

TOWN BOARD
JANUARY 11, 2006

The 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
Tim Gordon, Councilman
Sam Messina, Councilman
Kyle Kotary, Councilman
Colleen Hummel, Deputy Town Clerk
James T. Potter, Esq., Town Attorney

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Supervisor Egan invited everyone to participate in the pledge of allegiance. She wished everyone a Happy New Year and officially recognized the new Board Members—Sam Messina and Kyle Kotary. She said there are 3 colleagues in the hospital, Danielle Connell from the Tax Office, Detective Cox of the Police Department and Sgt. Anson. She said thoughts and prayers would be welcomed for these personnel. She said also that previous Councilman Fred Webster, Richard Webster and Mark Platel had a death in the family, Fred's daughter.

The Supervisor noted the organizational meeting will be prior to the regular meeting. She said this information will be done first.

In accordance with the Town Law Section 42, the Supervisor appoints Daniel Plummer as Deputy Supervisor for the term expiring December 31, 2006. Supervisor Egan appointed Daniel Plummer as Deputy Supervisor.

The next item was pursuant to Sections 20 and 24 of the New York State Town Law appoint Town Attorney.

Town Attorney	James Potter	\$48,297
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The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the appointment of James Potter, Esq. as Town Attorney. The motion was passed by the following vote:

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

Supervisor Egan next acknowledged pursuant to Article 3, Section 30 of Town Law, the Town Clerk, Kathleen A. Newkirk, appointment of Colleen Hummel and Julie McNeil as Deputy Town Clerks at salaries as set forth in the Year 2006 adopted budget. Terms to run concurrent with the term of the Town Clerk and expire on December 31, 2007.

The next item was to adopt a resolution setting salaries for the year 2006.

The following resolution was presented for adoption:

RESOLUTION No. 1

WHEREAS, the Town Board has held an organizational meeting for the year 2006, according to law,

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

The foregoing resolution was presented for adoption by Mr. Messina, was

seconded by Mr. Plummer and was duly adopted by the following vote:

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

Noes: None.

Absent: None.

The following item was to authorize Highway Department salaries according to approved grade/step schedule for 2006, 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
Carpenter	14
Equipment Operator II	13
Equipment Operator I	12
Laborer II	10
Laborer I	7
Part-time Laborer	\$8.75/hour
	\$8.25/hour

The motion was made by Mr. Messina and seconded by Mr. Gordon to approve the Highway Department salaries in accordance with the grade/step schedule for 2006. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was to authorize Public Works Department salaries according to approved grade/step schedule for 2006.

<u>Job Title</u>	<u>Grade Level</u>
Town Engineer	25
Director of Field Operations	23
Eng. Services Administrator	23
Chief Water Treatment Plant Operator	23
Deputy Chief Water Treatment Plant Operator	19
Chief Sewage Treatment Plant Operator	22
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
Office Manager	15
Manager of Clerical Operations	14
Administrative Asst. I	12
Administrative Aide	10
Senior Sewage Treatment Plant Operator	16
Water Treatment Plant Operator	13
Water Treatment Plant Operator II	14
Sewage Treatment Plant Operator	13
Principle Utility Technician	13
Water Treatment Plant Operator Trainee	9

Sewage Treatment Plant Operator Trainee	9
Senior Utility Technician	12
Utility Technician	10
Utility Service Helper	7
Equipment Operator II - Maintenance Mechanic	15
<u>Job Title</u>	<u>Grade Level</u>
Equipment Operator II	13
Equipment Operator I	12
Utility Billing Clerk	8
Senior Utility Billing Clerk	11
Clerk-Typist II	8
Clerk-Typist I	6
Temporary Employee	- Hourly Rate Range from
Meter Reader	Minimum wage to
	\$17.00/hour
Temporary Clerk - Typist	-commensurate with
	duties performed.
Senior Engineer	21
Assistant Engineer	19
Principal Engineering Technician	17
Senior Engineering Technician	14
Engineering Technician	11
Engineering Aide I	7
Draftsman	7

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

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the salaries for the Department of Public Works according to the approved grade/step schedule for 2006. The motion was passed by the following vote:

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

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.

FULL TIME

<u>TITLE</u>	<u>NAME</u>	<u>F-T GRADE</u>	<u>100/70%</u>	<u>2006 RATE</u>
Enforcement Off.	Sleurs,Joseph	3 yr.off.	100	\$25.72
Clerk Typist I	Vadney,Lois	6	70	10.03
Clerk Typist I	Merritt,Ahlfied	6	70	10.03
Clerk Typist I	McCarroll,Bella	6	70	10.03
Clerk Typist I	Boughton,Karen	6	70	10.03
Clerk Typist I	Hahn,Patricia	6	70	10.03
Youth Employ.	Lackner, Susan	14	70	14.89
Recycling Coord.	Fisher, Sharon	11	100	18.20
Asst.Bldg.Insp.	Dominelli,Edward	15	70	16.48
Temporary Senior	Granito, Karen	11	100	18.20
Assessment Clerk				
Outreach Worker	Linda Sinuc	14	100	21.26

The motion was made by Mr. Messina and seconded by Mr. Plummer to approve the list of part time personnel as previously listed. The motion was passed by the following vote:

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

Absent: None.

Authorize appointment of Town Historian as follows:

Raymond Houghton, Ph.D \$2,600

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

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

Noes: None.

Absent: None.

The next item was the Board of Appeals appointments.

BOARD OF APPEALS

Appoint the following positions for Board of Appeals for 2006:

Member Anthony Kenneth Umina \$4,770
(Term expiring 12/31/10)

The motion was made by Mr. Kotary and seconded by Mr. Messina to appoint Mr. Anthony Kenneth Umina, Delmar, New York as a Member of the Board of Appeals replacing Marjorie O'Brien. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The Supervisor introduced Mr. Umina who was in attendance.

Chairman Michael Hodom \$6,112

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the appointment of Michael Hodom to the position of Chairman of the Board of Appeals. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

PLANNING BOARD

Appoint the following positions for the Planning Board for 2006:

Chairman Parker Mathusa \$12,630

The motion was made by Mr. Gordon and seconded by Mr. Kotary to approve the appointment of Parker Mathusa to the position of Chairman, Planning Board. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Egan thanked Mr. Mathusa and noted they look forward to a very busy year. Mr. Mathusa thanked the Board.

Member Christine Motta \$4,770
Planning Board
(Term expires 12/31/2012)

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

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

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

Water & Sewer District	Thomas Newman	Claim Basis
Town Court Attorneys	Andrew Kirby	\$14,474
	Thomas Newman	\$14,474
Planning Board	Keith Silliman	\$19,760
Board of Appeals	Michael Moore	\$19,760
Labor/Police	Michael Smith	Claim Basis

The motion was made by Mr. Messina and seconded by Mr. Plummer to approve the previous appointments of Counsel to serve at the pleasure of the Town board, in the capacities indicated but subject to the direction of the Town Attorney who may assign them to any additional subject matter or capacity, as and where needed. The motion was passed by the following vote:

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

The Supervisor noted that last year a discussion was held and Mr. Jim Maginn on a claim basis appointed to serve at the pleasure of the Town Attorney in various financial areas and other areas that the Town Attorney may deem a need.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the appointment of Jim Maginn as Counsel to the Town Attorney in various financial areas and other areas the Town Attorney may deem needed. The motion was passed by the following vote:

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

The following item was to approve the appointment of the Director of Economic Development and Planning.

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

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

The next item was to approve the appointment of the Deputy Director of Economic Development and Planning. Supervisor Egan noted they were not sure this was necessary but it will be done. She noted there are questions with Civil Service.

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

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

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

Hugh Tuohey	\$12.36/hour
Isabel D. Glastetter	12.36/hour
William Gathen	12.36/hour
Lawrence Becker	12.36/hour
Raymond Linstruth	12.36/hour
Bertie C. Reed	12.36/hour

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

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

In accordance with Public Health Law, appoint the following as Registrar of Vital Statistics for period January 1, 2006 through December 31, 2007:

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

The motion was made by Mr. Messina and seconded by Mr. Plummer to approve the appointment of Kathleen A. Newkirk to the position of Registrar of Vital Statistics at an annual salary of \$1,000. The motion was passed by the following vote:

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

Next was to acknowledge receipt of communication from Town Clerk/Registrar Kathleen A. Newkirk, MMC, RMC, regarding appointment of Deputy Registrar of Vital Statistics, Colleen Hummel and Sub-Registrar of Vital Statistics, Julie McNeil for the period January 1, 2006 through December 31, 2007:

Deputy Registrar of Vital Statistics–Colleen Hummel \$500

The motion was made by Mr. Messina and seconded by Mr. Plummer to approve annual salary of \$500 to Deputy Registrar of Vital Statistics, Colleen Hummel. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Acknowledge appointment of Voting Machine Custodians for 2006 as per the Republican and Democratic Chairmen:

	William Burkhard
	Jeffrey Hammond
Alternate	Clifton Thompson

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Supervisor Egan noted the Albany County Board of Elections are supposed to be taking over these duties but the acknowledgement of these appointments are being done subject to the County taking over the tasks of elections.

Receive recommendations from Commissioner of Public Works, Oliver Holmes, regarding the appointment of Kenneth E. Drautz as a Consultant Chemist for Water Division of the Department of Public Works, and Special Consultant:

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

The Supervisor noted at the request of the Commissioner of Public Works, this item is being removed from the agenda.

The next item was to approve appointment of Supervisors for the Fire Training Ground for 2006:

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 Supervisor for the Fire Training Ground for 2006 as listed previously. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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

RESOLUTION No. 2

WHEREAS, the Town Board has held an organizational meeting for the year 2006, according to law,

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

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

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

Noes: None.
Absent: None.

The next item was to authorize the 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 made by Mr. Kotary to approve the Superintendent of Highways to make highway purchases in an amount not to exceed \$10,000 without prior approval of the Town Board.

Councilman Messina asked if this was a process that is new or a repeat from last year. Comptroller Kehoe said it is a repeat from last year. Mr. Messina thanked Mrs. Kehoe. Supervisor Egan noted it comes through by voucher and comes through the Comptroller's office the same way. She said it just allows Mr. Sagendorph to make these purchases without coming to the Town Board.

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

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

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

Bethlehem Emergency	
Management Office Director	John E. Brennan
Fire Inspectors	Jason Tice Jim Kerr Bill Webb Bill Borger Paul Miller

Supervisor Egan noted before a motion is taken, she was going to strike the Local Enforcement Officer from the list and is not needed.

The motion was made by Mr. Kotary and seconded by Mr. Plummeer to approve the following appointments:

Bethlehem Emergency	
Management Office Director	John E. Brennan
Fire Inspectors	Jason Tice Jim Kerr Bill Webb Bill Borger Paul Miller

The motion was passed by the following vote:

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

The next item was to approve the 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. Plummer and seconded by Mr. Messina to set the salary for the Members of the Board of Assessment Review at a per diem salary of \$120.

Councilman Gordon commented that with the reevaluation the real property law does allow the Board to have more members if need be or bring on additional reviewers for a 1 year time. He said if the Assessor or the Town Board feels there is a need for additional members, this can be done during the year. Supervisor Egan noted this was correct and because of a revalue 2, the Review Board has an incredible amount of experience in these matters, as well as, having financial backgrounds. She said if Mr. Leafer deems it necessary she is sure he will come to her for help.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to set the mileage rate of \$.40 per mile for personnel who use their automobiles in the performance of the duties of their offices to be paid on presentation of duly itemized claims for audit by the Comptroller in accordance with Town Law, Section 102, Subdivision 1.

The motion was made by Mr. Messina and seconded by Mr. Gordon to set the mileage rate of \$.40 per mile for personnel who use their automobiles in the performance of the duties of their offices to be paid on presentation of duly itemized claims for audit by the Comptroller in accordance with Town Law, Section 102, Subdivision 1. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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 previously listed. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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

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

2006

January 2	New Years
January 16	King's Birthday
February 20	President's Day
May 29	Memorial Day
July 4	Independence Day
September 4	Labor Day
October 9	Columbus Day
November 7	Election Day
November 10	Veterans' Day
November 23,24	Thanksgiving Day
December 25	Christmas Day

Supervisor Egan said before a motion is made, she noted Councilman Gordon suggested as opposed to making Election Day a holiday, create it as a floater holiday for Town employees to use at their will. She said she spoke with Comptroller Kehoe and they agreed it is doable. She asked the Board's input in regard to this. She did note it would not be applicable to all employees, noting the contract employees would remain under the contract provisions. She said this would affect all non-contract Town employees or as otherwise determined by their departments.

Councilman Plummer asked if the net effect of a floater is the same thing. Supervisor Egan said it is, the total number of days off remains the same, just when they choose to exercise it changes. Councilman Messina said the question he has is that Election day is designated a holiday and kept so because of many people involved in governmental function and in the election activities. He asked if that is something worthwhile perpetuating. Supervisor Egan said that is something that is out there and people have sufficient vacation and personal time that if someone wanted they could use the floater on that day.

Supervisor Egan said she would amend the agenda item to remove November 7, Election Day, as a day and just add 1 floater holiday to be determined by the employees.

The motion was made by Mr. Gordon and seconded by Mr. Kotary to approve the following holidays for 2006 for Town employees:

<u>DATE</u>	<u>HOLIDAY</u>
January 2	New Years
January 16	King's Birthday
February 20	President's Day
May 29	Memorial Day
July 4	Independence Day
September 4	Labor Day
October 9	Columbus Day
November 10	Veterans' Day
November 23,24	Thanksgiving Day
December 25	Christmas Day
Floater Holiday	replacing November 7, Election Day.

The motion was passed by the following vote:

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

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	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 previous list of designated banks as depositories in which all Town officers shall deposit all money coming into their hands by virtue of their offices. The motion was passed by the following vote:

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

The next item was to acknowledge receipt of Notice from Association of Towns regarding 2006 Annual Meeting in New York City to be held February 17, 18, 19 and 20, 2006.

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

Delegate - John Flanigan
Alternate - Sam Messina

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the designation of John Flanigan as Delegate and Sam Messina as Alternate to the Annual Meeting of the Association of Towns. The motion was passed by the following vote:

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

Set Regular Town Board Meetings:

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

Councilman Gordon noted the regular Board meeting times, second and fourth Wednesdays is fine and it has been done customarily. He said the 5:30 start time is convenient for individuals who work in Town Hall and may be inconvenient for persons in the community who may want to attend the meetings from time-to-time. He said while they used to be held at 7:30, he thought that was a little late. Mr. Gordon thought a 6 o'clock start time would make it easier for people who want to attend without leaving their job early. He said youth and athletic activities usually start at 6 o'clock also. He said he would like to see the meetings start at 6 o'clock.

Councilman Messina thanked Councilman Gordon and said giving this some consideration and talking with people that have had more experience over the past years about this, he gets a mixed signal coming in terms of people attending. He said while he is sensitive to the high priority issue of public participation, that's what these are all about. He said from his point of view with IMAC and other things to be done this year, asking a lot more of the employees and staff and management, he is leaning on the being sensitive to the fact that not extending their hours, particularly for those that are here all the time. He said without additional

supportive information that going later is better, he is inclined to stay with the 5:30 time.

Supervisor Egan said she would add a couple things. She said this has been done for 24 months and other than a handful of complaints or a handful of people filing the complaints, no one has complained about it. She said in fact, for those people who have been coming or used to attending or watching Board meetings, she has heard there is more people coming to the meetings now than did when they were later. She said in addition to that, they do have television. She thanked the Library for taping the meetings and it is amazing the number of people who catch the meetings that may want to have a participation level but are content with knowing what is going on and they feel like they are getting adequate notice through the coverage. She said again, being sensitive to all people's needs, and there are competing views on this, she thinks the 5:30 time has worked out very well. She said this seems to be the overall positive consensus on it and her position is to keep it at 5:30.

Councilman Plummer noted he is fine with the 5:30 time. Councilman Kotary said he is fine with 5:30 or 6.

The motion was made by Mr. Plummer and seconded by Mr. Messina to set the regular Town Board meetings on the 2nd and 4th Wednesdays at 5:30 p.m. The motion was passed by the following vote:

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

Set Official Hours for business at Town Hall:

8:30 A.M.–4:30 P.M.

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

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

Designate an Official Newspaper of the Town - THE SPOTLIGHT and also designate the Times Union and Ravenna News Herald as additional newspapers for the publication of notices, resolutions and ordinances.

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

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

Authorize the Supervisor to execute the following Leases for 2006:

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

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the Supervisor executing the following leases for 2006:

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

Noes: Mr. Gordon.

Absent: None.

Authorize the Supervisor to execute an Agreement with Callanan Industries - Firearms Training Site - Quarry - 2006 - \$1.00. Supervisor Egan said there has been discussion over the last several months in regard to a possible purchase of the quarry, noting Callanan continues to negotiate a possible sale of their entire site, with the idea of wanting to continue to accommodate the Police Department and their training site. She said those negotiations have not been completed at this time and the lease is running out.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the Supervisor executing an Agreement with Callanan Industries, Firearms Training Site, Quarry, for 2006 at \$1.00. The motion was passed by the following vote:

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

Noes: Mr. Gordon.

Absent: None.

Modify the hourly rate fee schedule for Engineering Division field inspections and review to be:

TITLE	HOURLY FEE RATE	
	STRAIGHT TIME RATE	OT/WEEKEND/HOLIDAY RATE
Town Engineer	\$110.00	\$165.00
Senior Engineer	\$95.00	\$143.00
Assistant Engineer	\$81.00	\$122.00
Senior Inspector	\$70.00	\$105.00
Senior Engineering Technician	\$68.00	\$102.00
Inspector/Engineering Technician	\$63.00	\$95.00
Survey Crew	\$131.00	\$197.00

1. Add a new flat rate fee for Fire Hydrant Flow Testing of \$225.00 per test.

2. The Subdivision Review Fees shall remain at:

- 1 & 2 lots–Final Plat \$105.00 per lot
- 3 or more lots–Final Plat \$105.00 per lot

3. The Site Plan Review Fees shall remain as follows:

A \$100.00 application and fees for review and approval on an “as cost incurred basis” by the Town of Bethlehem Engineering Division based on the approved hourly rate schedule.

4. Modify the Planned Development District (PDD) fee schedule as follows to be consistent with the revised Zoning Law requirements for PDD:
 - 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 \$105.00 per lot based on the final plat;
 - Plus, for any other residential units, the fee shall be \$65.00 per dwelling based on the final plat;
 - Plus, for any commercial, service, and non-residential uses, the fee shall be \$500.00 for up to 4,999 gross sq. feet, \$1,000.00 for between 5,000 and 9,999 gross sq. feet, and \$1,500.00 for over 10,000 gross sq. feet of building area.
5. Also add a service charge of 1.5 percent per month for all balances due over thirty (30) days.

It is requested that the above fee schedule be made effective 1 January 2006.

Supervisor Egan explained this fee schedule is different and noted the Engineering Department was spending a lot of time engaging in collection practices. She said the Town Engineer has come up with a proposal and basically they want to try this. She said the hourly rate will more adequately reflect the true value of things, as well as, making it a little easier for the department.

Councilman Messina noted he spoke with Town Engineer, Erik Deyoe, to get a basis of this and he feels confident that the staff was sensitive to the positive nature of economic development and not making these too high and actually making adjustments within so there is a low rate and balancing of the fees. He said he feels good about this.

Councilman Plummer asked Mr. Deyoe about the fees and noted these are the fees for the Town employee's time where the developer reimburses the Town for doing inspections. Mr. Deyoe said this was correct. Councilman Plummer asked as it related to the commercial and non-residential uses within the Planned Development Districts and it is broken down by the size of the project, if the prices are comparable to the prices that have been charged in the past. Mr. Deyoe said it was difficult to get a measure on it because the changes to the PDD were a result of the changes to the zoning law that happened in the fall. He said he neglected to make the rate changes in the fall when they should have been done. He said, however, the rates are reflected within the commercial service and non-residential uses are comparable to other communities. He said it is not something that is baseless.

Councilman Plummer said in the past unrelated to the PDD if there was a commercial project, are the rates that are being charged now comparable to what the services would have been provided then. Town Engineer Deyoe said there are 2 issues here—the site plan review fees that are above and remained unchanged. He said effectively the changes were adding to the hourly rate structure by title. He said the previous approval only approved rates for the senior engineer, senior inspector and a regular inspector. He said they have captured rates for each title within the group. He said they added a flat rate fee for fire blow testing which was done to ensure there is adequate water supply for a new site and modified the PDD structure to account for the way the zoning law reads currently.

Councilman Plummer said when you see the prices as it relates to the commercial activity and caught his attention. He wondered if it was similar or comparable to the charges previously done. Mr. Deyoe said he was not sure he could put his finger on it directly. He suggested they talk more about it.

The motion was made by Mr. Messina and seconded by Mr. Gordon to approve the previous hourly fee schedule and adopt the fee schedules as listed in the agenda effective January 1, 2006. The motion was passed by the following vote:

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

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The Supervisor noted these fees are effective January 1, 2006.

Authorize the Supervisor to execute an agreement with Albany Honor Court Program, Inc. - 2006 - \$3,000.00. Supervisor Egan explained this is a recurring expense and a program that is run and made available for the Town court. She noted it usually has to do with drug and alcohol abuse.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to authorize the Supervisor to execute an Agreement with Albany Honor Court Program, Inc., 2006 for \$3,000. The motion was passed by the following vote:

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

Adopt Resolution for facsimile signature for checks drawn on accounts at Key Bank, N.A. The following resolution was presented for adoption:

RESOLUTION No. 3

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 Sam Messina, was seconded by Kyle Kotary and was duly adopted by the following vote:

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

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

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

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

Noes: None.

Absent: None.

Authorize 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 2006.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to authorize the Supervisor to execute an Agreement with the Town's insurance carrier for a Public Officials Liability Policy, as well as, a Fidelity Bond in effect for the year 2006. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Mr. Robert Jasinski questioned the policy of public comment. Supervisor Egan said as soon as she gets to public comment, she will entertain questions. Mr. Jasinski said he considered an item relative, the adoption by the Town Board of the public comment protocol. Supervisor Egan said she has not reached that point yet. Mr. Jasinski asked if that would be after the Board votes on it or before. Supervisor Egan said when they get to the regular Board member business. Mr. Jasinski commented the microphones do not work and the Supervisor's voice carries very nicely. He said he thinks more money for speakers should be allotted or for portable mikes which he suggested or the Board will have to spring for a hearing aide for him. Supervisor Egan asked Mr. Jasinski to stand there for the beginning of the regular meeting. She said they will come back to him.

Appoint Marvin and Company as auditors. Supervisor Egan asked Comptroller Kehoe to explain the package given to each Board Member. Mrs. Kehoe said the information is the engagement letter that comes to the Town from the auditors and spells out the purpose of the audit and what they will be reviewing during the course of the audit. She said it covers the single audit if necessary for the Town and says they will be doing it on a comprehensive basis of accounting rather than the GASP.

Councilman Messina said when he was looking at the auditor's letter something came to mind from the past, noting it was there is always an option of a government to specifically ask an auditor to focus more attention on one area or another. He said it is in addition to what they have to cover and wanted to mention it as an option for review if the Town ever needs it. Comptroller Kehoe said there is another fee for that but that the Board does have that option at any time.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the appointment of Marvin and Company as auditors for the Town of Bethlehem. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Egan noted the Board will now move onto the regular business meeting and as per the practice adopted a while ago, they allow public comment on any agenda item. Mr. Jasinski said he did not note that. She then asked if there were any comments on any item on the agenda.

Mr. Jasinski said he hoped his voice carries for everyone. He said he still does not like this position. He said he is not happy, noting he is against the 5:30

meeting. He said he wanted to voice that again. Supervisor Egan noted he was one of the handful of people that she has talked to.

Mr. Jasinski asked about the consideration of adoption of public comment protocol and what that entails. Supervisor Egan said she would be more than happy to explain that. She said this is something that has been engaged by many town councils, city councils and town boards. She said it sets forth what the parameters are having to do with public comment. She said basically what is being proposed is that there would be a public comment period at the beginning of the meeting for any items on the agenda that any member could come forth and they would establish a 30 minute time frame that could be moved to shorten or lengthen by a Board Member at any point in time. She said any person wishing to address the Board on a business item that is listed on the agenda would have 5 minutes to set forth whatever their issues were. She said that is the first part of it.

The Supervisor said the second part would be the public comment period at the end of the meeting. She said again, at the end of every meeting there would be a public comment period established for 30 minutes and again, which can be shortened or lengthened by a Board Member at any point in time, again requesting that the Board Member keep his or her comments to 5 minutes and limited to items that are related to business pending before or may reasonably be anticipated would be before the Town of Bethlehem. That's it, according to the Supervisor.

Mr. Jasinski said he knows the Board has a right to do this. He said the Supervisor has said this before also. He said there are going to be lots of minefields coming up in the next 2 years. Supervisor Egan asked more than in the last 2 years. Mr. Jasinski said the Board will be tripping through minefields and trying not to explode mines. He said he is going to be doing the same thing on the other side of the table. Supervisor Egan noted he would be setting the minefields. She said that's okay. Mr. Jasinski said not necessarily. He said he thinks the 5 minute rule, after attending many of these meetings, once in a while they go over but when they do, it is subjects that are very violent and personalities come into effect. He said he does not think it has been that much. He said the few times it has gone over however, it has been very few. He said he feels that this is one thing that is almost a Declaration of Independence violation of freedom of speech. He said the Board is limiting the time and it feels like the Board does not really need this because the Board has done very well on handling it over the last 2 years. He said why set this where you might aggravate some people on his side of the table. He asked if it was worth what was going to take place to have this 5 minutes and then again, who is going to time it. He said one time he got cut short on 3 minutes and he did not call on it. Supervisor Egan noted they have never had a time limit on a Board meeting. Mr. Jasinski said a couple times he has been told he only had 3 minutes. The Supervisor said a special hearing maybe.

The Supervisor thanked Mr. Jasinski. Mr. Jasinski thanked the Board and congratulated the new Board Members.

Mrs. Capone said freedom of speech left with Councilman Marcelle. She said she has been attending the Town Board meetings for 27 years and it is the first year the Board does not have the names of the Town employees, the salary, the position and all that. Supervisor Egan disagreed with this and asked Comptroller Kehoe if the information would be available tomorrow. She said it is not available until it is adopted by the Board. Mrs. Capone said she was told the budget was available in the Town Clerk's office. She said it is thick and when she got there it was 25 cents a page. She said they never paid for it before. Supervisor Egan noted there has always been a charge for copies coming from the Town and asked Comptroller Kehoe if this was correct. The Comptroller said that was correct. Mrs. Capone said it was not that, it was available in the back of the room like the agenda is tonight. Supervisor Egan said it still is and noted she could sit and look through the budget all she wants. Mrs. Capone said she did not say look, she said take home. Supervisor Egan said if you are going to take it home, there is a copying fee and there has always been a copying fee. She said if she wished to look through it, it is absolutely available.

Mrs. Capone said when the first administration did it, there was not a forum in the community. She said she heard a lot about it—well, sometimes you forget.

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Ms. Jasinski said she wished to comment on the public comment protocol. She said she does not think there has been much problem with people making public comments. She said she thinks it does give the impression that the Board wants to limit public comments and limit what people can say, how they can say it and how long they can say it. Ms. Egan is very good at telling people to get to the point and hurry it up, Ms. Jasinski said, noting she has heard that said many times. She said when people do drag on she gets them back on track. She said the Supervisor did mention that other town boards have done that which is very nice of her to mention because she has looked at the surrounding 14 town boards around us and none of them, absolutely none of them, start before 7 o'clock. She said she could not find one that started before 7 o'clock. So, she said we are not following what other town boards do in our time frame, we don't have to follow them in our public comment protocol. Supervisor Egan thanked Ms. Jasinski.

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The Supervisor asked Ms. Jasinski if he had anything else. She said she did not, she just cannot hear, noting the microphones are not on.

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Mr. Michael Waldenmaier said when the meetings were at 7:30 p.m. it did seem late, you would get done with dinner and sit around and wait. He said 5:30 is too early he thinks. He said what the BPAC committee did with their meetings at 6:30 is an ideal time for most everybody. Supervisor Egan thanked Mr. Waldenmaier.

The first item on the regular Town Board agenda was to consider adoption of Town Board public comment protocol. Supervisor Egan said everyone had a copy of the draft language for consideration. She said one thing she wanted to add was one of the reasons this came out and was suggested, was basically respect also for the other folks who are sitting in the audience. She said they do want to encourage public participation, additional public comments and they do not want to stifle that by having one particular speaker or a handful of speakers monopolizing the microphone and going on and on about items that are not necessarily relevant to Town Board business or potential business. She said she wanted to be clear that one of the reasons this was done was not to stifle or limit public comments. She said contrary, free speech did not leave this Board with Councilman Marcelle and she is very comfortable with the Town Attorney and the newly appointed Town Attorney that if by any shape or form if he thinks she is abridging the freedom of free speech he will let her know.

Mrs. Capone said that is not the point. She said Councilman Marcelle is an amendment attorney.

Supervisor Egan asked for comments from the Board on this proposal. Councilman Plummer said he is supportive. He said the interpretation of reference to the 30 minutes upon the change that there would have to be a motion and a majority of the Board. He asked if that applies to the 5 minutes as well. Supervisor Egan said it absolutely did. Mr. Plummer said he is supportive, noting it is orderly and productive and in the best interest in operating the Board. Supervisor Egan said to make it clear, she can do the same language as was done about the motion on the 30 minutes and add that language on the 5 minute rule. Mr. Plummer agreed.

Councilman Messina said one thing from his time at the Association of Towns training meeting, he would read this to mean that going through the 5 minutes gives everyone the chance to talk and then there is an option at the Town Board's discretion to enable people to be able to come up again if there is a desire to get more information. He said he sees nothing here stopping them from doing that in terms of protocol. Supervisor Egan agreed absolutely.

Councilman Gordon commented 2 years ago, the public comment period

was reserved for the end of the meeting so if someone came to speak about an agenda item, the vote had already taken place and there was not a lot of sense in getting up. He said by giving a public comment before the meeting, he thinks it has been a very positive thing and initiated 2 years ago. Supervisor Egan thanked Mr. Gordon.

Councilman Kotary added that absolutely this Board wants to hear from the public in the community. He said everybody has an opportunity to speak as Councilman Gordon suggested, more than once. He said the idea is as Councilman Messina stated, is to make sure everybody gets an opportunity to speak. He said it is just simply a way to make sure the Board maintains order and everybody has a chance to speak more than once and there are 2 public comment periods at the beginning and end of each meeting. He said he thinks this is not about limiting and it certainly is not trying to restrict what people say. He said they encourage people to come to the meeting and want more people. He said he thinks this simply is a way to keep order and we also have as Councilman Plummer pointed out, an ability to change this if it is not working. He said he is fine with the way it reads.

Supervisor Egan said she will add the language about the 5 minutes per motion and the wording will remain as is.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the adoption of the public comment protocol for the Town Board meetings. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from Commissioner of Public Works, Oliver Holmes, to apply for a Shared Municipal Services Incentive Grant. Supervisor Egan said what they try to do is in the event there is a grant opportunity to the extent that it may require matching funds from the Town, it is brought to the Board's attention before the application is made, in addition to the fact that it would obviously be brought back once the contract was received. She said in this particular case, pursuant to the memo that has been received from Commissioner Holmes, this is an opportunity for a Shared Municipal Services Incentive Grant that basically would allow for a feasibility study and is within the Public Works budget. She said this would have to do with shared municipal services with the Town of New Scotland having to do with a shared water source basically out in New Salem in addition to some miscellaneous items.

The following Resolution was presented for adoption:

RESOLUTION No. 4

RESOLUTION

Resolution Authorizing the Filing of an Application for a State Grant for a Shared Municipal Services Incentive Grant with the New York State Department of State and signing of the associated State Contract, Under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for community development programs; and

WHEREAS, The Town of Bethlehem Herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED BY the Town Board of the Town of Bethlehem

1. That the filing of an application in the form required by the State of New

York in conformity with the applicable law as of the State of New York including all understanding and assurances contained in said application is hereby authorized.

2. That Theresa Egan, Supervisor, is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE:

3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Shared Municipal Services Grant Application.

4. That five (5) Certified Copies of this Resolution be prepared and sent to the NEW YORK STATE DEPARTMENT OF STATE, ALBANY, NEW YORK 12231-0001, together with FIVE complete applications.

5. That this resolution shall take effect immediately.

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

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

Noes: None.

Absent: None.

The next item was a request from Superintendent of Highways for approval of Rapp Road Landfill Agreement. Supervisor Egan said the fee is the same as it was in 2005.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the request of Highway Superintendent, Gregg Sagendorph, for the Rapp Road Landfill Agreement. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Director of Economic Development and Planning, George Leveille, to engage an Intern to Assist IMAC. Supervisor Egan said Mr. Leveille is also chairing the IMAC. She said IMAC is the Interdepartmental Management Advisory Committee that has been established internally to review, work with, and assist all the departments to try and realize efficiencies to close any budget deficiency, as well as, just looking at best practices. She said the IMAC team has worked on mixing and melding the next item on the agenda and has met 5 or 6 times. She said they have started department reviews for Highway, Police, Tax and Justice. She said the process has been the committee meets weekly. She said there is information that they have already requested from department heads that has been accumulated. She said there is a generic questionnaire that has gone out to all department heads and then as each department comes up for review, there is a specific questionnaire for that department.

The Supervisor said with that, one of the things they are recognizing and in need of is benchmarking information. She said this is a way to be able to compare what they are doing with what is being done in other communities. She said that is not just communities in the immediate surrounding areas but it is looking throughout the State with communities that are fairly similar in demographics, proximity to cities, population and a whole bunch of other factors.

Supervisor Egan said as this was discussed, an opportunity actually arose where she had an opportunity to speak with the Rockefeller College and talk about their interns or masters in Ph.D. candidates. She said after that it seemed to be a natural relationship to try to develop. She said it came that maybe an intern could help to do all the information needed from the departments. She said they had a list of candidates and recommendations from the College, did some interviews and arrived at a candidate.

Supervisor Egan said interestingly he is a Masters candidate in public administration and he is a Board Member in the Town of Beekman. She said he is very interested in coming on board and very excited about the opportunities but also some of the information he can take back to his own community. She said they have a request to hire him as the intern for IMAC and a budget modification for him which would be effective January 23, 2006 at \$14 an hour and working approximately 20 to 30 hours depending on his spring semester schedule. She said revenue is available with a budget modification increasing the Supervisor's budget by that and decreasing the insurance budget.

Councilman Plummer said it was great.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the hiring of Daniel French, Albany, New York as an Intern to assist the IMAC and approve a budget modification to permit payment. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was an update from IMAC. Supervisor Egan asked if there were any questions on the update. Mr. Leveille said updates will be done at the end of each month. She said hopefully there will be a formal presentation on January 25, 2006 as to where the Committee is and where they anticipate being with time frames.

Councilman Messina commended the Members of IMAC and also the department heads because management improvement takes extra work up front and they are doing that work and asking the right questions. He said sitting on the committee, he sees the hard work now that will pay off in the year's to come. He said there is a lot of potential and good future there. Supervisor Egan thanked Mr. Messina.

The next item was to approve the Town Board minutes of December 14, 2005.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the Town Board minutes of December 14, 2006 as submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Abstain: Mr. Messina, Mr. Kotary.

The following item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval to go to bid for Sodium Hypochlorite Solution for Elm Avenue Park. Could advertise January 18, 2006 and open bids on January 31, 2006 at 3:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for the purchase of Sodium Hypochlorite Solution for the Elm Avenue Park, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of January, 2006 and that bids be received up to 3:00 p.m. on the 31st day of January, 2006 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. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.
Absent: None.

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. Messina and seconded by Mr. Gordon to approve the appointment of seasonal personnel as requested by Nan Lanahan, Parks and Recreation Department as listed in the Memorandum dated January 11, 2006 at the titles and salaries indicated. The motion was passed by the following vote:

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

The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval to go to bid for various commodities for the year 2006.

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 Gasoline and Diesel Fuel, Heating Oil, 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, and Iron Castings as requested by the Highway Superintendent, Gregg Sagendorph, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of January, 2006 and that bids be received up to 2:30 through 3:20 p.m. on the 30th day of January 2006, on the 31st day of January 2006 from 2:30 p.m. to 3:20 p.m. and the 1st day of February 2006 from 2:30 p.m. to 3:15 p.m., 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. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.
Absent: None.

The next item was a request from Gregg Sagendorph, Highway Superintendent, for approval of adoption of resolution permitting 3 year grant from NYS Dept. of Environmental Conservation for partial reimbursement of costs associated with 2006-2008 Household Hazardous Waste Collection Days and Electronic Recycling programs. Supervisor Egan noted there are special days for these items and are incredibly attended. She said she knows it is a service people are very happy to see done. She said the Town is eligible for a grant that helps defray some of the expense of those days.

The following resolution was presented for adoption:

Resolution No. 5

Resolution Authorizing the Filing of an Application for a State Assistance from the Household Hazardous Waste (HHW) State Assistance Program and Signing of the Associated State Contract, Under the Appropriate Laws of New York State.

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, the Town of Bethlehem, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application for such STATE Aid;

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein call the STATE and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BETHLEHEM:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Town Supervisor, or her designee, is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.
4. That the MUNICIPALITY or MUNICIPALITIES set forth their respective responsibilities by attached joint resolution relative to a joint program.
5. That five (5) Certified Copies of this Resolution be prepared and sent to the NYSDEC, together with a complete application.
6. That this resolution shall take effect immediately.

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

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

Noes: None.

Absent: None.

The following item was a request from Commissioner of Public Works, Oliver Holmes, for approval of setting of fees for water and sewer rates. Supervisor Egan said there was a comparison provided of the 2005-2006 years. She said in regard to the water, specifically with the proposed increase in water rates for the 3rd tier. She said the water rates are basically a three tiered system. She said there is the lowest rate which is the minimum users and then the middle area which is the general residential type of use--5,000 gallons up to 500,000 gallons -- and then the third tier which is higher. She said the larger is the larger industrial/commercial users. She said the proposal is a zero increase for the first tier, a 2.9 percent increase for the middle group and the third tier is a proposal for a 25 percent increase.

The Supervisor said most everyone knows the Clapper Road Water Plant and unfortunately it has never operated in a manner in which the Town anticipated it to operate. She said over the last year there have been several tests, several different remedies looked at, solutions and they have gotten to a point where it is producing at a level but not at the original level envisioned. She said this has necessarily triggered the purchase of water from the City of Albany. She said in addition to that fact, and one of the other factors that have gone into this, is that 10 or 12 years ago Cogen negotiated a contract with the Town of Bethlehem with regard to certain water rates. She said Cogen is the largest water consumer and their rates are contractually controlled. She said those rates are on the low side but at this point in time with the contract terms, that is set.

The Supervisor said thirdly and probably most recently, they were notified that the Albany Water Board has increased their water rates about 14 and ½ percent. She said the way this has come down is that the Town has certain capacity within the Town to produce our water out of New Salem and there is a possibility of producing water out of Clapper Road. She said the volume of water coming out

of Clapper Road significantly less than what was envisioned and certainly less than what the commercial/industrial requirements are. She said as a result, there are several factors being dealt with that are coming together at the same time. She said those are the City of Albany's increase rates, the volume of water which negotiated that we can increase if needed, but they are taking more at a higher rate and just the uncertainty of where Clapper Road is going to come down. She said as a result of all this and the interest in trying to make this as much revenue neutral as possible, in addition to the fact they want to encourage conservation at every level of our consumption from those who are home and trying not to water lawns in the summer, right through the commercial and industrial users and certainly recognizing they do not want to again throw another expense on the residential taxpayers as a result of the needs and demands of our commercial/industrial folks.

Supervisor Egan said Councilman Plummer raised a very valid point that as this came out, even though there may be very valid concerns as to do it the way they had originally proposed, is that sending the wrong message to our business community and do we want to be more sensitive to that. She said it certainly is a very valid point. She said the concern is that we do not want to get into a position 4 year ago when the fund was \$750,000 in the red. She said it was a situation where historically it is a fund that has had trouble in the past and want to avoid that in the future, in addition, to having gone through the budget process just a couple months ago. She said they are trying to make everything balance on their own. She said they have reached the point of leaving the first tier at a zero percent increase, the middle tier at 2.9 percent increase and instead of doing a 25 percent, they will propose is a 15 percent increase for the third tier. She said kind of conditioned the fact that the Board will remain receptive to a report back from Commissioner of Holmes in the next 3 to 6 months to see exactly where they are on that budget item. She said had Clapper Road produced as envisioned, have they found some other means to conserve, in addition it would give him ample time to communicate with those handful of folks that are most significantly impacted.

Councilman Plummer said he agreed and appreciated that very much because he thinks it is important although it is a small number of users they are significant users, 20 plus customers, the largest commercial/industrial users and they want to be able to attract large commercial and in some cases industrial users in his judgment.

Supervisor Egan said the only other competing factor is that as much as we want to attract and we want to make sure they are paying their fair share. She said one thing to be looked at is where do we fall competitively with the other communities. She said recognizing if the Town is looking to attract that economic development, they need to know where they are in comparison to the other areas that are looking for the same economic development.

Councilman Messina said he liked Councilman Plummer's proposal also because it is the area that impacts where the maximum change from 2005-2006 was proposed. He said he thinks it has good balance. Supervisor Egan said it does and pointed out the rate structure that has been in place for a very long, long time has historically had the commercial/industrial users at that low minimum income rate. She said she did not know why but in this day and age when there is competing expenses, utility prices increasing at all levels, they need to make sure the fund again is self-sufficient and self-supporting. She said nothing is ever easy but this is a good compromise.

Supervisor Egan amended the increase to reflect a 15 percent not the 25 percent for the third tier and again wants the Board's assurances that depending on how this comes out, if Commissioner Holmes needs to come back to amend this, that the Board would be receptive to hearing the arguments for that. Councilman Kotary asked what kind of real dollars are being talked about. He asked the difference between the 25 percent increase and the 15 percent increase. Commissioner Holmes said the 25 percent rate would take you to \$2.57 a thousand and the 15 percent would be \$2.37 per thousand. He said that is roughly 20 cents per thousand and that class of customers is roughly in the 300 million gallon range so \$60,000 or so less in revenue.

Councilman Kotary asked why the second tier rate is so much higher besides this is the way it has been. He said he is trying to see who is paying the higher rate. Commissioner Holmes said it is rather complex. He said the first tier are people who currently using water. After 5,000 gallons, Mr. Holmes said, there's a lot of people. A consumer like Mr. Kotary is probably using the first tier and some where in the second tier so he gets a blanket rate, according to Mr. Holmes. He said the next piece is about double. He said that does a couple things, one being that you are aware of the fact that water is being used and it starts someone to think about conserving. He said the rates were established a long time ago and why they were set the way they were he could not answer. He said what one would like to have happen is to have a 2 tier rate but he did not want to do too many things in one year to straighten it out. He said looking to the second tier and looking for only 2.9 percent is really in line with what is being looked at with a lot of other issues within the Town and the tax rate. He said in keeping that, there is about 20 customers in the entire water district who go above 500,000 gallons and what unfortunately happens is they give them a cheap rate and so there is no effort on their part to do any conservation. He said they use as much water as they want and what happens is they use millions and millions of gallons. He said you have to think about their rate and their rate goes down. He said when he looked at the rates and the analysis is done at the end of all this, even at 25 percent, their overall increase from year 1 to year 2 is 9 percent. He said it is not all at the third tier.

Councilman Kotary said what he is getting out is along the same argument that Councilman Plummer made with regard to the larger industrial customers in Town, since this is being looked at, look at how this impacts small businesses. He said he thinks the Board also wants to encourage small business in Town. He said that was why he was curious about that rate and wanted to make sure they are being equally concerned about the small businesses. Commissioner Holmes said he has done a fair amount of analysis on different classes of customers and some of the other customers in Town only see the 2.9 percent and do not get to the third tier. He said the third tier is roughly 20 very large industrial or commercial users. He said it is a very small amount of the overall customers.

Supervisor Egan said she wanted to add not so much for tonight's consideration but as this moves forward over the next 3 to 6 months is if you look at what historically was done years ago, there was a huge break given to those consumers that were consuming the most. She said again, is that fair or isn't it, that is something that has to be looked at as we move forward. She said when you have such a cheap rate by these larger users, there is no incentive to conserve but secondly that amount of water they are now using is over and above what we can produce on our own and that is the water supply that is being purchased from Albany and costing us much more than the water we can produce on our own. Mr. Holmes said when you look at the Albany rate, you are only talking 14.5 percent more. He said what their rates were prior to this, the Albany residential rate \$2.42 and the industrial rate was \$3.09. He said the 14.5 percent increase the cost that he will bear this year is residential will be \$2.77 and the industrial rate will be \$3.54. He said he is not covering the cost of the additional water that is being purchased when in fact the rate structure has been historically low.

Supervisor Egan asked if there were any other questions. Councilman Kotary said he just wants to be clear that by reducing the increase from 25 percent to 15 percent, if he heard Commissioner Holmes correctly, that that will reduce revenue by about \$60,000 and that \$60,000 is what we would need. He said he wanted to be clear as to how that will be replaced. Supervisor Egan said they are going to see what Clapper Road can do to produce. She said if it is not up and operational, there is a savings of cost and expense of the operation of the plant. She said if it actually can produce more, that's more water that we have available in the system that we do not have to purchase from Albany. She said they do not know what is going to happen in regard to those particular factors, in addition to utility rates and various other things that come out of it. She said in addition to the fact, again, one of the things that we have confronting us is the largest users under contract will be investigating different alternatives in regard to that issue. She said we are not sure what exactly can be done and that is why she wants to make sure

that the Board is aware that we may be back saying things have been great. Commissioner Holmes said when they prepared the budget, it was not clear how much water could be produced by the Clapper Road plant. He said right now they have a number and they are operating at a stable level but if that changes by a million gallons a day that is a significant amount of money.

Supervisor Egan said with the rates—0 percent for the first tier, 2.9 for the second tier and 15 percent on the third tier, she asked for a motion to set those.

The motion was made by Mr. Messina and seconded by Mr. Plummer to approve the setting of rates at 0 percent for the first tier, 2.9 for the second tier and 15 percent on the third tier. The motion was passed by the following vote:

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

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Supervisor Egan noted there was also a request to amend the water and sewer permit fees that was set forth in a memo by Commissioner Holmes.

The motion was made by Mr. Messina and seconded by Mr. Gordon to approve the amending of the water and sewer permit fees as listed in the Memorandum from Commissioner of Public Works, Oliver Homes, dated December 28, 2005. The motion was passed by the following vote:

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

The following item was a request from Engineering Division, Terrence W. Ritz, Department of Public Works, for scheduling of a public hearing for the New Scotland Road, Normanskill Creek Water District Extension. Could advertised January 25, 2006 and hold public hearing February 8, 2006 at 5:45.

Supervisor Egan said the Town was under an emergency permit for several years and the pipe is out of the river and therefore, the emergency situation is done and they can do water extensions.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve setting a public hearing for February 8, 2006 at 5:45 p.m. regarding New Scotland Road, Normskill Creek Water District Extension. The motion was passed by the following vote:

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

The next item was a request from Receiver of Taxes and Assessments, Nancy Mendick, for approval of hiring of part time clerk. Supervisor Egan explained this situation arose when one employee became ill and Mrs. Mendick requested some flexibility to rehire Betty DeGonza, a recent retiree, to come back as a part time clerk as set forth in the Memorandum from Mrs. Mendick.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the rehiring of retiree, Betty DeGonza, to the position of part time clerk with flexibility due to the illness of a current employee. The motion was passed by the following vote:

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

Supervisor Egan asked if the Board had anything additional. She said in accordance with the newly adopted protocol, this is the time for anyone to address the Board regarding items.

Mrs. Marie Capone said this was limited to 5 minutes. She asked if that is still open government. Town Attorney Potter noted it certainly is open government. He said he appears in many courts and he is limited to 5 minutes or 10 minutes very often. Mrs. Capone said 5 minutes or 10 minutes is what he just said. Mr. Potter said he has been limited to 5 minutes and silenced after 30 seconds. He said it is still open government. Mrs. Capone said if you look in the rules, if you remove the student, the Town employee, what do you have left—a handful of people. Supervisor Egan thanked Mrs. Capone.

Mrs. Capone next asked if the Board is still going to go, talking about the water, if the Board is going to build another pool, a spray pool, at the park. Supervisor Egan said they certainly are, noting the construction is started and it is recycled water so that they are reusing the water.

Mr. Robert Jasinski said he thinks the Board has stepped into a mine field with the water issue. He said he is willing to help the Board out and suggested the Board look at the New Salem reservoir. He asked if it could be enlarged. He said there is not going to be a snow pack unless you get the snow. He said there will be more problems. Supervisor Egan said they had that discussion about an hour and a half ago. Mr. Jasinski said he wanted to point that out.

Mr. Jasinski said another thing he wished to call to the Board's attention is about the enforcement on this 5 minutes. He asked if there was going to be a Big Ben alarm clock set-up. Supervisor Egan said no because she was anticipating that people will comply with the rules. Mr. Jasinski said, he had to carry the Big Ben then. He asked if the 5 minutes was going to entail a response if he does get anybody on the Board to respond which sometimes is hard to do. Supervisor Egan said he must remember that public comment is for the person to comment and not to engage in a debate. Mr. Jasinski said in other words, the time stops once he stops speaking and someone else speaks. Supervisor Egan said she thinks a tad of discretion here is something everyone is able to do. Mr. Jasinski noted if they wanted to get rid of more people, why not get rid of more chairs. He said then they can stand and they will only come to 1 or 2 minutes and they will get tired and half of them will go. Mr. Jasinski thanked the Board. Supervisor Egan thanked Mr. Jasinski.

Ms. Linda Jasinski asked if the protocol addition could be reread. Supervisor Egan noted she had not written it yet but it was something to take the same language noting a Board Member being able to shorten or extend the 30 minutes and would do the same thing for 5. Ms. Jasinski thanked the Supervisor. Town Attorney Potter said this needs a motion of the entire Board. Supervisor Egan said yes. Ms. Jasinski said she thought she heard vote in there and it is hard to hear in back because the microphones are not working. Supervisor Egan said the 30 minute language that is written in there says public comment period would be no longer than 30 minutes unless upon motion of any member the time shall be extended by majority vote of the members present. Ms. Jasinski said she thought she heard something that said you can then vote to have the vote come back. Councilman Messina said they had a discussion on that and his question was if at the discretion of the Board everyone gets their 5 minutes -- meaning that folks have had an opportunity—if there is more interest in public comments, the Board can enable people to come up again. He said that was his question. Ms. Jasinski said she heard it in the back that the voter could come up again and she was wondering if the Board was going to check voter's records. Supervisor Egan said no, it just had to do with the vote.

Ms. Jasinski said what she would like to do to the new Board Members and she will do it a couple times during the year, noting she has done it before is to remind them that not everyone lives in Delmar in this Town. She said some live in the southern area where they do not have cable television to watch the Town Board meeting. She said they do not have a lot of the utilities and live a different lifestyle and please do not forget about them. She said it takes them a few more minutes to come to Town for the meetings but most of them do that because it is the only way. She said her daughter requested she mention that she would like the meetings changed so she could be home for dinner. She said they are very family oriented in her house and like to have dinner together. She said she cannot do that since the meeting does not start at 7 p.m.

Ms. Jasinski also requested that the Board have the minutes and agendas be updated on the website. She said she does use the website a lot and the minutes were only up until October 26. Supervisor Egan said they will check on that. Ms. Jasinski said the Zoning Board of Appeals last agenda was December 7. She said she has no idea what has gone on in between and the IDA needs some updating. The Supervisor said she would check on these.

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The Supervisor asked if there were any other comments. There were none.

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The Supervisor asked for a motion to adjourn to Executive Session to discuss pending litigation.

The motion was made by Mr. Kotary and seconded by Mr. Gordon to approve adjourning to Executive Session to discuss pending litigation. The motion was passed by the following vote:

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

The motion was made by Mr. Plummer and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 7:05 p.m. The motion was passed by the following vote:

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

Deputy Town Clerk

EXECUTIVE SESSION

The motion was made by Ms. Egan and seconded by Mr. Plummer to approve the settlement of Peter Baltis & Athens Associates V. Town of Bethlehem and Courtney Properties V. Town of Bethlehem as recommended by Special Counsel, Joshua J. Effron. The motion was passed by the following vote:

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