

TOWN BOARD
JANUARY 14, 2004

A public hearing of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 7:30 p.m.

PRESENT: Theresa Egan, Supervisor
Thomas Marcelle, Councilman
Tim Gordon, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney
ABSENT: Daniel Plummer, Councilman
George Lenhardt, Councilman

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SUPERVISOR EGAN: Good evening everybody. If we can get started. I know it's kind of cold and my grandmother used to tell me it couldn't snow when it was this cold but it was snowing when I came in. So, I'd like to invite everybody to our first annual Board meeting. We did have the Organizational Meeting last week but this is the first meeting of 2004. And, I'd invite you all to stand to the pledge of allegiance. Thank you.

First item on the agenda tonight we have 2 public hearings So, I'd like a motion to adopt the Notice of Public Hearing. The motion was made by Mr. Gordon and seconded by Mr. Marcelle to adopt the Notice of Public Hearing. Ms. Newkirk, please read the legal notice.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM, ALBANY COUNTY
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on January 14, 2004 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law, amending Chapter 111, Taxation, Article V, Section 16, Exemption for Persons with Disabilities and Limited Incomes.

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

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

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

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State of New York)
County of Albany)

BRENDA WIERZBICKI 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 31st day of December 2003.

/s/ Brenda Wierzbicki

Sworn to before me this 31st day of December 2003.

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

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

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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 31, 2003, 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
9th day of January 2004.

/s/ Catherine T. Picarazzi
Notary Public

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SUPERVISOR EGAN: I believe Dave Leafer is here with us this evening. Mr. Leafer if you could just give us a brief overview of what this is for.

MR. LEAFER: The first one we're covering tonight is the property owners with disabilities and limited income tax exemption. A few years ago this was put into effect by the Legislature and basically what it allows for is that someone with a disability whose income is under a certain level can be entitled to an exemption for property tax purposes. The law could be adopted... it's an option law that the municipalities can adopt and Bethlehem so chose to do so. The County chose to do so and after that was done, the school districts chose to do something.

You can adopt it in a couple of forms. One is to simply accept an income limit under which a person would be entitled to a full 50 percent maximum exemption or you can adopt it on the basis of a sliding scale where under a certain limit a person can get a 5 percent exemption and then that exemption can increase depending upon how much lower your income goes in 5 percent increments.

The handout that I put in the back tonight lays out the income scale and the exemption.... The amount of exemption that you receive for it. Every so often the State Legislature will take into effect increases in the cost of living and the fact that most people who qualify for an exemption like this or the senior exemption which we'll take up after this particular hearing – are on fixed income, cost of living goes up. So, they raise the income levels and that's all this is tonight is an amendment that we can adopt to raise the income levels under which a person would then qualify for some... on the scale somewhere, some form of exemption.

The net affect of this particular exemption... we have, I believe, only 12 people currently getting this exemption. And, if we adopt to go to the new income limit, we would in fact be decreasing our total taxable assessment base by only... if you assume about an 8 percent increase which this seems to represent. You would probably at most increase your or decrease your total taxable assessment base by \$43,300. Our taxable assessment base is \$1.8 billion dollars. You will never even see this show up in terms of tax rate probably not even into the penny level.

So, it's again designed to help those who are disabled, who are on fixed and limited incomes. There is no age qualification for this particular exemption but should the person that has it or qualify for it be over 65, they would also qualify for the regular senior exemption but they can only get one or the other. They wouldn't be allowed to get both.

SUPERVISOR EGAN: Thank you, Mr. Leafer.

MR. LEAFER: Questions?

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

SUPERVISOR EGAN: And, at this time, now I will ask for a motion to be made to indent the Notice of Public Hearing, the Affidavit of Publication and Affidavit or Posting.

The motion was made by Mr. Marcelle and seconded by Mr. Gordon 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. Marcelle, Mr. Gordon.
Noes: None.
Absent: Mr. Plummer, Mr. Lenhardt.

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SUPERVISOR EGAN: Is there anyone out there that would like to speak in favor or against this matter at this hearing at this time? No. Do I have a motion to close the hearing?

The motion was made by Mr. Marcelle and seconded by Mr. Gordon to close the public hearing at 7:38 p.m. The motion was passed by the following vote:

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

Town Clerk

The Supervisor convened the regular meeting of the Bethlehem Town Board following the close of the public hearing. Supervisor Egan asked if the Board wanted to take action on the previous proposed Local Law.

The motion was made by Mr. Marcelle to approve the adoption of Local Law No. 1 of 2004 amending the Code of the Town of Bethlehem, Chapter 111, taxation, Article V, Section 111.16, Property Owners with Disabilities and Limited Income Tax Exemption Law.

Councilman Marcelle noted that this was government working at its best to have people who are disabled and bordering on indigent and this is the type of service government can provide and should provide to those who need protection as a safety net.

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

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

Hearing Began: 7: 40 p.m.

SUPERVISOR EGAN: Call the second public hearing this evening. Ms. Newkirk.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

TOWN OF BETHLEHEM, ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on January 14, 2004 at 7:35 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law, amending Chapter 111, Taxation, Article i, Section 111.1, Emption stated.

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

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

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BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, CMC,RMC
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State of New York)
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BRENDA WIERZBICKI 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 31st day of December 2003.

/s/ Brenda Wiersbicki

Sworn to before me this 31st day of December 2003.

/s/ Sharon A. Doldo
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STATE OF NEW YORK)
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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 31, 2003, 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
9th day of January 2004.

/s/ Catherine T. Picarazzi
Notary Public

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SUPERVISOR EGAN: Thank you. Could I have a motion to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting.

The motion was made by Mr. Gordon and seconded by Mr. Marcelle 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. Marcelle, Mr. Gordon.

Noes: None.

Absent: Mr. Plummer, Mr. Lenhardt

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SUPERVISOR EGAN: Mr. Leafer.

MR. LEAFER: Similar situation to the one we just passed. This one involves seniors with limited income. Here the party has to be over 65 and they're income

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has to fall within those same sliding scale levels. We have currently on the books, 353 senior exemptions. Those exemptions total \$12,400,000. Again, assuming an 8 percent roughly increase because we are jumping the limits for about \$2500 the maximum affect that this would have would be to again reduce our total taxable assessment base by \$992,800. Again, with a 1.8 billion dollar total taxable assessment base, this might amount to a few cents of increase tax. If my math were correct, I figured out something today on the \$200,000 home and I thought what I was getting showed about \$.55 (55 cents) increase in actual tax. Well, I'll tell you I will speak in favor of passing it because if I can throw in 55 cents which is probably a smaller amount than I leave for a tip somewhere where I won't mention to help somebody who's worked all their lives and perhaps not living on an extremely high income level, and owns a home... help them maintain that home, I'm more than happy to kick in that money.

So, again, we have a situation where the Legislature is merely giving us the chance to amend the income levels.

SUPERVISOR EGAN: Thank you, Mr. Leafer. Does anyone want to be heard speaking on this matter either for or against this resolution? Okay. Motion to close the hearing.

The motion was passed by Mr. Gordon and seconded by Mr. Marcelle to close the public hearing at 7:43 p.m. The motion was passed by the following vote:

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

Town Clerk

Supervisor Egan reconvened the regular Town Board meeting following the close of the public hearing. She asked if the Board wished to take action on the previous proposed Local Law.

The motion was made by Mr. Marcelle and seconded by Mr. Gordon to approve the adoption of Local Law No. 2 of 2004 Amending the Code of the Town of Bethlehem, Chapter 111, Taxation, Article I, Section 111.1, Exemption stated. The motion was passed by the following vote:

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

The next item was to approve the Town Board minutes of December 10, 2003. Supervisor Egan said the Board is in a unique situation in that Mr. Gordon and Ms. Egan were not on the Board at the time of this meeting. She said in this event, this item was tabled until the February meeting when both Mr. Plummer and Mr. Lenhardt are present.

The next item was to approve the appointment of a Member of the Bethlehem Industrial Development Agency. Supervisor Egan asked for a motion to appoint George Leveille to the position.

WHEREAS, the Town Board of the Town of Bethlehem, by resolution duly adopted November 14, 1973, established and organized the Bethlehem Industrial Agency and

WHEREAS, there is a need to appoint a new member of such agency,

RESOLVED that George E. Leveille be and he hereby is appointed a Member of such agency to replace former member Michael Tucker to serve at the pleasure of the Town Board.

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

| | | |
|--------------|-----------|---------------|
| <u>AYE</u> | <u>NO</u> | <u>ABSENT</u> |
| Ms. Egan | None. | Mr. Lenhardt |
| Mr. Marcelle | | Mr. Plummer |
| Mr. Gordon | | |

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Supervisor Egan congratulated Mr. Leveille and welcomed him to the position. Councilman Marcelle congratulated Mr. Leveille also and wished him good luck.

The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval to go to bid for Repairs to Pool Walls at the Elm Avenue Park. Could advertise January 21, 2004 and open bids on February 12, 2004 at 3:00 p.m.

The following resolution was offered by Mr. Gordon and seconded by Mr. Marcelle:

WHEREAS, the Town desires to advertise for bid for repairs to the Pool Walls at the Elm Avenue Town Park, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 21st day of January 2003 and that bids be received up to 3:00 p.m. on the 12th day of February, 2004 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Lenhardt.

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of Seasonal Personnel.

The motion was made by Mr. Marcelle and seconded by Mr. Gordon to approve the appointment of seasonal personnel as listed in the Memorandum dated January 14, 2004 at the titles and salaries listed and requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Lenhardt.

The following item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for acceptance of donation from Dr. David Putnam.

The motion was made by Mr. Gordon and seconded by Mr. Marcelle to approve the acceptance of donation of an automated external defibrillator as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Lenhardt.

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Councilman Marcelle asked if this equipment takes any particular training or person to operate it and if so, do we have someone who can operate it. Administrator, Nan Lanahan, said the person has to be trained to use it, noting it is part of the Life Guard training. She said when they get their CPR they also get AED training as well. She said they have also certified about 6 people in the office and maintenance staff as well. Supervisor Egan noted she will send a letter to Dr. Putnam also, noting it was a great donation and hoping it will never have to be used.

Councilman Gordon said the Town should be very grateful to Dr. Putnam for doing this. He said time is everything in these matters and have this equipment available could make a big, big difference.

The next item was a request from Gregg Sagendorph, Highway Superintendent, to go to bid for various commodities. Could advertise January 21, 2004 and open bids on February 3 and 4, 2004 from 2:30 to 3:20 p.m. each day.

The following resolution was offered by Mr. Mr. Gordon and seconded by Mr. Marcelle:

WHEREAS, the Town desires to advertise for bids for the following purchases pursuant to law,

| | |
|---------------------------|------------------------------------|
| 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, | |

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 21st day of January, 2004 and that bids be received February 3 and February 4, 2004 at various times when such bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Lenhardt.

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of award of bid for 2004 Household Hazardous Waste Collection Day to Care Environmental Corporation of Landing, New Jersey to be held May 1, 2004.

The motion was made by Mr. Marcelle and seconded by Mr. Gordon to approve the award of bid for the 2004 Household Hazardous Waste Collection Day to Care Environmental Corporation, Landing, New Jersey to be held May 1, 2004 and requested by Highway Superintendent, Gregg. Sagendorph. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Lenhardt.

The next item was a request from Commissioner of Public Works, Bruce Secor, for authorization to apply for grants for infrastructure repairs for the Special Sewer District, South Albany and Special Water District, South Albany.

Supervisor Egan said this is specifically the recommendation is to authorize the Town Supervisor to apply for funding for the projects; to authorize the Supervisor or designee to sign any and all forms, applications or required documents to complete the application process; and to authorize the Town Supervisor to sign a proposal from Vollmer Associates to retain that firm to prepare the required applications to provide engineering services as set forth in a letter dated December 30, 2003 which was attached to the Board packet. She said the only difference is that there is a proposal in there and as opposed to executing that proposal, she would suggest it is just a proposal due to her having some concerns in regard to some liability issues within the proposal that was given the Board.

The motion was made by Mr. Marcelle with amendment and seconded by Mr. Gordon to authorize the Supervisor to sign any and all applications, forms and/or documents as required for application for grants for infrastructure repairs for the Special Sewer District South Albany and Special Water District, South Albany as requested by Commissioner of Public Works, Bruce Secor. The motion was passed by the following vote:

Ayes: Mrs. Egan, Mr. Marcelle, Mr. Gordon.

Noes: None.

Absent: Mr. Plummer, Mr. Lenhardt.

The next item was to adopt the resolution setting Fees for the conduct of elections for the year 2004.

The following resolution was offered by Mr. Marcelle and seconded by Mr. Gordon:

RESOLVED, that in accordance with Election Law, Section 3-420, and Town Law Section 27, Subdivision 2, the following shall be the fees for the election officials for 2004:

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|--|---|
| Inspector (presidential year when 2 days are required) | Primary \$100.00 Registration Day \$30.00 Registration Day \$60.00 Election Day \$130.00 Instructions \$10.00 |
| Chairman | Return of Supplies to Town Clerk's Office \$8.00 Mileage for above returns and instructions per mile \$.30 |
| Poll Clerks | Election Day \$125.00 |
| Janitors Primary Day and Election Day - | \$25.00 |
| Custodians | Per Machine \$20.00 |
| Technicians | Per Day \$32.00 |
| Party Representatives | \$10.00 per hour |

The resolution was adopted by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Lenhardt.

The next item was to acknowledge receipt of the Annual Statement of Financial Disclosure for Assessor. Supervisor Egan noted this is a new requirement. Mr. Leafer, Assessor, said the Legislature passed a law and all Assessors are required to file this. He said there are objections to this and perhaps something might change but he felt it was not a problem to file this. Supervisor Egan thanked Mr. Leafer.

The following item was to acknowledge receipt of the 2003 Annual Report from Town Historian, Joseph Allgaier. Supervisor Egan noted Mr. Allgaier fielded several inquiries concerning historical facts or genealogy related to the Town. She said the requests for information averaged about 1 weekly and he continued participation in 2 community projects – the Veteran’s Memorial Park and the erection of the Town clock at the 4 corners. Mr. Allgaier also worked to enhance community awareness of historic places within the Town, one of which is the Delmar Post Office where he worked with the Postmaster to mount a bronze plaque at the entrance of the building. Mr. Allgaier also mentioned that the Babcock House on Lasher Road, Selkirk has been recommended to the NYS Office of Historic Preservation for listing on the National Register of Historic Places. He notes there will be nine (9) structures listed on the Registry.

Town Historian Allgaier mentions that this will be the beginning of the third century of Bethlehem Town government. He noted it has been a privilege to serve as Town Historian noting the establishment of the archival facility and a computerized database enabling access by the public and a presence on the Town website.

Supervisor Egan thanked Mr. Allgaier and all his hard work.

The next item was to acknowledge receipt of the Final Plat Approval for the Giacone Subdivision from the Planning Board for information purposes.

The following item was to acknowledge receipt of Final Plat Approval for the Horne Subdivision from the Planning Board for information purposes.

Supervisor Egan asked if anyone wished to address the Board. No one addressed the Board.

The motion was made by Mr. Marcelle and seconded by Mr. Gordon to adjourn the regular Town Board meeting of January 14, 2004 at 7:55 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Lenhardt.

Town Clerk