

TOWN BOARD
JUNE 23, 2004

A 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
George Lenhardt, Councilman
Thomas Marcelle, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney
ABSENT: Tim Gordon, Councilman

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Supervisor Egan welcomed everyone and asked them to join in the pledge of allegiance. She noted at this time she would ask for a moment of silence. She said Tim Gordon's father died on Sunday and he will not be in attendance. She thanked everyone.

The Supervisor noted the PIG students have gone home for the summer and congratulated all the graduating seniors. She said the first item was for the public comment. Mrs. Marie Capone said this is not on the agenda but she wants to talk about something and she will be short. She said yesterday a woman said she felt that the Rosen development on Feura Bush Road were very clustered. She said on Tamarack they were very cluttered, noting they are very close by. She said she thought about it and she said next time there is a vacancy on the Planning Board could Billy Eck be appointed. She said he is a fireman who can tell you how the ladders can go on the side of the house, the size of the fire truck and how much space they need to protect the community from the fire department. The Supervisor asked if Mr. Eck knew that she was volunteering him for this. Mrs. Capone said he did not. The Supervisor said she did not think so and thanked her.

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Mr. Howard Shafer asked about 66 Spawns Hollow Road and if it was the fire damaged property. Supervisor Egan said it was not the fire damaged property. She said it is property that has been abandoned and at one point the County did start foreclosure proceedings on it but they were abandoned because there was improper notice to one of the landowners or somebody that needed to be noticed. There is not, to her knowledge, any current pending foreclosure matters and this is just to move to secure the house.

Mr. Shafer said the second one is for the dumping permit for 270 Waldenmaier Road. He noted he had brought it to the previous administration that he thought it would be a good policy if the adjoining neighbors were notified when a dumping permit is being issued. He asked if this administration is going to keep that as a policy. Supervisor Egan said she did not know but noted there was no Building Inspector in attendance. Town Clerk Newkirk indicated it is usually noted in the Memorandum. The Supervisor said she will check when that item is reached and said she will advise the Building Inspector of this question.

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Supervisor Egan asked for a motion to shorten the public comment time at the beginning of the meeting.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve shortening the public comment period from 6:00 p.m. The motion was passed by the following vote:

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

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

Absent: Mr. Gordon.

The next item was to approve the Town Board minutes of May 26, 2004 and June 9, 2004.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the Town Board minutes of May 26, 2004 as submitted. The motion was passed by the following vote:

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

Noes: None.

Abstain: Mr. Marcelle.

Absent: Mr. Gordon.

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The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the Town Board minutes of June 9, 2004 as submitted. He motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Gordon.

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Supervisor Egan noted that the minutes are posted on the website once they are approved.

The following item was a request from Commissioner of Public Works, George Leveille, for approval of award of bid for Radio Read Meters to E.J. Prescott, Inc., Vermont.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the award of bid for Radio Read Meters to E. J. Prescott, Inc., Vermont as requested by George Leveille, Commissioner of Public Works. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Gordon.

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Councilman Lenhardt asked if this was the lowest bidder. Mr. Leveille said it was.

The next item was to acknowledge receipt of the Audit Report for 2003 from Marvin and Company, CPAs. Comptroller Kehoe said the Memorandum described all of the information she felt the Board should have. Included is an update on the status of GASB 34, noting there was discussion of moving toward that but as Comptroller Kehoe explained as she worked with the auditors on the implementation issue it became clear that there were more reasons not to implement than to implement at this point. She noted one was the cost factor and the impact on the other departments and the other one is that once you implement it, you started to move into other GASB requirements that are fairly onerous. She said one is coming up as it relates to the other post employment benefits and would require significant accruals for retiree health and things like that which would cost potentially deficits causing on paper, not a good financial condition when at the end of the day you look at the cash flow position of the Town and its overall financial position it would still be in good condition. She said after discussion this and reviewing this with Ms. Egan, she noted they decided it was not a good idea to implement at this point and it will continue to be weighed. She noted there are a

number of other municipalities that have made similar decisions. She said there are no consequences to this or fines or anything for not complying with this. She said you could still get an audit and have an opinion rendered on other basis of accounting. She said the only concern is relative to the Town's rating with the debt issuances that are coming up and with discussion with Moody, there is no impact on that either.

Comptroller Kehoe said once you get through that and all the various opinions and letters that are required from the Auditor, if you get down to the heart of the Town's finances, she said she cited the fund balance positions for the various funds and indicated that the cash flow is fine in all of the funds and we are in a position to continue to hold the line on taxes and still provide all the services for the Town. She noted she would be willing to answer any questions the Board would have.

Councilman Plummer asked where the GASB came from, noting he remembered her talking about how that was the direction that most municipalities were going to go in. He further asked who was the entity that recommended it. Comptroller Kehoe said GASB is the entity that sets the standards, noting someone has to set the rules that need to be followed by governmental. She said they are based in Connecticut and noted it is a consortium of various experts in the field. Councilman Plummer asked if that was federal and not a state regulation. Mrs. Kehoe said this is national. Councilman Plummer said it seems rather a waste to expend resources or time doing the inventory and everything that is required under GASB when you can accomplish the same thing by not. Comptroller Kehoe said that was the decision they made looking at it, common sense prevailed in this instance she believed.

Councilman Plummer also pointed out which is separate from the audit, the fund balance for the Water Fund is now at 22 percent of the fund. Mrs. Kehoe said of the subsequent year's appropriations, noting that is the measurement on that. Councilman Plummer asked if that was prior to this year in a negative. Mrs. Kehoe said it was. Councilman Plummer said that was a result of all the different measures that were taken. Mrs. Kehoe agreed.

Councilman Marcelle said when talking about the measures there was talk about raising the water rates. Mrs. Kehoe said yes. Mr. Marcelle said his recollection was that it was not projected this early to have such a positive report, asking if this was correct. Mrs. Kehoe said that was correct noting there were many assumptions that went into those long term projections, the amount of water to be sold applied to those rates, the level of expenditures that were to be made. She further said given the cash flow problems that the fund had had over the prior 2 to 3 years they were progressively trying to control those expenditures. She said it was a combination of those efforts plus the rate increases that generated and not to be forgotten is a big component of that was from the Clapper Road settlement. She said the Town had over \$550,000 sitting in a restricted escrow account and once the permits had been issued, that was recognized as revenue. She said that was a large component of what cleared up that deficit. She said it was not all from the rate increases themselves. She said it was a combination so you would not see that level of a surplus next year. Mr. Marcelle asked if she did not anticipate it to be positive next year. Mrs. Kehoe said she expects it to be positive but you are not going to see a 1.2 million dollar surplus every year.

Councilman Marcelle said the other thing he remembered when doing water rates, they did not go thanks to Mr. Plummer, to the maximum tax rate and in fact, they were requested to go to a much higher rate because it did not look like we would come out of debt. He asked if Mrs. Kehoe anticipates looking at the numbers there will be requests for the Board to raise the rate on the water. Mrs. Kehoe said for water and sewer she will be working with Commissioner Leveille looking at what the operating needs are and looking at those rates. She said as a general rule, they try to be very stable with the rates and noted it was a short of extraordinary circumstance for the water fund over the last 2 years where they had

the significant cash flow problems. She said that has been resolved, noting the large rate increases that were put into place were to solve that immediate problem. She said the problem is solved so she would not expect. Mr. Marcelle said if he remembered, they had not just this large rate increase, there was a series of projected rate increases. Mrs. Kehoe said those future rate increases were nominal in line with inflation for both tax rate increases and for the rate increases themselves. She said that factored in such things as additional debt being issued for larger projects, other operating needs in projects. She said it was a very conservative estimate on those projected expenses and projected nominal increases to the rates.

Mrs. Kehoe asked Mr. Leveille if there are any unexpected surprises at budget time. Mr. Leveille said no. Supervisor Egan said when the O'Brien and Gere study was discussed and the request for an additional appropriation of bonding and there was a discussion about even with the increase request to increase the bond amount that they thought it could be done within the current water rates. She said that certainly is one of the things that will be looked at. She said not that she wants to disagree with the distinguished Comptroller, but when she said problem solved, she felt the deficit issue may have been solved but it still needs to be looked at with any surplus is doing some updates and some modernization of our seriously in need infrastructure. She said Mr. Leveille nicely provided her with a 5 year capital plan that is being reviewed. She said she was sure anything we have could be spent to just get our system up and modern. She said obviously all of that will be considered with the idea of trying to keep everything steady, as far as, rates and things go. The Supervisor said there are other things to be looked at.

Councilman Lenhardt said he had one question going back to GASB. He asked if that was just a recommendation and they are under no obligation to ever implement it, asking if this was true. Comptroller Kehoe said at this point, no. She said if there were a change in the State Comptroller's office requirements to local governments that they must comply that's another issue. Councilman Lenhardt asked if that has happened yet. Mrs. Kehoe said it has not yet but that would be something that would, perhaps, compel us to do that. Supervisor Egan noted one of the things they talked about was because it is not a requirement, although again with how auditing is going, they are going more and more conservative as we go forward especially in the accounting field. She said anticipating that at some point it is going to be obligatory, it's things like they are implementing like the GIS system which will help with the inventory and we will not incur those sort of things. The Supervisor noted our auditor is in attendance if there are any specific questions.

Supervisor Egan acknowledged receipt of the Audit Report for 2003 from Marvin and Company CPAs. She thanked both Comptroller Kehoe and Marvin and Company.

The following 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. Marcelle and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as listed on the list from Administrator, Nan Lanahan, Parks and Recreation Department, dated June 23, 2004 at the titles and salaries indicated. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Gordon.

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of appointment of Account Clerk I effective June 24, 2004. Supervisor Egan noted the individual was Kathleen Reid of 24 Grantwood Road, Delmar, NY at a salary of \$26,775, effective June 24, 2004.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer for approval of appointment of Kathleen Reid, 24 Grantwood Road, Delmar, New York at a salary of \$26,775 effective June 24, 2004 as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Gordon.

The following item was a request from Gregg Sagendorph, Highway Superintendent, for adoption of resolution to permit purchase of sludge tanker for use of the Wastewater Treatment facility and approval to go to bid for one sludge tanker for the Sewer Dept., Dept. of Public Works. Could advertise June 30, 2004 and open bids on July 14, 2004 at 2:30 p.m.

The following resolution was presented for adoption:

RESOLUTION AND PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 23rd day of June 2004, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to fund the purchase of a sludge tanker for use by the wastewater treatment plant, and

WHEREAS, it is estimated that the costs of said purchase will not exceed \$150,000; and

WHEREAS, in recognition of these needs, funds for such purpose are in the Sewer Fund Capital Reserve Fund; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to purchase the sludge tanker; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$150,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Sewer Fund Capital Reserve Fund the funds necessary up to \$150,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Mr. Plummer, was seconded by Mr. Marcelle and duly adopted by the following vote:

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

NOES: None.

ABSENT: Mr. Gordon.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) sludge tanker for the Sewer Division of Department of Public Works, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 30th day of June, 2004 and that bids be received up to 2:30 p.m. on the 14th day of July, 2004 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. Lenhardt, Mr. Marcelle.

Noes: None.

Absent: Mr. Gordon.

The following item was a request from Comptroller, Judith Kehoe, for authorization of transfer of funds from Planning Department and increase Engineering by \$160,000. Supervisor Egan noted this has to do with the appropriation that the Board previously approved for the retention of Saratoga Associates, as well as, a line item established 3 years ago for \$130,000 that was in the Planning Department in regard to doing a Zoning Code update so this is a request for authorization to transfer all funds into Engineering since Commissioner Leveille is acting kind of as the point person on the comprehensive plan process. She said these funds would be used in conjunction with the Saratoga Associates retainer.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the transfer of funds in from the Planning Department to Engineering as requested by Comptroller Kehoe in her Memorandum dated June 3, 2004. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Gordon.

The next item was a request from Chief of Police, Louis Corsi, to approve acceptance of donation of \$100 and approve transfer of funds from gifts and donations revenue to police equipment in the amount of \$100. Supervisor Egan noted this was an acceptance and then the transfer of donations from gifts and donations to police equipment. She said it was a donation made by Maria N. Geesler in regard to some services she received.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to accept the donation of \$100 from Maria N. Geesler and to approve the transfer of \$100 from Gifts and Donations to the Police Equipment line item as requested by Louis Corsi, Chief of Police. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Gordon.

The following item was a request from Louis Corsi, Chief of Police, for approval of budget transfer in the amount of \$1,848.85 from insurance recovery to police collision repairs for repair of police vehicle.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the transfer of \$1,848.85 from Insurance Recovery to Collision Repairs for repair of police vehicle as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Gordon.

Supervisor Egan said the next item on the agenda the Board would adjourn to Executive Session. She explained Town Attorney Jim Potter has been working with a representative of the Stockbridge-Munsee Band of Mohicans in regard to

working out the final terms of Memorandum of Understanding. She said she understands there is a verbal agreement and the written part is being worked on. Town Attorney Potter agreed this was correct. She said this would probably be put on the next meeting.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to table the request from Commissioner of Public Works, George Leveille, to execute a Memorandum of Understanding between the Town and the Stockbridge-Munsee Band of Mohicans. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Gordon.

The next item was a request from Mark Platel, Building Inspector, to undertake measures to secure abandoned residence located at 66 Spawns Hollow Road, South Bethlehem. Supervisor Egan said this was basically to authorize materials and manpower to secure the structure which is in essence boarding it up. She said there have been attempts to reach the owners of the property, have not heard anything from anybody and at this point just want to get the house boarded up.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve taking measures to secure an abandoned residence located at 66 Spawns Hollow Road, South Bethlehem as requested by Building Inspector, Mark Platel. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Gordon.

The following item was a request from George Leveille, Commissioner of Public Works, to authorize the Supervisor to execute various grant applications related to improvements of Henry Hudson Park and to develop a local waterfront revitalization plan. Supervisor Egan said there will be 3 grants applied for which have to be submitted by June 30, 2004. She said the submission of the grants does not obligate the Town to anything. She noted for future reference, if we are lucky enough to be granted the grants, there is a match with each one of the applications. She said one is 50/50 and one is a 75/25. She said the estuary that they anticipate submitting has resulted in the Town being advised that in the event that the Town would up the 75/25 to a 60/40 or some other match, the Town would be made more competitive to receive the grant. She said that is up to the Board to make a decision as to whether or not we want to amend the grant application. She said they do not have the exact figures at this point. Supervisor Egan believes the estuary grant is about \$68,000 and the other would be close to \$100,000 and it would be a 50/50 match. She said the first one has to do with improving the bulk head, doing some pier work and noted Clough Harbor will be constructing a fishing platform that would be cantilevered out over the water. Mr. Leveille said it would be a relatively large deck that could be used for multiple purposes but enable people to fish directly out into the river.

Supervisor Egan said the second grant is to plan for a local waterfront revitalization plan. Mr. Leveille said that was correct. He said it is to develop the local revitalization plan for the Hudson River corridor. Councilman Plummer asked how much that one was for. Mr. Leveille said he thinks it would be around \$100,000. Mr. Plummer asked what the other one was then. Mr. Leveille said it would be in the \$60,000 range, noting they are still working on the final figures. Supervisor Egan noted this was the estuary grant. Mr. Plummer asked which agency oversees this grant. Mr. Leveille said it is Department of Environmental

Conservation and the estuary's grant is from DEC and the Department of State handles all the waterfront revitalization plans.

Councilman Marcelle asked what each would accomplish and what the visual change would be as we look down at Henry Hudson. Mr. Leveille said the Henry Hudson Park would be the construction of a platform extending out over the water and back over the ground area to enable people to fish directly out on the water. He said right now the shore line is a little challenged in terms of the bulk head that is there and access in some spots is difficult. He said this would enable people to step right out over the river. He said it would be designed in such a way to withstand ice and flows in the winter and provide another, basically, a surface for additional functions and activities. He said it is a relatively large deck it might be as much as 15,000 square feet. Supervisor Egan said because of the way it is set, it also helps stabilize some of the bulkhead area because it is set back. Mr. Leveille said it is behind the shoreline but it would in fact stabilize the area.

Mr. Leveille said the local waterfront revitalization plan is a tool that enables you to provide the community's view of what land you should incur along the shoreline and enable you to access funding for projects that are consistent with the plan. He said it is a relatively thin layer of regulation, if you will, that it provides the State's consent to your riverfront revitalization program. He said it is a tool that helps access funding to implement your vision for the riverfront area of the Town.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve submitting any and all grant applications, including DEC grants, as requested by Commission of Public Works, George Leveille. The motion was passed by the following vote:

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

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The Supervisor said there is also a question of whether the Town Board wants to change the 75/25 match to something more. Councilman Plummer asked if the 75/25 applied to the revitalization. Supervisor Egan said it is the estuary one, the \$68,000. Councilman Plummer said that is for the platform. Mr. Leveille said there can be some in-kind services so we are working on how to structure that in terms of trying to provide in-kind services rather than cash. He said there probably will be some cash requirements. Supervisor said again if we are lucky enough to get the grant.

The motion was made by Mr. Marcelle that in the Supervisor's and Town Engineer's discretion to optimize our chances of receiving the grant, whatever that percentage in their best judgment is, rather than setting a specific percentage. The motion was seconded by Mr. Lenhardt and approved by the following vote:

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

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Mr. Leveille said it is not unusual that the grant might come back modified suggesting that we need to inject additional funds. He said it is a process that the grant application goes through. Supervisor Egan said she would talk to Saratoga Associates also and get their learned suggestions. Mr. Leveille said it may take a presentation to show exactly what was submitted. Supervisor Egan thanked everyone.

The next item was a request from Engineering Services Administrator, Michael Cirillo, for approval of acceptance of deeds for the Hedgefield Subdivision, Weisheit Road and Wemple Road.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the acceptance of deeds for the Hedgefield Subdivision, Weisheit Road and Wemple Road, as requested Michael Cirillo, Engineering Services Administrator, DPW. The motion was passed by the following vote:

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

The following item was a request from Building Inspector, Mark Platel, for approval of dumping permit for 270 Waldenmaier Road, Feura Bush. Supervisor Egan noted in the Memorandum there were stipulations. She said there is nothing to indicate whether the neighbors have been contacted. Councilman Lenhardt said on the back of one of the documents there is a list of the people contacted.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the issuance of a dumping permit to William Gregory for 270 Waldenmaier Road, Feura Bush, New York. The motion was passed by the following vote:

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

The next item was a request from Michael Cirillo, Engineering Services Administrator, for approval of award of bid for a Sanitary Sewer connection project at the Town Highway Garage, 74 Elm Avenue East, Selkirk. Supervisor Egan noted this project was approved by the Town Board along with approval of expenditure of Capital Reserve funds. She noted the 30 day permissive referendum period has ended. She said Trinity Construction was the low bidder.

. The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the award of bid for the sanitary sewer connection at the Town Highway Garage, 74 Elm Avenue East, Selkirk, New York to Trinity Construction, Inc., Selkirk, New York a a total bid price of \$46,813 as requested by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

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

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

Supervisor Egan noted there are a few items that were not on the agenda and she wished to put on the agenda.

The first item was to authorize the appointment of a seventh member to the Bethlehem Industrial Development Agency. Supervisor Egan explained that the Town has six (6) members currently. She said there has been a problem in regard to conflicting people out on certain issues on votes so it was recommended and requested from the IDA to her to look for a person to fill the seventh place. She said she submitted a resume for Sam Messina to the Board Members and noted he

has been a long time resident of Delmar. She said he currently is the Deputy Director of New York State's Coastal Management Program.

Councilman Plummer said he is on the IDA and it is not just the conflicts, it is a lot of times difficulty in making the meetings. He said there is a lot going on and George Leveille is the Chairman of the IDA and the meetings are once a month. He said this additional person would be very helpful just to make sure there is a quorum. He said in addition to that he knows Mr. Messina really well and he has a lot of public sector experience. He said the composition of the IDA is pretty much the private sector representatives and there are issues that come up where the public sector experience and background could be very helpful. He said he thinks Sam has had a lot of interaction over the years working for the State with different businesses and he believes he would be a great asset to the IDA.

The motion resolution was presented for adoption:

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 Samuel E. Messina be and he hereby is appointed a Member of such agency to serve at the pleasure of the Town Board.

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

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

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Supervisor Egan said the next item was not on the agenda. She said as most will remember, there was a Special Election held back on April 27, 2004 in regard to the Albany County Legislative races. She said the Town incurred approximately an additional \$24,586.50 expense in relation to that particular election. She said it has come to our attention that the City of Albany has made application to the County for reimbursement of their expenses in connection with that. After discussion with Town Clerk Newkirk, Supervisor Egan said we are going to ask for reimbursement also.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to authorize the Supervisor to send a letter to the Albany County Executive requesting reimbursement of all expenses incurred by the Town of Bethlehem in conjunction with the April 27, 2004 Special Election called the Albany County Legislature. The motion was passed by the following vote:

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

Supervisor Egan next asked for a motion to adjourn to Executive Session to discuss personnel issues. She noted when the Board returns, there will be a final presentation from the Solar Energy Committee.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn to Executive Session to discuss personnel issues. The motion was passed by the following vote:

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

The Supervisor reconvened the regular Town Board meeting at 7:37 p.m on motion by Mr. Marcelle and seconded by Mr. Lenhardt. The motion was passed by the following vote:

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

Supervisor Egan noted there were a couple items coming out of the Executive Session. The first item was to consider the appointment of William Babiskin to serve as a hearing office in accordance with Section XXVIII of the Albany County Civil Services Rules in regard to a personnel action and Civil Service Law Section 71.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of William Babiskin to serve as a hearing office in accordance with Section XXVIII of the Albany County Civil Services Rules in regard to a personnel action and Civil Service Law Section 71. The motion was passed by the following vote:

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

Supervisor Egan noted there has been a discussion and review of a donated leave policy, basically a modification of the personnel manual. In the form it is presented, she asked for a motion to adopt the donated leave policy.

The motion as was made by Mr. Lenhardt and seconded by Mr. Marcelle to approve the adoption of the amendment to the personnel manual in regard to donated leave policy. The motion was passed by the following vote:

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

Supervisor Egan said finally coming out of the Executive Session she is asking for a motion to terminate a part time maintenance person for cause. The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the termination of a part time maintenance person for cause. The motion was passed by the following vote:

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

Supervisor Egan said there is one final note, at the conclusion of the Board meeting last time there was a presentation in regard to a grant application that would need to be done in the next couple of days. She said before the Board goes to that item she wanted to give a quick update.

Supervisor Egan said EPA and the dewatering facility have gone back to Dave King upon request of a resident and asked for a second public hearing forum.

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

She said they have agreed to do that and it will be held July 15, 2004 at 6:30 to 9:00 p.m. at the Town Hall auditorium. She said it will be some kind of presentation and question and answers following.

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The Supervisor said the Planning Department with BPAC continues to meet, noting the dates are on the website. She said for everyone's information there is a story hitting in the Times Union in regard to the census data and for everyone interested, apparently the Town of Bethlehem residences have increased 478 people since 2002 for a total of 32,467 people as of July 1, 2003. She noted the total increase of 1,163 since 2000 and a 3.7 increase overall. She said she understands it is one of the faster growing communities that is on the list.

Supervisor Egan said that was all she had as an update.

Supervisor Egan said the next item was a subject that has been discussed over the last couple weeks. Mr. Charles Manning distributed a handout which described what the Bethlehem Solar Committee would be discussing with regard to the grant application with NYSERDA.

Discussion followed regarding the proposal to place solar panels on the roof at a Highway Department building located on Elm Avenue East, Selkirk. Mr. Manning and the Town Board determined that a grant application would be beneficial and talked about cost factors and benefits. Cost factors including benefit, as well as, negative to the Town were also discussed. Questions were raised regarding the life of the system; overall savings and when that would begin; what the maintenance requirements and the cost involved with this were; what portion of the energy demand at the Highway Department would be taken care of by this system; the choosing of the size of the system; if the proposal included all of the costs incurred; costs involved regarding a loan and the terms of the loan interest rate; the discount that would pertain to the loan and the length of term; the number of inverters on the system; the length of time these systems have been in operation; and the possibility of doing a smaller project for the Town. Further questions included the possibility of corrosion from the chemicals in the salt storage building and the dust that results from the stored materials. Question was asked regarding reporting to NYSERDA or other entities. Reports will be done through the computer system and the Solar Committee will take care of any required reporting. A separate computer will need to be available for this proposed system.

The Town Board discussed reducing the size of the system. Supervisor Egan asked if the Board wished to take action with regard to the proposed solar system.

The motion was made by Mr. Plummer to support going forward with a 12 to 15 KW PV system with a cost range to Town of Bethlehem between \$20,000 and \$27,500; support the grant; authorize the Supervisor to sign grant application and issue a letter of support; and a Town representative to be designated to work with the Solar Committee. The motion was seconded by Mr. Marcelle and passed by the following vote:

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

Noes: None.

Absent: Mr. Gordon.

Abstain: Mr. Lenhardt.

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Supervisor Egan thanked everyone for all the work they have done on this proposal.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to adjourn the regular Town Board meeting at 7:25 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.