth Bradt

Sworn to before me this 27th day of December 2000.

/s/ Sharon A. Doldo

Notary Public, Albany County

STATE OF NEW YORK)

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COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on December 27, 2000, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
28th day of December 2000.

/s/ Catherine T. Picarazzi
Notary Public

- - -

The motion was made by Mrs. Davis and seconded by Mr. Plummer to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

- - -

SUPERVISOR FULLER: We have had requests from speeders in the area of the Hamagrael Elementary School and the Herrick Avenue – I believe, Susan, you had pointed out – that it was a 30 miles per hour speed limit in front of the school when it should have been 20 miles per hour in a school zone. Those wishing to speak in favor? Twenty miles per hour speed zone. Yes.

You need to give your name, Mr. Weinberg.

MR. WEINBERG: Yes, Burt Weinberg. We live on Dumbarton Drive. I'm in favor of these speed zones but I would recommend to the Board that they are useless unless they are enforced. We drive past the Middle School and St. Thomas School several times a day... in front of the Elsmere School on Delaware Avenue and rarely, if ever, do I see anybody slow down. And, even rarer yet, have I ever seen any of our police enforce them. In the last 10 years I can only remember 2 times seeing a police squad car or policeman near the Middle School. So, unless these speed limits are enforced, I think we ask for disrespect of the law.

I think very few people are aware that in front of the Elsmere School on Delaware Avenue the speed limit is reduced from 40 miles to 30 miles. Everybody zips right by there and the same thing on Kenwood Avenue. And, I've seen CDTA buses go zip right by there. When I slow down, like Mrs. Fuller I served on our school board, and I'm concerned about the safety of our school children. When I slow down there, I'm often times the lead car and I have a whole string of cars behind me until I'm past the school.

I would also suggest, and I spoke to the Highway Superintendent about this yesterday, that speed limits are reduced supposedly from 7 a.m. to 6 p.m. Why til 6 p.m. I'm not quite clear. Rarely, if ever, do I... if I drive past St. Thomas School or the Middle School or Elsmere School at 4 o'clock or later, at most I might see 1 or 2 cars in the parking lot. And, in fact, within the past year or so no right turn signs were installed at the intersection of Elsmere and Kenwood Avenue and it says no right turn, school days 7 a.m. to 4 p.m. Now, I assume that these no right turn signs were put up for the safety of our school children in mind. Now, at that intersection, we're only concerned until 4 p.m., apparently right in front of the school until 6 p.m. I think that is kind of a contradiction. I think 4 p.m., as I said, if you drive past St. Thomas School, or Elsmere School after 4 p.m. you are lucky to see even 1 car in the parking lot, maybe an administrator or a teacher. You certainly don't see

any children after 3 o'clock. And, the same thing at the Middle School. So, I would suggest, if I may, that you change the time from 7 a.m. to 4 p.m. and number 2, that periodically that these speed limits be enforced. Otherwise, we are just inviting disrespect of the law. Thank you.

SUPERVISOR FULLER: Thank you. Is there anyone else wishing to speak in favor? Is there anyone wishing to speak in opposition?

MR. LIPNICKY: I'd just like to make a comment. Just a couple of corrections here because I do drive by St. Thomas School everyday at least 3 or 4 or 5 times a day and same thing past the Middle School. This time of year if you drive past St. Thomas School, there may not be a lot of cars in the parking lot but you will see that the lights are on in the school building and I'm going home at about 5 o'clock or later and those 4 classrooms that front on Elsmere School, whether they're actual students of St. Thomas or whether they're religious instruction kids, I don't know, but there are a lot of kids within that school after 5 o'clock.

The second thing with regard to the police, anybody who is coming to my house if they are driving past that area, I tell them, do not drive through there fast because there are always police sitting there. And, at least a number of times a week, there are police in that zone.

COUNCILMAN DAVIS: Usually on Oakwood Road.

SUPERVISOR FULLER: I have a question for Gregg on the... what's the timing change? Is that the law?

MR. SAGENDORPH: Yes, Mr. Weinberg had contacted me yesterday and I was unable to get back to him today and I apologize for that. However, I talked to Lt. Beebe from the Police Department this morning...

SUPERVISOR FULLER: Can you hear him?

TOWN CLERK NEWKIRK: Well, I can hear him but he would be better at the mike because we have to put this in the public hearing.

MR. SAGENDORPH: I talked to Lt. Beebe this morning from the Bethlehem Police Department. According to Section 1180, subparagraph C, of the New York State Vehicle and Traffic Code, the maximum times set by the code for the school speed limits... no person shall drive in excess of such maximum school speed limits during school days between the hours of 7 a.m. and 6 o'clock p.m. So, it is set by New York State Vehicle and Traffic Law that those are the hours.

Now, Mr. Weinberg is speaking of a no right turn at a certain intersection which is out of that school zone so that time may be able to change and I haven't had a chance to review that in the code book.

SUPERVISOR FULLER: That's at Kenwood and Elsmere.

MR. SAGENDORPH: Yes. And... but there is a certain distance – it's 300 feet each side of the building... that's the maximum limits of the speed limit and the maximum times or the times that the speed limit has to be obeyed is 7:00 a.m. to 6:00 p.m.

SUPERVISOR FULLER: Okay. Thank you, Gregg. Are there any questions from the Board?

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to close the public hearing at 8:45 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.

Town Clerk

The Supervisor convened the regular Town Board meeting following the close of the public hearing. She asked if the Board wished to take action on the proposed Local Law regarding School Zone Speed Limits.

The motion was made by Mrs. Davis and seconded by Mr. Plummer to adopt Local Law No. 4 of the year 2001 amending the Code of the Town of Bethlehem, Vehicle and Traffic, Chapter 119, Article VI, Section 119-28, Speed Limits, School Zones. 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 noted she will mention to the Police Chief the concerns expressed at the meeting with regard to enforcement.

The next item was to consider a proposed Local Law amending the Code of the Town of Bethlehem to permit acquiring reservation of park land in new residential developments or payment of fee in lieu thereof.

Supervisor Fuller asked Mr. Jeffrey Lipnicky, Town Planner, to give a brief overview of the proposal. Mr. Lipnicky said what the Board has before it, is a draft local law that would essentially institute a park land reservation requirement on new residential development in Town or in lieu of that parkland reservation payment of a fee to the Town. He said this law is in response to discussions that were held at the budget workshop and discussions that go back further with certain Town Board Members and Mr. Austin, Administrator of Parks and Recreation Department.

Mr. Lipnicky said these types of requirements for park fees and park land reservation are very common in New York State. He said many cities, towns, and villages require as a condition of residential development that a developer either set aside a certain percentage of land for future use as public park or recreation land. He said typically the requirements go on to say that in instances where there is not suitable land within developments that the developer is required to provide a fee to the municipality in lieu of that land being preserved.

Mr. Lipnicky said the fee that would be provided would be collected by the municipality and essentially it would be placed in a trust fund and the fee could be used only, again, exclusively for public park purposes. Purposes might include the purchase of new public park land or development of recreation facilities within a public park facility.

Mr. Lipnicky said basically the purpose of these requirements or the underlying theory behind them is that new residential development creates additional demands on a community's park and recreation system and that the new development should help pay the cost of providing new facilities to meet the additional demand that new residential development generates. He said the requirements or implementation of these types of systems are specifically allowed and identified in the New York State Town Law for towns and the Village Law for villages and in the City Law for cities.

Mr. Lipnicky gave the highlights of this proposed local law. He mentioned that this would apply to all new residential developments in the Town; requirements are basically population based; criteria is set out for how the determination is made and what the fee may be in the case of a fee in lieu of park land; built into this also is the fact that developers would not be required to pay this in a lump sum; land reservation is based on the ratio of park land to population in the Town; exemption for senior citizen housing of low and moderate income; exemption of senior citizen housing that would be assistive or assisted type living; and a credit for private recreation facilities that are provided on site by a developer.

Mr. Lipnicky explained that the fee that has been developed ranges from \$925 per unit for dwelling units in multi-family apartment complexes of 5 units or more to a fee of \$1550 per unit for single family detached housing. Mr. Lipnicky said the information packet contains information regarding the fee and sample communities in the Capital District and basically the fees are all over the place. They range from a low of about \$200 in New Scotland to over \$4,000 in a certain zoning district in Niskayuna.

Mr. Lipnicky said he also provided a list of recent developments and what it would have meant if the developers had to comply with this type of fee structure.

Mr. Lipnicky noted this was a general overview of this proposal. He said he could be more specific at the time of the public hearing. He offered to answer any questions the Board might have.

Councilman Plummer questioned if he was correct that this can only be used for recreational and park land purposes. Mr. Lipnicky said that was correct. Mr. Plummer asked if it was clear on this. Mr. Lipnicky said it was and prior court decisions not specific to the changes in the law but the current law are worded very similarly to the statute prior to its amendment. He said both court decisions and opinions of the State Comptroller have made it clear that it can only be used for public park purposes.

Councilman Davis asked if the proposals before the Planning Board now that are not at final approval stage or conditional approval stage, would then be subject to this law if passed. Mr. Lipnicky noted the intent in putting this together was that anything that did not have final approval at this point in time would be subject to it. He said one glitch in it is that things that have conditional final approval would also not be subject to it because of the way the Code is written, if something has conditional final approval it does not go back to the Board again. So, the Board has to make all the decisions and apply the criteria, according to Mr. Lipnicky, and go through the procedural requirements on it. He said there are only 8 units that they could identify that are in the category at this point in time. He said their intent was to write it in a way that everything that did not have final approval would fall within it. Mrs. Davis said that any other developments that the Planning Board is considering now would be subject to this. Mr. Lipnicky said that was correct, however, there is one caviat because he would like to run this by the Planning Board with that specific question to make sure there is not a change in a paragraph that might need to be done.

Councilman Davis noted she thought this was a very good way to start the New Year. She said she is very happy to see this.

Councilman Plummer noted he is also supportive of this proposed Local Law conceptually. He said with regard to the concern about the number of small pocket parks developing, and asked if there was enough flexibility in this where negotiations can be done by the Planning Board. Mr. Lipnicky said he thinks there is specific criteria that the criteria has to be met for the Planning Board to require the park. He said the way the language is written, it says the Planning Board may require the park and if it does not, it shall require the fee.

Councilman Plummer asked if the LUMAC planning reference resource had any similar requirements. Mr. Lipnicky said he did not specifically recall off the top of his head but noted this has been an issue for a while from the Planning Department's perspective that has been around for a while and he was sure there was a recommendation in there somewhere.

Supervisor Fuller asked if Mr. Lipnicky knew in general what the developers do in other communities, as far as, if they prefer the land donation or the payment in lieu of. Mr. Lipnicky noted to a large extent the developers prefer the fee rather than give the land, according to his discussion with planners in the area. He said the value of lots in this area make it less desirable for the developers to give the land. He said under the criteria the Town would not accept land that is wetland, on a hillside and the land would have to be useable as park land for baseball fields, tennis courts and for real recreation facilities.

Supervisor Fuller noted a public hearing can be set or this can be held and a public hearing set at the next meeting.

The motion was made by Mr. Plummer and seconded by Ms. Burns to set a public hearing for 8 p.m. on the 14th day of February, 2001 to consider a proposed Local Law amending the Code of the Town of Bethlehem regarding Park Land Reservation and Fees In Lieu of Park Land. 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 thanked Mr. Lipnicky indicating it was a job well done.

Mr. Shafer asked if the park land would be Town property maintained by the Town or by the developer. Mr. Lipnicky said it would be public park land maintained by the Town. Mr. Shafer also asked if this was for residential developments only, noting that the project on Route 9W, Nigro Development, would not be impacted. Mr. Lipnicky said that was correct. Councilman Plummer indicated the Board had talked about but legally you cannot impose that on a developer of a retail project. Mr. Lipnicky said there is no specific authorization to impose it on retail development. He said the authorization is only for residential. He further noted the way you could impose it on a commercial development is if you can make a case that there is a rational relationship that the retail development creates a demand for this and, therefore, there is justification for some type of exaction. He said in his view that case could never be made.

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Supervisor Fuller asked if anyone wished to address the Board. Question was raised with regard to the fee. Mrs. Fuller noted it is based on the number of homes in the subdivision. Mr. Lipnicky said the local law has not been adopted and everything in it is open for discussion.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 7:43 p.m.

The motion was carried by the following vote:

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

Noes: None.

Absent: None.

Town Clerk