

TOWN BOARD
MAY 26, 1999

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 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor
George Lenhardt, Councilman
Doris M. Davis, Councilman
Robert C. Johnson, Councilman
Susan Burns, Councilman
Catherine T. Picarazzi, Deputy Town Clerk

Supervisor Fuller welcomed everyone to a regular meeting of the Bethlehem Town Board and asked them to join in the pledge of allegiance. She especially welcomed all the high school students.

Recognition of
Citizens for
Pedestrians
Safety

The first item on the agenda was recognition of the Citizens for Pedestrians Safety. Supervisor Fuller presented a Proclamation from the Town of Bethlehem honoring Fran Stevens and Theresa Smith and all of the members of the Citizens for Pedestrian Safety for all they have done for our community. She noted they received a great award from J. C. Penney company. She said because of that award, she felt the Town should also be a part of congratulating them. Supervisor Fuller noted Lynn Finley could not be in attendance at the meeting.

The next item was to approve a Policy Modification for Management information System appointments.

Supervisor Fuller explained that at the end of January, notification was received that the assistant programmer was relocating to another area. The Town found itself in the position of having one programmer. She said in February they went through an exhaustive search to try and replace this position. She said they found it extremely difficult. She said in order to accommodate the market base realities, the Board needed to raise the salary and be able to compete in the world of information technology. She said she began with this story because there is a need to change a policy for salaries for all Town employees, noting they need to make an exception. She said the employees operate on a grade step scale and are based on different criteria to accommodate this program. She said for these positions, they are asking to leave the salary grade and step to accommodate what the market is bearing and demanding.

Policy
modification
for MIS
appointments

Supervisor Fuller said the first item was a policy modification. She said she is asking the Board to approve her recommendation.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the policy modification for MIS appointments.

Councilman Burns said the Board has the authority to structure positions in the Town and to set up the duties and responsibilities but it is the sole authority of the Civil Service Department to classify the jobs. She said there is a need in the Town but the need is not to change the policy. She said the established policy for all the employees in all the departments of the Town should be followed. She moved that the Board not approve the policy modification put forth and uphold the established policy which has been for the entire Town and all of the 200 employees which covers all departments in the Town and consider the other options for the MIS department. She said there are other options out there. She put this forward as a motion.

Supervisor Fuller interrupted for a second, indicating there was a motion and a second on the floor. Councilman Davis asked if this was part of the discussion. The Supervisor said it was. Councilman Davis asked Councilman Burns what the options are. Councilman Burns said there are options with Civil Service that you can revise job descriptions and rerate titles and quite frankly, she said back at budget time -- noting she went through one budget time so far -- that

there were at least 2 other employees of the Town who came forward and asked about changing their salaries and it was discussed. She said all of the Members approved the budget in November. She said at the time of budget is the time to discuss this and not at this time. She said this is not an emergency.

Councilman Davis said she did not think Councilman Burns answered her question as to what the options are. Councilman Burns said you can revise the job description and rerate the title and go forward and ask that to be changed through Civil Service. She said there is a process there for the Board and it is the option.

Supervisor Fuller asked if budget time was coming up. Councilman Burns suggested that it be done now because the process takes a while and then at budget time when that rolls around, put it into the budget and have it ready for next year. She said she thinks it will take that long. Supervisor Fuller said they have already gone through Civil Service as part of the hiring procedure here. Councilman Burns said she is suggesting to revise the job description and rerate it. Supervisor Fuller said she thinks they did that twice trying to get someone to apply. Councilman Burns said if these are unique positions and titles then you can do that. Councilman Davis said this does relate specifically to the MIS department and is not a general statement.

Comptroller Kehoe said there is no inaccuracies with the current job description. This position is for a Programmer Analyst which is the title for the position and was in place when the budget was reviewed for 1999. She said the duties that are being filled are for a Programmer Analyst. She said she does not feel it would be appropriate to go to Civil Service and try to find some other title because the title is accurate. She said the issue comes in that there is a vacancy that they did not know about back in 1998 when the budget was being prepared. She said this policy modification that has been proposed is in response to operational, real, necessity based on the fact that there is a vacancy that was not anticipated, based on a lengthy search, and exploring what the market is for IT professionals. She said there has been a difficulty in finding a candidate and noted this process was started with Civil Service. She said they did not have a list of people to be contacted. Based on an advertisement, a candidate has been found, according to Mrs. Kehoe. She said the candidate was not interested in the position at the designated salary for this position based on the classification system. She further noted the classification system for the entire Town for all other positions is appropriate and they have not discovered any operational problems with that system, only exception being with the MIS department. Again, Mrs. Kehoe said it is the combination of the needs that privatized sector and public sector have for the IT professionals. She said it is not just the Y2K work volume that is being gone through now. She said it is just the increased use of computers. She said the demand is something that will not go away in the near future.

Councilman Burns said she understands this, however, the policy modification will deal with the MIS department, not just for Program Analyst and will also deal with the Director of MIS. Mrs. Kehoe said this was correct. Councilman Burns said this would cover both positions and said the Director of MIS could be a description revision and rerate that title because it is a unique title. She said that is a possibility and option. She said this modification is not just for Program Analyst it is for both. She said according to established policy, the Board is supposed to go by a list and noted there is an approved list for Program Analyst. Mrs. Kehoe said there is a non-mandatory list that just became available yesterday. She said there is a series of problems with that noting it ignores the work that has been done in broadly casting a net to try and find a qualified applicant for this position. She said when the exam was originally offered for that position, there were no candidates that had signed up for the exam. She said Civil Service responded by lowering the expectable competences for the Programmer Analyst position in order to get people interested in taking the exam. She noted there were 5 people who took the exam and 2 passed it. She said the fact that they passed it means that they passed the designated exam but it does not mean that they have the

qualifications that we require in the Town of Bethlehem for the Programmer Analyst position which has been published in the ads that have run in numerous papers. She said we require experience and knowledge of the AS400 operating system, programming language, RPG. These are minimums, according to Mrs. Kehoe. She said experience in not only programming and help desk functions but working with pcs, integrating pcs into the main frame. She said there is a long list that perhaps Jeff at a later point can go over. She said these are our specific needs. She said just because they pass the test does not mean that they have those needs and it is not a list that we are required to hire from. Councilman Burns said she understands this. Mrs. Kehoe said it is a positive that the list has come out at this point because that removes a question mark in the appointment process. She said that means that should the Board then appoint this position, it is a provisional appointment and it will not become a permanent appointment until such time as the candidate sits for and passes the next Civil Service exam that is offered.

Councilman Burns said she understands that it is a non-mandatory list, the fact of the matter is that there were 5 people who took this exam. Five people and 2 passed, Mrs. Burns stated, noting that is the fact of the matter. She said there is a pool of 5 people and we do not know. Mrs. Kehoe said only 2 could pass a lower competency exam. Councilman Burns said Mrs. Kehoe does not know if they meet the requirements and said she does not know that they don't. Mrs. Kehoe said she does not know if they do, but again, they had access to the fact that there was a vacancy in the Town of Bethlehem. Councilman Burns said the fact of the matter is, according to the established policy, that they would do this for any other department, and go by the list. She said there are people out there, 5 people who are interested in the Programmer Analyst position. She said they took the exam. Mrs. Kehoe said they could have had the opportunity to be interviewed and submit a resume and be considered for this position.

Councilman Burns and Comptroller Kehoe continued to discuss the fact that this is a policy modification and there is a list and people interested in the position.

Supervisor Fuller interrupted to go through the schedule that was done. She noted in early February the Comptroller checked with Albany County Civil Service for a list of Programmer Analyst candidates. She said at that time there was no list existing. She said a new Programmer Analyst test was to be given in mid-February with a starting salary of \$33,813. She said no one applied for the exam. The test was reissued, according to Supervisor Fuller, with educational experience qualifications removed and was conducted the end of February. Five people sat for the reissued exam, no results to date, the Supervisor said. She said they were told yesterday, that Civil Service and New York State was hiring applicants without exams due to the shortage of information technology people. In mid-February, they started word of mouth search with the Town people and Town vendors -- IBM, Kimberly Computers, HTE -- and also inquired with other government area agencies. She said there were no candidates. She said one area of Town was looking for the IT people, another area of Town had just hired a Director. The County just lost 2 of their IT people, Mrs. Fuller said, and were still looking. She said Systems Implementation which is the Town Justice Court software vendor was looking for a Programmer Analyst since October of 1998. She said they also just lost another key member of their staff. HTE lost an entire department of IT people, Mrs. Fuller said.

Supervisor Fuller said she was told by an area town and Human Resource person and an area Comptroller, that the salary we were offering was too low and certain positions cannot be hired by remaining within our grade. She said in March the position was posted at Hudson Valley, SUNY, New York State Internet Job banks and received some resumes, none for the qualifications required. She said in March they advertised in the local papers -- the Spotlight, Schenectady Gazette, Times Union, the News Herald, Capital District Business Review -- and received some responses from the Times Union ad, none from the other ads. One candidate was interviewed, according to Mrs. Fuller, who had AS400 experience. She said that individual was seeking \$55,000 and had an offer at Trans World. She

said they checked the references, some would only state that the individual had worked there.

The search continued, according to the Supervisor, through April. She said the Town Comptroller contacted a head hunter for help in filling the position, one candidate was sent in for the interview. She said the candidate was seeking \$55,000 and in addition, the head hunter fee was 20 percent of the salary. She said the candidate was a programmer only and no expertise in other areas. She said they explained that because this was a small office other tasks were required. The head hunter did not send any more applicants, according to Mrs. Fuller, stating the Town had never agreed to the hiring service fee. She said the Town would not do that.

Supervisor Fuller said later in April, they placed an ad in the New York Times. The ad produced many applicants, some who wanted to work from other countries via the telephone lines, according to Mrs. Fuller. She said 2 individuals by way of a phone interview wanted \$70,000 to \$100,000. She said one a message was left detailing the position and salary and they never returned the call. She said it is now May and there is a candidate and that was the end of the search. The issue of the Civil Service certainly was tried, according to Mrs. Fuller. The list with only 2 names listed does not change the hiring procedure here. She said the candidate must take the Civil Service exam.

Councilman Burns said she understands that and said she feels this would be bad policy to change what is already established, noting it would be bad practice to change that policy and deviate from the established policy. She said if this starts now, it can continue whenever a request comes up. She said it is bad practice. Supervisor Fuller said she thinks this is a unique request and it is a unique market out there. She said all the literature and her discussion with the Albany/Colonie Regional Chamber of Commerce about an hour before the meeting and they talked about the demand for these people and what the salary rate is. She said it is much higher than what is being looked at. She said this is not something that has been prompted by Y2K. She said it is prompted by the real need out there and the information system that will continue well after Y2K is long gone.

Supervisor Fuller said her own concern about the appointment and the change in the policy is for the community. She said this is running business, it is running Town government and that's what is important to the community. Councilman Burns said she does not feel it is good business in deviating from the established policy. She said it is one mechanism but she does not believe it is the right mechanism.

Councilman Lenhardt said as strange as it may sound, he is in partial agreement with Councilman Burns. He said, however, we have a very qualified candidate that is available if this policy is changed. He said he has a problem changing policies because it opens up other issues, however in this case, he is willing to make the policy change because of the qualifications of the candidate for this position. Councilman Burns said once again, this is strictly about policy and procedure.

Councilman Davis said she does not think any of the Members likes the idea of changing policy and she thinks historically they have indicated that. She said they have been very clear and it is not something that they have done and she thinks under the circumstances with all of the information that has been received, and the extraordinary amount of background work that has been done, and the very clear explanation of the history here, she feels they are doing the right thing. She said the language that has been provided by Comptroller Kehoe is very specific. She said it does not incorporate anything other than the MIS department and, in fact, the suggestion also indicates that should future vacancies occur, the position would revert back to the assigned grade assuming that the tight market conditions for the position have abated. She said she thinks Mrs. Kehoe has covered what would happen in the future as

well. She said she feels very comfortable because of that and thanked Mrs. Kehoe for all the work she has done.

Councilman Johnson said sometimes he thinks the easiest way out in any management situation is always to follow the book. He said the hard part is when you have to make a decision when not to follow the book.

Councilman Davis also said she thinks it is very easy to say no to very difficult decisions. In most cases, Mrs. Davis said, no is just say no. She said she thinks you have to weigh it and have to think of all the considerations that have been made and a yes vote here is much more difficult than a no.

Councilman Burns said obviously she has weighed this considerably, talking with Supervisor Fuller, talking with Mrs. Kehoe and she has been going over this and calling other individuals and doing her homework. Supervisor Fuller said she was absolutely right, she called and told her about the Civil Service list. She said she called Ms. Burns back to let her know that they called back today to find out about the list. She said that is why they both knew that it was a non-mandatory list. She said it is 2 individuals. Councilman Burns said this is about policy and procedure.

Supervisor Fuller noted there is a motion and a second on the floor and asked for a vote. Councilman Burns said point of order, she believed she had a motion. Supervisor Fuller said point of order is the motion and second is on the floor. Councilman Burns said her motion needs a second in order to proceed. Supervisor Fuller asked if there was a second to Councilman Burns's motion. There was no second to the motion and Supervisor Fuller noted the motion failed for lack of a second. She asked for a vote on the original motion.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
Noes: Ms. Burns.

Appoint
Programmer
Analyst

The following item on the agenda was the appointment of a Programmer Analyst. Supervisor Fuller stated a replacement for the Programmer Analyst has been ongoing from February. She said she went through the hiring and advertising information trying to get candidates here and are fortunate to have Jean Cunningham, who is the recommended candidate. She said Jean is a Programmer Analyst and has been in her present job since 1990 and is a graduate of SUNY Albany. She said the salary recommendation is a Grade 24, step 1, salary of \$50,427 with an effective date of June 16, 1999. She said the appointment is provisional for Civil Service purposes pending subsequent passing of the exam.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to approve the appointment of Jean Cunningham, Albany, New York to the position of Programmer Analyst at a salary of \$50,427, effective June 16, 1999.

Councilman Burns said she would like to make a motion that the Board table the appointment of Ms. Cunningham for Programmer Analyst and in light of the recently available Civil Service list, consider the candidates on the list first, according to the established Town policy. Supervisor Fuller asked for a second to the motion. Motion failed for lack of a second.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Johnson.
Noes: Ms. Burns.

Request for
salary modifi-
cation for
Director of
MIS

The next item was a request for salary modification for the Director of MIS. Supervisor Fuller said this was a following item to the previous 2 items regarding the MIS department. She said the

original Programmer Analyst is our current Director of MIS and has been with the Town for 15 years. She said when they are bringing in someone new starting at \$50,427, it is necessary to look at the Director's salary. She noted the salary is being considered with regard to what Mr. Dammeyer has done for the Town of Bethlehem. She said the important services must be considered that he provides and the recommendation is for his salary to be raised to a Grade 28, Step 5 which would be equal to a salary of \$73,586.

Supervisor Fuller said this appears to be a significant increase when looking at it on paper. She said when you look at the thousands and thousands of dollars that Mr. Dammeyer has saved for the Town of Bethlehem. She said she views this as the cost of doing business. She said he has been a good manager and continues to provide the excellent service for the community. She said as Director of MIS he is here for whatever request this community needs. She said she does not want to jeopardize this position or reduce this position in any fashion. She said they need to look at programs that he has brought into this Town that used to be sent out and have other vendors do. She said the Water Department billing is a whole new program, the tax bills, our Assessor's office, the Police Department. She said above all else what is most important is 911. She said picture this community without the very best as our programmer. She recommended that this salary be increased.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve a salary Grade 28 increase, to Step 5 at \$73,586 for the Director of MIS.

Councilman Burns reiterated again, this is about policy and procedure just as the former 2 motions were. Once again, she motioned that the Board contact Civil Service regarding the title of Director of Management Information Services and revised the job description and rerate the title which is unique to be put in place at budget time. Supervisor Fuller asked for a second to the motion. She noted motion failed for lack of a second.

Councilman Lenhardt said he is certainly in favor of elevating the level of the position, where he disagrees is with the salary recommendation. He noted he will be voting no on this motion. He said this has nothing against the individual and that he needs and requires a pay increase, it is just the amount.

Councilman Johnson asked Jeff and Jane to close their ears for a minute. He said he has done quite a bit of research himself into going salaries for work like this. He said the department that he works with has administrators that do similar work with the AS400 and most everybody he has talked to agrees these are very fair salaries. In fact, probably most of the people he talked to says we are still on the low side. He said he thinks like the rest of the Board members, and he has to think back to a very dear friend who was his boss for many years and when he had a tough decision he went to him and asked for his opinion. He noted the answer was do what is right. He thinks what is being done is right. He thanked the Supervisor.

Councilman Davis said she has struggled with this and realizes this sounds to many of the people like a lot of money and acknowledged that it is.

Councilman Davis said maybe some should at this point realize that there is a wonderful opportunity, as a side note, you are all seniors going to school and those who have not thought about getting into the computer field, this is worth noting. She said that apparently that is where the business world is headed. She said most of the residents are aware of that. She said she has never believed in giving anything away and since she has been on the Town Board, she feels that way even more strongly. She said she looks at people at Town hall, knowing they work very hard for their salaries and she does not feel that they can just give someone a raise when they ask for it, it has to be justified. She said she has had some difficulty with this particular raise because it is a significant one and it seems like an awful lot over night. But, again, she said the people who have provided the information are people who know the industry

and know the market. She said this is not just an arbitrary figure, it has been arrived at in a very reasonable, rational way. She thinks if they go to a lower figure, the salary would increase very quickly in a half year to this figure anyway. She said she thinks it is reasonable and she will vote in favor.

Supervisor Fuller said the Grade 28, Step 5 would have Mr. Dammeyer off the grade and step schedule. It would be only a COLA for the future.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mrs. Davis, Mr. Johnson.
Noes: Mr. Lenhardt, Ms. Burns.

Supervisor Fuller thanked Mr. Dammeyer and Ms. Cunningham for being in attendance and noted this was a difficult decision. She said the Board Members have, she thinks, struggled hard with it. She said the advantage she has is with being at Town hall every day and seeing what really happens in this Town government and how hard it is and what the programs are that are offered. She thinks everyone needs to struggle with this type decision, whether it is a very small raise or a significant raise. She said the bottom line is that they care about the Town and the community and that is what this job is all about. She welcomed Ms. Cunningham and look forward to seeing her on June 16. She wished her the very best. She also thanked Mr. Dammeyer. Councilman Davis wished Ms. Cunningham luck in her new position.

The next item was a request from Engineering Division, Terrence Ritz, Department of Public Works, for approval of house number assignments. Supervisor Fuller noted these are for Maple Avenue, Selkirk; Commonwealth Drive, Glenmont; and Oakwood Road, Glenmont. These assignments are made for emergency services.

Request from
Engineering
Division
approval
house number
assignments

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the following assignments of house numbers as requested by Terrence Ritz, Engineering Division, Department of Public Works:

1. L.P. Transportation, 112 Maple Avenue, Selkirk;
2. Chadwick Square pool facility, 51 Commonwealth Drive, Glenmont; and
3. Luigi Godino, 92 Oakwood Road, Glenmont.

The motion was passed by the following vote:

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

The following item was a request from Engineering Services Administrator, Michael Cirillo, Department of Public Works, for acceptance of a deed for Cedar Ridge, Section 3, Slingerlands.

Request from
Engineering
Services
Acceptance
of deed for
Cedar Ridge
Section 3
Slingerlands

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to accept a deed for drainage easement purposes across 42 Gullane Drive, Slingerlands from Mr. and Mrs. Stephen Miller, Slingerlands, New York for Cedar Ridge, Section 3 Subdivision. The motion was passed by the following vote:

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

The next item was a request from Engineering Services Administrator, Michael Cirillo, Department of Public Works, for acceptance of a deed for drainage easement purposes along the southerly side of Miller Avenue, Selkirk from Mr. and Mrs. John Good, Selkirk, NY for the Twenty Acres Subdivision, Selkirk.

Engineering
Services for
acceptance of
deed for drainage
easement southerly
side of Miller Avenue

The motion was made by Mr. Johnson and seconded by Mr. Lenhardt for acceptance of a deed for drainage easement purposes along the southerly side of Miller Avenue, Selkirk from Mr. and Mrs. John Good, Selkirk, NY for the Twenty Acres Subdivision, Selkirk. The motion was passed by the following vote:

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

The following item was a request from Michael Cirillo, Engineering Services Administrator, Department of Public Works, for acceptance of a deed for Twenty Acres Subdivision, Selkirk.

Request from
Engineering
Services accept
deed for Twenty
acres subdivisio

The motion was made by Mrs. Davis and seconded by Ms. Burns to accept two deed documents for sanitary sewer easement purposes from Mr. and Mrs. Thomas Newell, Glenmont, New York and The Swift Group, Glenmont, New York for sanitary sewer easement purposes for the Clearview Subdivision as requested by Michael Cirillo, Engineering Services Administrator, Department of Public Works. The motion was passed by the following vote:

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

The next item was a request from Bruce Secor, Commissioner of Public Works, for adoption of a resolution and authorization for the Supervisor to sign a Memorandum of Understanding regarding work along the Onesquethaw Creek in South Bethlehem. Supervisor Fuller explained there is currently a problem in South Bethlehem with the Onesquethaw Creek, flood waters are eroding the side of the embankment of the old South Shore Road right-of-way which is owned by the Town. She said the State has requested the Memorandum of Understanding be processed prior to proceeding with the repairs to the embankment adjacent to the creek.

Commissioner
of Public Work
adopt resoluti
and authorizat
Supervisor to
sign Memorandu
of understandi
regarding work
along the
Onesquethaw
Creek Flood
Waters

Councilman Johnson asked Mr. Secor what kind of work has to be done and whether stone is to be put in there. Mr. Secor said the Town fixed flood damage in South Bethlehem by the County Road where South Albany Road is located about 3 years ago. He said it was a matter of putting rock back against the banks where the stream swings wide to protect people's homes and garages. He said this is an area upstream from there and there is a possibility of a threat to the parsonage of the United Methodist Church. He said this needs to be repaired. He further explained the State wished this done by the Town. Councilman Johnson thanked Mr. Secor.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the Resolution following and authorize the Supervisor to sign the Memorandum of Understanding regarding work along the Onesquethaw Creek in South Bethlehem. The motion was passed by the following vote:

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

RESOLUTION PAGE

Resolution of May 26, 1999

WHEREAS, THE Department of Environmental Conservation of the State of New York is responsible for the protection of the water resources of certain classified waters in New York State as set forth in Part III-A of Article V of the Conservation Law, and

WHEREAS, this Memorandum of Understanding between the Department of Environmental Conservation of the State of New York and the Town of Bethlehem established an agreement of cooperation between the parties hereinafter mentioned for the administration of this responsibility,

THEREFORE, BE IT RESOLVED that Sheila Fuller, Town Supervisor, is hereby empowered to sign the attached Memorandum of Understanding on behalf of the Town of Bethlehem, and,

BE IT FURTHER RESOLVED, that this Memorandum of Understanding shall take effect immediately upon its acceptance by the Department of Environmental Conservation.

Attest: /s/ Kathleen A. Newkirk

Clerk

Town of Bethlehem

Request from
Parks and
Recreation
approval
seasonal
personnel

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

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to approve the appointment of seasonal personnel as requested by David Austin, Administrator, Parks and Recreation Department, as listed in the Memorandum dated May 26, 1999 at the titles and salaries indicated. The motion was passed by the following vote:

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

Noes: None.

Highway
Superintendent
disposal of
vehicles

The next item was a request from Gregg Sagendorph, Highway Superintendent, for disposal of vehicles at auction. Supervisor Fuller noted the auction will be held by Northway Auto Exchange in Clifton Park.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the request of Gregg Sagendorph, Highway Superintendent, for approval of disposal of vehicles at auction by Northway Auto Exchange in Clifton Park, New York as listed in his Memorandum dated May 20, 1999. The motion was passed by the following vote:

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

Noes: None.

Approve Minutes
April 28 and May
12, 1999

The next item was to approve the Town Board minutes of April 28, and May 12, 1999.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the Town Board minutes of April 28 and May 12, 1999 as submitted. The motion was passed by the following vote:

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

Noes: None.

Supervisor Fuller asked if anyone wished to address the Board.

Albert Penk
addressed the
Board

Resident Albert Penk addressed the Board in regard to his meeting with the Board on April 14, 1999 and it was stated that the Town Board would attend the meeting with the Department of Transportation when it was going to be held. He said it will be held June 7, 1999 and asked if the entire Board will be there. Supervisor Fuller said they were planning to be there. Mr. Penk was advised previously that the whole Board could not attend the meeting. Councilman Lenhardt said he is attending as an interested citizen, not as a Town Board Member. Councilman Davis said they will not be making any decisions at that meeting. Supervisor Fuller said they are not going to be there as a Board. She noted Mr. Penk's former request was for the Board to meet with the residents and that they could not meet as a Board for that. She said they will be there, just as he will be there, for the information. Mr. Penk said this was okay.

Mr. Penk said tonight the Board got into a bunch of different issues within the Town. He said he doesn't think there has been

involvement with the issue in Selkirk about this additional highway going through. He said he was under the impression that it wasn't a Town item that the Board should get involved with. He asked the Board if it is an item the Town Board will handle or back-up the residents of Selkirk. Supervisor Fuller said the Town Board will be there to hear exactly what the proposals are and be involved in the workshops. She said there will be a recommendation coming from the people in the community. She said that is everyone that attends this meeting. Mr. Penk said he just wanted to say that the Department of Transportation when they take all the residents into individual rooms are taking the residents and putting them against one another he believes. He said if this meeting turns into that with certain people in one room and other people in another room, he doesn't think the Department of Transportation is helping at all. Supervisor Fuller said that is not their plan.

Supervisor Fuller said if Mr. Penk would like, he could speak with the Department of Transportation people and mention the concern. Mr. Penk said he has already gone to the next level and will distribute some information that he does not feel the Board is aware of. He said if the Board is not aware of this information, noting it will back-up SAFER, that Mrs. Davis thought did such a wonderful job. Mr. Penk acknowledged SAFER did a good job indicating it was an excellent job, but noted they did not get any backing from the Town Board. He said he had information where the State had to go for a Federal ruling in order to get the trucks to operate back down that section of highway. He asked if they were aware of it? Supervisor Fuller said she did not know what he was talking about. Mr. Penk said that was okay. The Supervisor asked him to explain.

Councilman Lenhardt brought the notice of the meeting. Mr. Penk said the notice that was mailed was sent only to the people who were at the original meeting. He said none of the attendees were the people who own the property where the road is going through. He said he took copies of the letter and distributed them to the people who were not on the list. He further noted that the Department of Transportation said if he had given the names to them they would have sent the letters. He said if he didn't take an interest none of the people would have been aware of the meeting.

Mr. Penk said he questioned that there was no public notice of the meeting, however, they informed him that it was an informational meeting and there was no requirement to advertise in the paper. He said since he was there last Friday, it appeared in the Spotlight. It was clarified that it was a newspaper article on this item, but it was not a legal ad. He thanked the Spotlight for the article. Supervisor Fuller said the public hearing has to have a legal ad.

Mr. Penk said the material he distributed was where the truck traffic was stopped on Route 396 between 9W and 144 for a period of 2 weeks. He said Mr. Williams, SAFER, confirmed this at the last meeting on April 14. He said if he is reading it right, the way they are getting around it is by going to a Federal law on highway vehicles running over the highway. He said the last paragraph, the Department is considering such a ban at the moment and may implement some type of truck restrictions in the future which would affect the use of vehicles on that portion of NY 396. He said it further noted any ban implemented would still provide for local delivery within the restricted zone. He said vehicles would be prohibited to points beyond Selkirk and such a ban, if implemented, will result in notice being given. He said he believes if the Town Board would back the endeavors to stop the trucks through the hamlet of Selkirk, which should have been done already, it could still be done.

Mr. Penk again mentioned the crossing of the lines on the road and the 10 foot wide lane requirement. Supervisor Fuller said she thinks what the real issue is is that removing trucks off of 396 is an option to be considered. Mr. Penk said it is not an option. Supervisor Fuller said there is a need to know where the rest of the community stands on this. Mr. Penk said the document he has does not concern the rest of the community, although he understands the Town Board's position. He said he does not think anything was done after this information was received. Mr. Penk said he thinks SAFER finally threw their hands in the air and said they weren't getting any

support and the people stayed home and it was tabled. He said it then fell asleep because this is from 1996-97. He said it is 1999. Supervisor Fuller said SAFER is what brought this proposal forward. Mr. Penk agreed and said SAFER is the one that stopped the trucks, but, without having the backing of possibly the Town Board or our Town in general, they put the trucks back on the road again. He said he does not think that was fair to the residents of Selkirk and he does not feel they got any backing from the Town Board. He thanked the Board if they thought they did their job. Supervisor Fuller noted the Board is here to make sure that every resident's concern is addressed. Mr. Penk said okay. The Supervisor noted he will see that when the Board is at the June 7th meeting with the DOT officials. She said they've got to come in with the other options and the community needs to decide where they want the road. Mr. Penk said he understands that but noted the only way to affect a change is possibly through zoning. He said the tractor and trailers are commercial traffic.

Supervisor Fuller asked Mr. Penk if he is aware of the other options. Mr. Penk said he might be a little more advanced in this than the Board and he thinks the Town Board should be advanced and telling him what is going on. He does not feel he should have to address the Town Board and bring them up-to-date. He said the DOT came out with the change in the northern option, then they came out with a second and now they are moving the road another 150 or 200 feet into the hedgerow and they are taking 3 more houses. He did not feel the Town was aware of that and if they are he would like to hear that. He said what is happening now is there are 3 houses going to be taken of people who have lived there a long time and it's just incredible what they are doing. He said he cannot get a reason why they are doing this and Mr. White has gone to the Thruway Authority now to get an easy pass lane so that the Thruway does not have to put a toll collector in the exit. Now, why -- he was asking -- are we doing this? Councilman Lenhardt asked which exit was to be an easy pass. Mr. Penk said a new exit for this bypass they are putting in. He said he could not get the maps or he would have gladly given copies of the maps. His wife went to the office today and the maps were just finished this date. He said he went to the office and the Secretary is the one who gave the article which he distributed.

Councilman Davis said in regard to Mr. Penk's not knowing why they are doing this, she said DOT hasn't done anything. They are providing information about alternatives. She said nothing has been done yet. Mr. Penk asked if she would have just liked to bought a house spend \$76,000 for a home in Selkirk, just got engaged, getting married and then have the Town say... not the Town but the State DOT say we're going to take down your house. Mrs. Davis said this was her point, they have not said that to anyone. Mr. Penk said they have. Mrs. Davis said they have alternatives. Mr. Penk said no. Mrs. Davis said then he is talking about something different than what is on the announcement. Mr. Penk said the paper is part of it. Supervisor Fuller said there is a need for clarification and it is from Mrs. Penk.

Mrs. Penk said what has been presented in the new release gives you 3 options, a, b and c. There's modifications to c which were not printed. Modifications to c are removing 3 homes on Clapper Road, one being his nephew's, one my sister-in-law and her neighbor. And, the road is going straight through them. They are modifications to 3 c which they have not publicized. And, I saw them today at DOT on Holland Avenue. Supervisor Fuller asked if she asked what the modifications were. Mrs. Penk asked why the modifications were being made and they said they are looking at options that they feel would be best for everyone.

Mrs. Penk went to the Thruway Authority and they have agreed to fund an easy pass. One easy pass would be a loop type in back of the old Heath chicken farm on Clapper Road and the other is a diamond shape easy pass with the Thruway going straight through. There will be no toll booths, no nothing, Mrs. Penk said, just on and off. She said that would be the modification that would be made and bring 3 houses down and on Weisheit Road there will be a taking of 4 houses which would be 7 houses down and one house (the Lasher house) at the intersection of Route 9W and Creble Road. Mrs. Penk said these are

modifications on blue prints, no maps are made as yet. She said they are not sure the maps will be done in time for the June 7th meeting but they will be presented at the meeting. Supervisor Fuller said that was what she wanted to know. Mrs. Penk said they have guaranteed them today that these options will be part of the presentation on the 7th. Councilman Davis said these have not been done. She said these are still considerations. Mrs. Penk said they are considerations, noting the maps were just finished and she had been called Tuesday afternoon. Councilman Davis thanked Mrs. Penk for the explanation.

Mr. Penk said they are bringing this as information to the Town Board to show how it is affecting the Town. He said virgin farm land is being taken, 3 original farms, and taking the bypass and that will intersect with Job Corps entrance. He said this is what they are planning to do.

Mrs. Penk said they are affected by the way they want to put this through and she thinks the State is doing something again like they did at the September meeting, they advertised the meeting, they had 2 options they were going to show and then when everyone arrived, they had on the easel this alternative 3c option which had been tabled because it was too expensive. She said she thinks now they were going to do the same thing for the June 7th meeting. They had 3 options and all of a sudden there were modification to the 3c proposal. She said no one would have a chance to see and digest, know about them until all the emotions were rising high on June 7th. She does not think this is fair. Supervisor Fuller said she will check into this with Mr. White.

Mr. Penk said he does not understand why the Thruway interchange is coming into this. He said the rerouting of truck traffic off of Route 396 is the issue. The Board said they cannot answer that. Mr. Penk said they tried to put in a tandem trailer area and that is what they are trying to do. He said that failed. He said the people discussing this are not all the most honest people. He said when the easy pass lanes were brought up and when this is done and there are no toll collectors when they elect to move exit 22, they will put the double bottom area back where the easy pass is. He said it is a step, one step toward their objective. He said he is wondering why this objective is there. Councilman Davis said they cannot answer this and that is what the public meeting is for. Mr. Penk noted the Board could question what is happening in the Town. He said if the Board cannot, then the residents of Selkirk have to make an alternative. Councilman Lenhardt asked about the modifications and if it was indicated to recommend the elimination of the existing exit 22 and establish a new one. Supervisor Fuller said she does not do well with threats. Mr. Penk said he is not threatening, that is just an option. Supervisor Fuller thanked Mr. Penk.

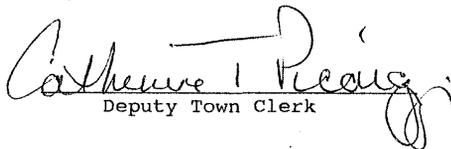
Resident Robert Samsel said he has lived in Selkirk for 48 years. He said based on the past history of the Department of Transportation, any freshman at the meeting will be collecting Social Security before this gets through.

Supervisor Fuller asked if anyone else wished to address the Board. There were none.

Supervisor Fuller said the next Town Board meeting will be held June 9, 1999 and June 7, 1999 is the public meeting at the Ravena-Coeymans-Selkirk Central High School, from 6 to 9:30 p.m. for the presentation of the Route 396 Bypass information.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 8:31 p.m. The motion was passed by the following vote:

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


Deputy Town Clerk

Supervisor
announced
June 7, 1999
public meeting
about Route 396
bypass at
Ravena-Coeymans
Selkirk Central
High School
Town Board
meeting adjourns