

TOWN BOARD  
JANUARY 10, 2007

An Organizational 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 5:30 p.m.

PRESENT: Theresa Egan, Supervisor  
Daniel Plummer, Councilman  
Samuel Messina, Councilman  
Kyle Kotary, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Egan wished everyone a Happy New Year and invited everyone to the first meeting of organizational and regular meeting of the Board. She invited them to join in the pledge of allegiance.

The Supervisor asked if there was any public comment on any agenda item. Mrs. Marie Capone said she did not see anything about the senior office, asking if they are still there. Supervisor Egan said there is nothing that needs to be on the agenda since there are no appointments for the office. Mrs. Capone said every department is mentioned. The Supervisor noted not every department is on the agenda. Mrs. Capone said previously it used to be and it was a great thing. Supervisor Egan thanked Mrs. Capone.

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Ms. Linda Jasinski tested the microphone to make sure it was working. After testing, the microphone was working and everyone could hear. She said once again she wished to request that the meeting time be moved a little later. She said she checked all the towns around Bethlehem and none of them start before 7 p.m., 7:30 p.m. are some and some are 8 p.m. She said 5:30 is the middle of dinner hour and they all have read about how important it is to have dinner with our families and how it affects the children. She said she knows some of the Board Members have children at home still and she would like to eat with her child. She said this is the only time she misses dinner with her. She asked the time be moved to 6:30 and at least then there can be an early dinner and then come to the meeting. She thanked the Board. Supervisor Egan thanked Ms. Jasinski.

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Supervisor Egan asked if there were any other comments on agenda items. There were none.

The motion was made by Mr. Messina and seconded by Mr. Kotary to close the public comment period. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Supervisor Egan asked if the skateboard representatives were in attendance. She asked them to come forward. The Supervisor asked if they have any comments or questions. Muzzie asked if the Supervisor has spoken with Mr. Loomis. Supervisor Egan said the Board was provided with a letter that she received and read a letter indicating the Board of Education has decided they cannot make land available at the middle school for a skateboard park. She said the Board determined this would not be in the best interest of Bethlehem Central taxpayers. Muzzie asked about other places. The Supervisor said she did put a call into Dr. Loomis. She said she had an issue with no one being notified that the School Board was going to discuss the skateboard park. She said she checked the School Board agenda and did not see it on the agenda. She said it got reported under a Superintendent's report and she notified Dr. Loomis that that might not have been the best opportunity for the representatives to be in attendance and be heard. She

said Dr. Loomis welcomed them back to any School Board meeting to discuss it.

Supervisor Egan said she spoke with Parks Administrator, Nan Lanahan, and noted they have been trying to meet with Mr. Salamone to try and regroup and find some alternative space or a plan B. She asked that the representatives give some time to try and solve this.

Muzzie asked if Dr. Loomis mentioned what his concern was with taxpayers. Supervisor Egan said she thinks the concern was it is increased liability. Muzzie asked if that was for the insurance. He said he knows Clifton Park got one recently and the insurance was only \$200 extra. Supervisor Egan encouraged Muzzie to share that information with Dr. Loomis. She said there was a conversation with the Town's insurance and they were comfortable with what they told her. She said that is a School District question.

Muzzie asked if the Supervisor knew if the Croton-on-Hudson Park is still available. Supervisor Egan said she did not know. Mrs. Lanahan said she has not heard anything recently. Muzzie said they were looking but could not find anything. Supervisor Egan suggested they give a call and come back to the Board on 24<sup>th</sup> of January to report on their findings. She also suggested they chat with the School Board.

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The Supervisor noted one other item that was not on the agenda asking if any of the kids from Justice Court were in attendance. There were none. Mrs. Hodom, Court Clerk, said one of the mother's called today because he was not able to attend. She said she suggested they come on the 24<sup>th</sup>. Supervisor Egan thought there were 2 that were supposed to attend. She said they will check on that.

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Supervisor Egan noted in accordance with the Town Law Section 42, she appoints Daniel Plummer as Deputy Supervisor for the term expiring December 31, 2007. She noted for Mr. Plummer that he cannot deny.

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Pursuant to Sections 20 and 24 of the New York State Town Law appoint Town Attorney.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the appointment of James Potter, Delmar, NY as Town Attorney at a salary of \$49,746. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The next item was to adopt a resolution setting salaries for the year 2007.

The following resolution was adopted by the Board:

#### RESOLUTION No. 1

#### **RESOLUTION**

WHEREAS, the Town Board has held an organizational meeting for the year 2007, according to law,

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

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

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The next item was to appoint Comptroller, Judith Kehoe at an annual salary of \$79,599 for a term expiring on 12/31/08.

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the appointment of Judith Kehoe Comptroller for the Town of Bethlehem at the salary indicated and term expiring on 12/31/2008. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The next appointment was for Commissioner of Public Works, Oliver Holmes at a salary of \$99,782 for the term ending December 31, 2007.

The motion was made by Mr. Messina and seconded by Mr. Plummer to approve the appointment of Oliver Holmes, Commissioner of Public Works for the Town of Bethlehem at a salary of \$99,782, term expiring December 31, 2007. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The following item was to approve the Highway Department salaries according to approved grade/step schedule for 2007, as follows:

<u>TITLE</u>	<u>GRADE LEVEL</u>
Assistant Director of Highway Operations	20
Highway Foreman II	17
Highway Foreman I	16
Equipment Operator II – Maintenance Mechanic	15
Automotive Mechanic	14
Equipment Operator II	13
Equipment Operator I	12
Laborer II	10
Laborer I	7
Part-time Laborer	\$9.00/hour
	\$8.50/hour

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the Title, Grade level and step schedule for the Town of Bethlehem as listed above. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Authorize Public Works Department salaries according to approved grade/step schedule for 2007.

<u>Job Title</u>	<u>Grade Level</u>
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Town Engineer	25
Director of Field Operations	23
Chief Water Treatment Plant Operator	23
Deputy Chief Water Treatment Plant Operator	19
Chief Sewage Treatment Plant Operator	22
<u>Job Title</u>	<u>Grade Level</u>
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
Utility Locator	14
Manager of Clerical Operations	14
Administrative Asst. I	12
Administrative Aide	10
Senior Sewage Treatment Plant Operator	16
Water Treatment Plant Operator	13
Sewage Treatment Plant Operator	13
Instrumentation Technician	14
Water Treatment Plant Operator Trainee	9
Senior Water & Sewer Maintenance Person	13
Water & Sewer Maintenance Person	11
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

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

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. Messina and seconded by Mr. Kotary to approve the Department of Public Works, Grades and Steps as set forth above. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The following list of part time employees is presented for approval.

***FULL TIME***

<u>TITLE</u>	<u>NAME</u>	<u>F-T GRADE</u>	<u>100/70%</u>	<u>2007 RATE</u>
Clerk Typist I	Vadney,Lois	6	70	10.33
Clerk Typist I	Merritt,Ahlfied	6	70	10.33
Clerk Typist I	McCarroll,Bella	6	70	10.33
Clerk Typist I	Boughton,Karen	6	70	10.33
Clerk Typist I	Hahn,Patricia	6	70	10.33
Clerk Temporary	Parker, Alice	6	70	10.33
Youth Employ.	Lackner, Susan	14	70	15.33
Recycling Coord.	Fisher, Sharon	11	100	18.75
Asst.Bldg.Insp.	Dominelli,Edward	15	70	16.48
Temporary Senior	Granito, Karen	11	100	18.75
Assessment Clerk				
Outreach Worker	Linda Sinuc	14	100	21.89

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the previous list of part time employees at the rates indicated. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The next item was to authorize appointment of Town Historian, Raymond Houghton, Ph. D. at a salary of \$2,600.

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the appointment of Town Historian, Raymond Houghton, Ph. D. at a salary of \$2,600. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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**BOARD OF APPEALS**

Appoint the following positions for Board of Appeals for 2007:

Member	Mark Hennessey	\$4,913
(Term expiring 12/31/11)		

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the appointment of Mark Hennessey to the Board of Appeals. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Chairman	Michael Hodom	\$6,294
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The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the appointment of Michael Hodom, Chairman of the Board of Appeals. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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## **PLANNING BOARD**

Appoint the following positions for the Planning Board for 2007:

Chairman	Parker Mathusa	\$13,009
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The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the appointment of Parker Mathusa, Chairman of the Planning Board. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Member Planning Board (Term expires 12/31/2013)	John Smolinsky	\$4,913
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Councilman Messina nominated Mr. Smolinsky for appointment to the Planning Board. He said it was his pleasure after reviewing the 2 resumes that were submitted for this position to nominate John Smolinsky. He said Mr. Smolinsky going back 23 years, John is one who has worked diligently for what he believes is right in planning. He was one of the early members of a group that was interested in planning in the Town and actually motivated the Town to create a then Planning Department. Mr. Messina said he then served on BPAC for quite a long period of time. He said John is now serving as the Chairman of the CACC. He said throughout the last 23 years there is a reason why John has been asked to serve. He said one could arguably say are the most difficult and challenging assignments that have been faced in the area of planning. He noted the reason John is there is because he has balance, integrity and his various degrees in the area of architectural engineering and planning at the Bachelor's and Master level and his relationship with people are the things that enable him to support him. He asked the consideration of the Board Members in his recommendation of John.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the appointment of John Smolinsky, Delmar, New York. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Approve 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	Thomas Newman	Claim Basis
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The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the appointment of Thomas Newman as Counsel to the Water and Sewer District Attorney. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Highway Department		Claim Basis
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Town Court Attorneys	Andrew Kirby	\$14,908
	Thomas Newman	\$14,908

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the appointment of Andrew Kirby and Thomas Newman as Counsel to the Town Court. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Planning Board	Keith Silliman	\$20,350
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The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the appointment of Keith Silliman to the position of Counsel to the Planning Board. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Board of Appeals	Michael Moore	\$20,350
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The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the appointment of Michael Moore as Counsel to the Board of Appeals. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Labor/Police	Michael Smith	Claim Basis
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The motion was made by Mr. Messina and seconded by Mr. Kotary to approve Michael Smith to the position of Counsel for Labor/Police. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Approve appointment of Director of Economic Development and Planning.

George Leveille \$99,782

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the appointment of George Leveille, Director of Economic Development and Planning. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Approve appointment of Deputy Director of Economic Development and Planning.

Michael Morelli \$86,201

The motion was made by Mr. Messina and seconded by Mr. Plummer to approve the appointment of Michael Morelli, Deputy Director of Economic Development and Planning. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Supervisor Egan noted this position may be going to a Civil Service position for future reference. She said Mr. Morelli has the pleasure of taking one of the exams. She said they wish him the best.

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Approve appointment of following School Crossing Guards:

Hugh Tuohey	\$12.73/hour
Isabel D. Glastetter	12.73/hour
William Gathen	12.73/hour
Lawrence Becker	12.73/hour
Raymond Linstruth	12.73/hour
Bertie C. Reed	12.73/hour

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the previous list of School Crossing Guards and salaries as listed. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The next item was a recommendation from Commissioner of Public Works, Oliver Holmes, regarding appointment of Kenneth E. Drautz as Consultant Chemist and Special Consultant for Water Division of the Department of Public Works.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the appointment of Kenneth E. Drautz, Consultant Chemist and Special Consultant for Water Division of Department of Public Works on a Claim Basis as recommended by Oliver Holmes, Commissioner of Public Works. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Approve appointment of Supervisors for the Fire Training Ground for 2007:

Charles Wickham  
Richard Webster

Dan Ryan  
Gregory Gould  
Terry Ritz

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the appointment of Supervisors for the Fire Training Ground for 2007 as listed above. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Adopt resolution authorizing membership dues for Town of Bethlehem employees as per the attached lists.

RESOLUTION No. 2

**RESOLUTION**

WHEREAS, the Town Board has held an organizational meeting for the year 2007, 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.

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

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Authorize Town Superintendent of Highways to make highway purchases in an amount not to exceed \$10,000.00 without prior approval of the Town Board.

The motion was presented by Mr. Messina and seconded by Mr. Plummer to approve the Town Superintendent of Highways, 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: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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In accordance with provision of Section 303 Multiple Residence Law, authorize following appointments:

Fire Marshal Gil Boucher

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the appointment of Gil Boucher as Fire Marshal. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Bethlehem Emergency

Management Office Director John E. Brennan

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the appointment of John E. Brennan, Emergency Management Office Director.

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Fire Inspectors

Jason Tice

Jim Kerr

Bill Webb

Bill Borger

Bob Miller

The motion was made by Mr. Plummer and seconded by Mr. Miller to approve the appointment of the above names individuals as Fire Inspectors. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Approve salary of Members of 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. Messina and seconded by Mr. Kotary to approve the foregoing salary for the Board of Assessment Review Members. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Set mileage rate of \$.45 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.

Supervisor Egan said every year the mileage rate is reviewed and requested a motion to set the rate at 45 cents per mile.

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the mileage rate of \$.45 per mile for personnel using their vehicles in the performance of the duties of their offices to be paid upon presentation of duly itemized lists. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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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. Kotary to approve the establishment of Petty Cash Funds as listed above. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
 Noes: None.  
 Absent: None.

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Designate Holidays for Town of Bethlehem employees:

**2007**

January 1	New Years
January 15	King's Birthday
February 19	President's Day
May 28	Memorial Day
July 4	Independence Day
September 3	Labor Day
October 8	Columbus Day
November 12	Veterans' Day
November 22,23	Thanksgiving Day
December 24	½ day Christmas Eve
December 25	Christmas Day
One Floater Day	

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve setting the foregoing holidays for the Town of Bethlehem employees. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
 Noes: None.  
 Absent: None.

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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	T. D. Bank North Glens Falls, NY
J.P. Morgan-Chase Albany, NY	Citizens Bank Albany, NY	Bank of America Albany, NY
HSBC Bank Albany, NY	Pioneer Savings Bank Troy, NY	

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

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Acknowledge receipt of Notice from Association of Towns regarding 2007 Annual Meeting in New York City to be held February 18, 19, 20 and 21, 2007.

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

Delegate - John Flanigan

Alternate - Kyle Kotary

The motion was made by Mr. Messina and seconded by Mr. Plummer to approve the designation of John Flanigan as Delegate and Councilman Kyle Kotary as Alternate for the 2007 Annual Meeting in New York City of the Association of Towns of the State of New York. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Set Regular Town Board Meetings

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

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

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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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. Kotary to approve the Official Hours for business at Town Hall for 8:30 a.m. to 4:30 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

Supervisor Egan noted that the call center will be operational from 7 a.m. to 4:30 p.m. She said this is expanding of the hours to make call ins more available for Highway Department, Department of Public Works and any complaints.

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The next item was to designate an Official Newspaper of the Town - THE SPOTLIGHT and also designate the Times Union, Ravenna News Herald and the South Albany Ledger as additional newspapers for the publication of notices, resolutions and ordinances. The Supervisor noted she asked to add the South Albany Ledger as an additional newspaper. She said they have come into being and their circulation is increasing and they have done a great job on covering the Town Board news. She said unfortunately the Editor could not be in attendance.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the designation of the Official Newspaper for the Town of Bethlehem – The Spotlight and designate the Times Union, Ravena News Herald and the South Albany Ledger as additional newspaper for the publication of notices, resolutions and ordinances. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Authorize the Supervisor to execute the following Leases for 2007:

Water District No. 1 - Town Hall	\$10,300.
Sewer District - Town Hall	\$10,300.
Sewer District - Town Garage, Adams St. 157 Lyons Road (Henry Hudson Park residence) 27 Patton Road (New Salem Treatment Plant residence)	\$20,500.

Supervisor Egan said in addition to the regular 3 leases, there are 2 others added and it was a handout given to the Town Board Members. She said these are Town-owned properties. She said this is just to put the paperwork in order in regard to these properties and has been reviewed by the Town Attorney and others.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the Leases for 2007 as listed above. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Authorize the Supervisor to execute an Agreement with Callanan Industries - Firearms Training Site - Quarry - 2007 - \$1.00

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the Supervisor executing an Agreement with Callanan Industries for the Firearms Training Site at the Quarry for 2007 at a cost of \$1.00. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The next item was to modify the hourly rate fee schedule for Engineering Division field inspections and review to be:

2007 Engineering Fee Structure:

Billing Title	Regular Time Hourly Rate (8:00 a.m. to 4:00 p.m., Monday through Friday)	Overtime Hourly Rate (all non-regular hours, including Town observed holidays)
Town Engineer	\$ 116.00	\$ 173.00
Senior Engineer	\$ 100.00	\$ 150.00
Assistant Engineer	\$ 85.00	\$ 128.00
Senior Inspector	\$ 74.00	\$ 110.00
Senior Engineering Tech.	\$ 71.00	\$ 107.00
Inspector/Engineering Tech.	\$ 66.00	\$ 100.00
Survey Crew	\$ 138.00	\$ 207.00

Fire Flow Test- \$ 236.00 per test

Subdivision Review Fees

Review Fees – (Based Final Plat) \$110.00  
/ lot

Site Plan Review Fees

Application Fee \$105.00  
Review & Approval Fees As Cost  
Incurred Basis  
Per Approved  
Hourly Rate  
Schedule

Planned Commercial District Fees (Building Project Approval)

Fees for review and approval of PCD projects are proposed to be billed to the owner/developer on an "as cost incurred basis" based on the approved hourly rate schedule.

Planned Development District Fees

For any portion of the area comprising the PDD that is subdivided into lots for single-family or two-family dwellings the fee shall be \$110.00 per lot based on the final plat.

For any other residential units the fee shall be \$68.00 per dwelling unit based on the final plat.

For any other commercial, service, and other non-residential uses, the fee shall be \$525.00 for Up to 4,999 gross sq. feet, \$1,050.00 for between 5,000 and 9,999 gross sq. feet, and \$1,575.00 for over 10,000 gross sq. feet of building area.

Councilman Plummer asked if the handout that Mr. Morelli gave out tonight a part of this schedule. Mr. Morelli, Deputy Director of Economic and Planning, said it was not. Mr. Plummer asked if this was specific to engineering fees. He asked if these were the fees that are interconnected to the proposal that is on the agenda later for the building permit fees. Town Engineer Deyoe said the building permit fees represent the Planning Department’s fees in regard to planning and development projects. He said these are engineering fees but related. Councilman Plummer said these are the fees the Board sees every year that are charged to developers. Mr. Deyoe said that is. Mr. Plummer asked if these would be charged to residents. Mr. Deyoe said they do not. Councilman Plummer asked if all of the fees are proposed to be raised 5 percent. Mr. Deyoe said it is a 5 percent increase across the board. Councilman Plummer thanked Town Engineer Deyoe.

The motion was made by Mr. Kotary and seconded by Mr. Plummer to approve the setting of the foregoing fees for the year 2007. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

- - -

Service Charges

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

The motion was made by Plummer and seconded by Mr. Kotary to approve the service charge of 1.5 percent per month for balances due after 30 days. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The following item was to consider adoption of change in Board of Appeals and Building Permit fees. Supervisor Egan noted this was the material distributed by Deputy Director, Michael Morelli. She said this included Board of Appeals fees also and asked if there were any changes. Mr. Morelli said they are both there. She asked if there were any questions.

The motion was made by Mr. Messina and seconded by Mr. Kotary to adopt the Board of Appeals fees as set forth in the Memorandum from Assistant Director, Michael Morelli, dated January 5, 2007. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None

- - -

The Supervisor said the next item was the Building Permit fees. She asked if there were any questions. Councilman Plummer said he would like an explanation of these, noting he sees what is being proposed. He said the charts are confusing to him and questioned some of the items. Councilman Plummer asked if these fees are usually paid by the developer. Mr. Morelli said it was. Councilman Plummer asked if the chart in the back reflects the new fees. Mr. Morelli said it does, noting the formula does not change, the value that is applied would be increased. He said as his Memo indicated, the fee has not been increased since 1999 and the value of projects have increased but the fees have remained stagnant. Mr. Morelli gave a further explanation of how this formula is applied. Councilman Plummer said his concern is for the smaller projects that a resident might bring in. Mr. Morelli said this revision does not encourage weekend and evenings type of work. He said it changes the value that reflects current construction costs. Councilman Plummer thanked Mr. Morelli.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the Building Permit fees as set forth in the Memorandum from Michael Morelli, Assistant Director, dated January 5, 2007. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The next item was to authorize the Supervisor to execute an agreement with Albany Honor Court Program, Inc. - 2007 - \$3,000.00

The motion was made by Mr. Messina, seconded by Mr. Kotary to authorize the Supervisor to executive an Agreement with Albany Honor Court Program, Inc. for 1007 at \$3,000. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The next item was to adopt a Resolution for facsimile signature for checks drawn on accounts at Key Bank, N.A. and J. P. Morgan Chase.

The following resolutions were presented for adoption:

### **RESOLUTION No. 3**

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

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 filed 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 Messina, seconded by Mr. Plummer and duly adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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**RESOLUTION No. 4**

RESOLUTION NECESSARY FOR FACSIMILE SIGNATURES

RESOLVED: That checks of this corporation, drawn on J. P. Morgan Chase, 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 filed 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, seconded by Mr. Kotary and duly adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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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:

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

The motion was made by Mr. Plummer to approve 25 cents (\$.25) per page to be charged for all Freedom of Information requests and any other materials that are requested by the general public for copying.

Councilman Messina asked related to this since the new electronic process has been put in place have any been received. Town Clerk Newkirk said not that she is aware of. She noted she has sent back a couple of things back but has not had any direct ones. She also noted she could not answer for other departments. Councilman Messina thanks Town Clerk Newkirk.

The motion was seconded by Mr. Messina and passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The following 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 2007.

The motion was made by Mr. Messina and seconded by Mr. Kotary 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 2007. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Supervisor Egan said the time has not arrived for the public hearing so she will go to other business.

The next item was a request from Commissioner of Public Works, Oliver Holmes, for changes to water and sewer rates. The Supervisor noted there has been some discussion with some of the Board Members and Commissioner Holmes has asked if this item can be taken off the agenda and table it. She said he would like to provide additional information.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the tabling of the request from Commissioner of Public Works, Oliver Holmes regarding changes to the water and sewer rates. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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

The motion was made by Mr. Kotary and seconded by Mr. Plummer to approve the appointment of seasonal personnel as follows:

Recreation Instructor I

Rate of \$7.15 per hour

Jillian M. Vell  
9 Gales Road

Slingerlands, NY 12159

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval to go to bid for Sodium Hypochlorite Solution. Could advertised January 17, 2007 and open bids on January 31, 2007 at 3:30 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one Sodium Hypochlorite Solution, 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 2007 and that bids be received up to 3:00 p.m. on the 31st day of January, 2007 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The following item was a request from Town Engineer, Erik Deyoe, for acceptance of deeds for Carriage Hill Subdivision. Supervisor Egan asked if there were any questions. There were none.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the acceptance of deeds for Carriage Hill Subdivision as requested by Erik Deyoe, Town Engineer, Department of PublicWorks. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of going to bid for various commodities for 2007. Could advertise Jan. 17 and open bids on Feb. 1, 2, and 5, 2007.

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

WHEREAS, the Town desires to advertise for bids for the purchase of the following commodities, pursuant to law:

Gasoline & Diesel Fuel	Heating Oil
Washed Crushed Stone	Gravel
Topsoil	Guide Rail
Rental of Track Excavator	Rental of Construction Equipment
Utility Repair Crews	Milling
In-Place Paving	Plastic Pipe
Corrugated Metal Pipe	Precast Concrete Manholes
Iron Castings	

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 17th day of January 2007 and that bids be received up to 2:30 to 3:20 p.m. on the 1<sup>st</sup> day of February, 2<sup>nd</sup> day of February and the 5<sup>th</sup> day of February, respectively, at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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The following item was a request from Gregg Sagendorph, Highway Superintendent, for approval of award of bid for Household Hazardous Waste Collection and Disposal Services for 2007 to Care Environmental Corp., Landing, New Jersey. Household Hazardous Waste Day to be held May 5, 2007 at Highway Garage 8 a.m. to 1 p.m. Supervisor Egan noted this was a bid process.

The motion was made by Mr. Messina and seconded by Mr. Plummer to approve the award of bid for Household Hazardous Waste Collection and Disposal Services for 2007 to Care Environmental Corporation, Landing, New Jersey. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Supervisor Egan added a couple items to the agenda. She said there were 2 similar looking Memorandums from Assessor, M. David Leafer. She said the only difference is that one has to do with amending the Local Law for Senior Citizen Exemption and one has to do with the Disabilities and Limited Income Tax Exemption law. She said there is an outline included and the County has already adopted it, indicating it is a sliding scale. She said it is a little different this year where they are looking to go out to 2010 so it does not have to be done a yearly or biannual basis. She said before any of this can be done, there is a need for a public hearing. She said this is a request to set a public hearing for these proposed Local Laws on February 14, 2007.

Councilman Kotary asked Mr. Leafer if both of these exemptions only impacts the Town portion of one's residential property tax. Mr. Leafer said they will impact school, Town, Town highway and County. Mr. Kotary asked if the other entities also have to go through the same procedure. Mr. Leafer said most of the 3 school districts, according to his understanding, have already put them before their Boards for review. Mr. Kotary asked about the other taxing entities, i.e. library district. Mr. Leafer said that would be part of the school district. Mr. Kotary said the Town is one of 3 entities that could provide exemptions for all property taxes for residents who fit within these categories. Mr. Leafer stated that was correct. Mr. Kotary asked if there were 436 households in Town that would qualify for the senior. Mr. Leafer said that was correct. Mr. Kotary asked if we know how many for the disability. Mr. Leafer said there are 28.

Councilman Kotary said he wanted to make sure that once the Board does this, these go into effect from 2007 on through. Mr. Leafer said through 2010 with the scales given for each year. Mr. Kotary asked if there was a chance that if new legislation that comes down with greater exemptions, different exemptions that the Town Board could potentially vote on these and put them into place – if they would take the place of these. Mr. Leafer said he was sure they could. Supervisor Egan noted there would be another local law amending the amounts. Mr. Kotary was just trying to determine how long this exemption would be for and under what circumstances.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve setting the following public hearings:

February 14, 2007 at 5:45 p.m.      Proposed Local Law relating to  
Owners with Disabilities

And

February 14, 2007 at 5:50 p.m.      Senior Citizen Exemption.

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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HEARING BEGAN: 6:15 p.m.

SUPERVISOR EGAN: It is 6:15 so we need to do the public hearing.

Do I have a motion to waive the call of the hearing, to indent and the Notice of Public Hearing, Affidavit of Publication and the Affidavit of Posting to consider the creation of a Drainage District for the Carriage Hill Subdivision.

The reading of the call of the hearing was waived with direction for them to be indented on the minutes of the meeting on motion made by Mr. Plummer and seconded by Mr. Kotary and passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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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, 2007 at 6:15 PM. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider creation of a drainage district for the Carriage Hill subdivision, Selkirk to maintain the stormwater management system. The maximum amount proposed to be expended for the improvement is not to exceed \$6,362.00 per year; no fee for hook-up will be required; and cost of the proposed district to the typical one or two family home will be \$145.

**DESCRIPTION**

**CARRIAGE HILL DRAINAGE DISTRICT**

Town of Bethlehem

County of Albany

State of New York

All those certain pieces or parcels of land situate, lying and being in the Town of Bethlehem, County of Albany, State of New York, being those parcels conveyed to Charlew Construction Co., Inc., dated March 24, 2005 and June 20, 2005 and recorded in the Albany County Clerk's office in Book 2796 of Deeds at Page 111 and Book 2807 of Deeds at Page 562, respectively, being bounded and described as follows:

Beginning at a point in the northwesterly line of Jericho Road at its intersection with the division line between the herein described parcel on the southwest and lands conveyed to Arthur and Marie Hunt by deed recorded in the Albany County Clerk's office in Book 2346 of Deeds at Page 393 on the northeast, said point being the eastern-most corner of aforesaid lands conveyed to Charlew Construction Co., Inc.; thence, along the northwesterly line of Jericho Road, the following four (4) courses and distances:

1. 231.94 feet along a curve to the right, having a radius of 1,301.82 feet and a chord of S 48° - 24' - 16" W, 231.63 feet;
2. S 54° - 26' - 18" W, 130.57 feet;
3. S 54° - 49' - 44" W, 132.92 feet; and
4. S 53° - 43' - 13" W, 50.76 feet to its intersection with the division line between the herein described parcel on the northeast and lands conveyed to Cecil P. and Rose T. Carter by deeds dated October 31, 1979 and January 4, 2002 and recorded in the Albany County Clerk's office in Book 2178 of Deeds at Page 403 and Book 2709 of Deeds at Page 333, respectively, on the southwest; thence, along said division line, the following six (6) courses and distances:
  1. N 46° - 48' - 36" W, 165.33 feet;
  2. S 32° - 30' - 38" W, 73.17 feet;
  3. N 66° - 37' - 56" W, 88.27 feet;
  4. S 37° - 49' - 02" W, 147.93 feet;
  5. S 45° - 25' - 19" E, 172.83 feet; and
  6. 39.17 feet along a curve to the left having a radius of 25.00 feet, and a chord of N 89° - 41' - 40" E, 35.28 feet to a point in the northwesterly line of Jericho Road;

thence, southwesterly along Jericho Road S 44° - 48' - 39" W, 100.00 feet to its intersection with the division line between the herein described parcel on the northeast and lands conveyed to Frank F. and Kimberly R. Adams by deeds dated January 8, 1999 and January 4, 2002 and recorded in the Albany County Clerk's office in Book 2620 of Deeds at Page 1119 and Book 2709 of Deeds at Page 700, respectively, on the southwest; thence along said division line, the following six (6) courses and distances:

1. 39.37 feet along a curve to the left, having a radius of 25.00 feet and a chord of N 00° - 18' - 20" W, 35.43 feet;
2. N 45° - 25' - 19" W, 159.82 feet;
3. S 44° - 34' - 41" W, 84.59 feet;
4. N 88° - 10' - 16" W, 177.47 feet;
5. S 59° - 20' - 44" W, 103.10 feet; and
6. S 30° - 34' - 44" W, 176.69 feet to its intersection with the division line between the herein described parcel on the northeast and lands conveyed to James H. and Agnes T. Bohl by deed dated January 26, 1984 and recorded in the Albany County Clerk's office in Book 2254 of Deeds at Page 1107 on the southwest; thence, along said division line, the following six (6) courses and distances, generally, along the remains of a wire fence:
  1. N 67° - 02' - 40" W, 146.91 feet;
  2. N 63° - 00' - 00" W, 993.30 feet;
  3. N 21° - 30' - 00" E, 157.08 feet;
  4. N 62° - 30' - 00" W, 135.96 feet;
  5. N 43° - 01' - 00" W, 158.40 feet; and
  6. N 64° - 15' - 00" W, 405.82 feet to its intersection with the division line between the herein described parcel on the east and lands conveyed to Niagara Mohawk Power Corporation by deed dated March 18, 1970 and recorded in the Albany County Clerk's office in Book 2008 of Deeds at Page 33 on the west; thence, along said division line N 09° - 21' - 18" W, 898.45 feet to its intersection with the division line between the herein described parcel on the south and lands conveyed to Niagara Mohawk Power Corporation by deed dated December 15, 1967 and recorded in the Albany County Clerk's office in Book 1929 of Deeds at Page 498 on the north; thence, along said division line and along lands conveyed to Kerlee

Enterprises, Inc. by deed dated January 16, 1980 and recorded in the Albany County Clerk's office in Book 2182 of Deeds at Page 479, generally, along the remains of a wire fence S 80° - 03' - 09" E, 1,935.33 feet to a iron pipe found; thence, along the division line between the herein described parcel on the southwest and the lands of Milburn, Preville, Wood, Nolan, Bellnier and Niagara Mohawk Power Corporation on the northeast, generally, along the remains of a wire fence S 38° - 18' - 54" E, 1,250.39 feet to a point, said point being the southwesterly corner of lands conveyed to Charlew Construction Co., Inc. by deed dated June 20, 2005 and recorded in the Albany County Clerk's office in Book 2807 of Deeds at Page 563, being formerly lands of Morelli; thence, N 19° - 47' - 11" E along the division line between said lands of Charlew Construction Co., Inc. on the southeast and lands of Niagara Mohawk Power Corporation on the northwest 230.56 feet to the northern most corner of said lands of Charlew Construction Co., Inc.; thence, S 48° - 54' - 42" E along the first described division line, 193.08 feet to the point and place of beginning.

Containing 67.594± acres.

Subject to any and all easements, covenants and or restrictions of record that may affect the subject parcel.

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 the Town Clerk's office at 439-4955, ext. 183. Advanced notice is requested.

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

- - -

State of New York)  
County of Albany )

CHRISTINE MC NAMARA 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 27<sup>th</sup> day of December 200.

/s/ Christine McNamara

Sworn to before me this 27th day of December 2006.

/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, 2007, 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  
10<sup>th</sup> day of January 2007.

/s/ Julie McNeil

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

Notary Public

- - -

The motion was made by Mr. Plummer and seconded by Mr. Kotary 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: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

- - -

SUPERVISOR EGAN: We are now in the public hearing and we will take testimony from anyone in regard to the creation of the Drainage District specifically in regard to the Carriage Hill Subdivision. Our Town Engineer is also here if anybody has any questions. Does anyone want to be heard? Going once... nobody. Okay, do I have a motion to close the public hearing?

The motion was made by Mr. Messina and seconded by Mr. Kotary to close the public hearing at 6:17 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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Town Clerk

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Supervisor Egan asked if the Board had any discussion on the previous public hearing. There was none. She asked if the Board wished to adopt the following resolution:

**RESOLUTION NO. 5 of 2007**

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In the Matter of  
  
Creating CARRIAGE HILL  
DRAINAGE DISTRICT  
Of the TOWN OF BETHLEHEM,  
PURSUANT TO article 12-A of the  
Town Law

RESOLUTION APPROVING  
CARRIAGE HILL DRAINAGE DISTRICT  
ALBANY COUNTY, NEW YORK,  
UNDER ARTICLE 12, TOWN LAW

-----  
WHEREAS, a petition dated the 15th day of November, 2006, has been duly presented to the Town Board of the Town of Bethlehem, County of Albany, State of New York, with the necessary map and plan attached thereto according to law, requesting that there be creation of the Carriage Hill Drainage District, as hereinafter described, to be established in the Town of Bethlehem and,

WHEREAS said Town Board duly adopted on the 13th day of December, 2006, an order reciting in general terms the filing of said petition, the boundaries of said drainage district, the improvements proposed, the maximum amount proposed to be expended for said drainage district, and specifying that the said Town Board shall meet at the Bethlehem Town Hall, 445 Delaware Avenue, Delmar, N. Y., on the 10th day of January, 2007, at 6:15 o'clock P.M., to consider said petition and hear all persons interested in the subject thereof concerning the same, and

WHEREAS, certified copies of said order were duly published and posted according to law, and the Town Board did, at the time and place specified in said order, duly meet and consider the matters of the creation of said drainage district, and heard all persons interested in the subject, who appeared at such time and place, concerning the same and,

WHEREAS, the evidence afforded at such time and place requires that the Town Board make the determinations hereinafter made:

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

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Bethlehem, County of Albany, and State of New York that it be and hereby is determined as follows:

1. The aforesaid petition is signed and acknowledged as provided by law and is otherwise sufficient.
2. That all of the property and property owners within the proposed drainage district are benefited thereby.
3. That all of the property and property owners benefited are included within the proposed drainage district.
4. It is in the public interest to establish the proposed drainage district as hereinafter described it, and be it

FURTHER RESOLVED, that the Town Board does hereby approve the creation of the CARRIAGE HILL DRAINAGE DISTRICT, as hereinafter described:

All those certain pieces or parcels of land situate, lying and being in the Town of Bethlehem, County of Albany, State of New York, being those parcels conveyed to Charlew Construction Co., Inc., dated March 24, 2005 and June 20, 2005 and recorded in the Albany County Clerk's office in Book 2796 of Deeds at Page 111 and Book 2807 of Deeds at Page 562, respectively, being bounded and described as follows:

Beginning at a point in the northwesterly line of Jericho Road at its intersection with the division line between the herein described parcel on the southwest and lands conveyed to Arthur and Marie Hunt by deed recorded in the Albany County Clerk's office in Book 2346 of Deeds at Page 393 on the northeast, said point being the eastern-most corner of aforesaid lands conveyed to Charlew Construction Co., Inc.; thence, along the northwesterly line of Jericho Road, the following four (4) courses and distances:

5. 231.94 feet along a curve to the right, having a radius of 1,301.82 feet and a chord of S 48° - 24' - 16" W, 231.63 feet;
6. S 54° - 26' - 18" W, 130.57 feet;
7. S 54° - 49' - 44" W, 132.92 feet; and
8. S 53° - 43' - 13" W, 50.76 feet to its intersection with the division line between the herein described parcel on the northeast and lands conveyed to Cecil P. and Rose T. Carter by deeds dated October 31, 1979 and January 4, 2002 and recorded in the Albany County Clerk's office in Book 2178 of Deeds at Page 403 and Book 2709 of Deeds at Page 333, respectively, on the southwest; thence, along said division line, the following six (6) courses and distances:
  7. N 46° - 48' - 36" W, 165.33 feet;
  8. S 32° - 30' - 38" W, 73.17 feet;
  9. N 66° - 37' - 56" W, 88.27 feet;
  10. S 37° - 49' - 02" W, 147.93 feet;
  11. S 45° - 25' - 19" E, 172.83 feet; and
  12. 39.17 feet along a curve to the left having a radius of 25.00 feet, and a chord of N 89° - 41' - 40" E, 35.28 feet to a point in the northwesterly line of Jericho Road;

thence, southwesterly along Jericho Road S 44° - 48' - 39" W, 100.00 feet to its intersection with the division line between the herein described parcel on the northeast and lands conveyed to Frank F. and Kimberly R. Adams by deeds dated January 8, 1999 and January 4, 2002 and recorded in the Albany County Clerk's office in Book 2620 of Deeds at Page 1119 and Book 2709 of Deeds at Page 700, respectively, on the southwest; thence along said division line, the following six (6) courses and distances:

7. 39.37 feet along a curve to the left, having a radius of 25.00 feet and a chord of N 00° - 18' - 20" W, 35.43 feet;
8. N 45° - 25' - 19" W, 159.82 feet;
9. S 44° - 34' - 41" W, 84.59 feet;

10. N 88° - 10' - 16" W, 177.47 feet;
11. S 59° - 20' - 44" W, 103.10 feet; and
12. S 30° - 34' - 44" W, 176.69 feet to its intersection with the division line between the herein described parcel on the northeast and lands conveyed to James H. and Agnes T. Bohl by deed dated January 26, 1984 and recorded in the Albany County Clerk's office in Book 2254 of Deeds at Page 1107 on the southwest; thence, along said division line, the following six (6) courses and distances, generally, along the remains of a wire fence:
  7. N 67° - 02' - 40" W, 146.91 feet;
  8. N 63° - 00' - 00" W, 993.30 feet;
  9. N 21° - 30' - 00" E, 157.08 feet;
  10. N 62° - 30' - 00" W, 135.96 feet;
  11. N 43° - 01' - 00" W, 158.40 feet; and
  12. N 64° - 15' - 00" W, 405.82 feet to its intersection with the division line between the herein described parcel on the east and lands conveyed to Niagara Mohawk Power Corporation by deed dated March 18, 1970 and recorded in the Albany County Clerk's office in Book 2008 of Deeds at Page 33 on the west; thence, along said division line N 09° - 21' - 18" W, 898.45 feet to its intersection with the division line between the herein described parcel on the south and lands conveyed to Niagara Mohawk Power Corporation by deed dated December 15, 1967 and recorded in the Albany County Clerk's office in Book 1929 of Deeds at Page 498 on the north; thence, along said division line and along lands conveyed to Kerlee Enterprises, Inc. by deed dated January 16, 1980 and recorded in the Albany County Clerk's office in Book 2182 of Deeds at Page 479, generally, along the remains of a wire fence S 80° - 03' - 09" E, 1,935.33 feet to a iron pipe found; thence, along the division line between the herein described parcel on the southwest and the lands of Milburn, Preville, Wood, Nolan, Bellnier and Niagara Mohawk Power Corporation on the northeast, generally, along the remains of a wire fence S 38° - 18' - 54" E, 1,250.39 feet to a point, said point being the southwesterly corner of lands conveyed to Charlew Construction Co., Inc. by deed dated June 20, 2005 and recorded in the Albany County Clerk's office in Book 2807 of Deeds at Page 563, being formerly lands of Morelli; thence, N 19° - 47' - 11" E along the division line between said lands of Charlew Construction Co., Inc. on the southeast and lands of Niagara Mohawk Power Corporation on the northwest 230.56 feet to the northern most corner of said lands of Charlew Construction Co., Inc.; thence, S 48° - 54' - 42" E along the first described division line, 193.08 feet to the point and place of beginning.

Containing 67.594± acres.

The above described also being shown on a map titled "Carriage Hill Drainage District", Town of Bethlehem, County of Albany, State of New York, dated July 29, 2005 and prepared by Edward W. Boutelle and Son, Civil Engineers and Surveyors.

And be it

FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized and directed to file a certified copy of this resolution in duplicate in the Office of the State Department of Audit and Control at Albany, N.Y., together with an application in duplicate for permission to so create said drainage district in the manner and form prescribed by Section 194 of the Town Law of the State of New York within ten (10) days after the adoption of this resolution.

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

AYES: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

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

NAYS: None.  
ABSENT: None.

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Supervisor Egan said the last item on the agenda was to appoint Town Board Member to fill vacancy. The Supervisor said at the end of the last meeting there was some question about how the Board would move forward with the Town Board vacancy. She said they had arrived at some consensus regarding what would happen over the next couple weeks. She said her understanding in speaking with the Board Members is that the process has occurred. She said she received word late on Friday that everyone was going to be ready to move on this.

Councilman Kotary said at this point, after receiving numerous resumes from extraordinarily qualified individuals and a lot of individuals having a track record of not only participating in our local government and participating in our community, he has come to a decision on an appointment to fill the vacancy left open by their colleague Tim Gordon through his election to the State Assembly. He said there were many well qualified candidates. He said he would like to introduce the name of Joann Dawson as his recommendation to the Board and would ask that a vote be taken to fill the vacancy.

The motion was made by Mr. Kotary and seconded by Mr. Plummer to appoint Joann V. Dawson, Glenmont, New York to the position of Councilman for the Town of Bethlehem.

Councilman Plummer said he knows Joann Dawson well. He said he thinks she will be an excellent addition to the Board. He further noted she has the right temperament and he thinks just well balanced. He said he thinks she will be a real asset and looks forward to working with her.

Supervisor Egan noted she would like to thank all the candidates that did apply. She said she thought there were 10 letters of interests and resumes. She felt this was great that people are willing to step up and be part of public service. She said it is not always the best place to be but she thinks it is a great opportunity to make some positive contributions to the Town, especially one that you are living in. She personally thanked the candidates that took time to speak with her. She said they did interviews by phone and in person and found some great candidates to serve in other capacities that may not necessarily serve on the Board.

The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.  
Noes: None.  
Absent: None.

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The Supervisor congratulated Joann Dawson and welcomed her aboard. She said there are a couple business items to finish and then she would swear her in.

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Supervisor Egan said as a note, starting January 1, 2007 they entered into a vendor contract agreement for work shoes for the staff. She said they are certainly recommending steel toed for the workers but not mandating this. She said they were able to take advantage of one of the Albany County contracts and that process is in the works. She said this will help provide some very needed work shoes for the staff.

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The Supervisor also because she actually received a couple phone calls due to the announcement by GE. She said she has not been contacted by GE, but she knows there certainly is no indication that they are going to try to pack up the installation and move. She said what they have heard and believes is a positive thing is that if their marketing efforts are positive and they find a buyer, that person would probably make an investment in the installation and the Town would look

forward to working with a new partner as they have with GE.

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Supervisor Egan said the last thing before public comment, she wanted to take this opportunity to publicly recognize and thank all of the emergency responders who responded last Thursday to the CSX rail yards. She said there was a fairly significant situation with a gas tanker that was punctured. She said other cars had dangerous contents and the situation was handled in a short period of time. She said some homes were evacuated due to procedure and protocol.

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The Supervisor asked if there was any public comment on non-agenda items. Ms. Linda Jasinski said since the tanker fire was brought up, she had a question. She asked about the calls for this evacuation to residences that were not in the evacuation area and there were not calls made to residents that were in the evacuation area. She said she thought it was an automated thing from 911. Supervisor Egan said she does not know if she can add a great deal of detail. She said everybody is involved with a critic of the situation. She said it was her understanding was that there is protocol when these situations happen in regard to evacuation radius. She said in this case, based on the material, there was a half mile or 800 meter radius that was established. She said there was a combination of auto call back through the 911 line through the County Sheriff's Department, calls from the Town directly to our at risk handicapped residents – noting there are lists of at risk seniors. She said if calls are made outside the half mile radius she does not know about that but she can certainly ask about that. Ms. Jasinski said more concern is that calls were not made within that half mile radius. Supervisor Egan asked Ms. Jasinski to talk with her about this.

Ms. Jasinski said this was a pretty big incident although she could not see the flames. She said the last incident she remembers was 12 years ago when she was home and the propane tanker blew up and drove that a half a mile down the track. She said she thinks 2 incidents like this in 12 years, people who live down there, live with this. She noted again that people live differently down in the southern part of Town than those who live in Delmar. She wanted to say a lot of the residents were like, yes, not a problem. Supervisor Egan thanked Ms. Jasinski.

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Councilman Messina mentioned now that the business is done, he wanted to tell Joann welcome to the Board and that he is looking forward to working with her. Supervisor Egan noted she wondered if they should tell her she has to go work with the Ravena-Coeymans-Selkirk school budget advisory board.

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The motion was made by Mr. Messina and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 6:25 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

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Town Clerk