

TOWN BOARD
JULY 14, 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
Kathleen A. Newkirk, Town Clerk
Bernard Kaplowitz, Esq., Town Attorney

SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Ask you all to join us in the pledge of allegiance.

I apologize to everyone in the audience who didn't get to be first on the agenda tonight. So, we will move through pretty much as quickly as we possibly can, especially to get all of our volunteers out of here. So, the first item will be the presentation of the dredging report and we have Guy Swenson from O'Brien and Gere. If you will begin and give us a brief overview of... yes, surely.

MR. SWENSON: Does it matter which one?

TOWN CLERK NEWKIRK: The silver one is pa. Yes, that one and if you would stay near that area.

MR. SWENSON: All right.

TOWN CLERK NEWKIRK: Thank you.

MR. SWENSON: O'Brien and Gere was employed to do a dredging test on the existing groundwater infiltration system to evaluate whether dredging of the river bottom off shore of the infiltration system would be an effective way of maintaining an increased yield of the system. After considerable work getting permits the Town went through, the dredging actually took place the beginning of December 1998. Prior to the dredging we did sampling of the sediment thickness on the river bottom off shore from the infiltration system at varying distances measuring the thickness of the sediment. Thicknesses ranged from an inch to all the way up to 5 or 6 inches in some locations. Then the hydraulic vacuuming, dredging equipment came in and over the course of about from December 8th to 15th it vacuum dredged an area of about 100 feet off shore from the infiltration system and across the full length of the infiltration system. And, what it did, it vacuumed somewhere between 1 to 4 inches of sediment off of the bottom depending on the thickness of the sediment and deposited the sediments in an enclosed area on shore.

Immediately following the dredging, we went out at varying intervals and again, collected sediment, thickness measurements in approximately the same locations that we had sampled previously. We did sediment thickness measurements 2 days after the dredging was completed, another 2 days after that, and then in the spring after the runoff had occurred.

During this dredging test period, prior to the dredging, the infiltration system had been pumping on the order of about 1,000 gallons per minute and during that time the water levels in the infiltration system were on the order of 12 to 15 feet below mean sea level. Immediately after the dredging was completed, the system was being operated about 1,000 to 1,400 gallons a minute, about the same as before. We tried to keep the flow rates about the same. The water levels in the system were on the order of about 4 to 5 feet below mean sea level. So, immediately after the dredging was completed we did notice an increase in the water levels within the system. Within about 9 days of the dredging, we were seeing silt back on the river bottom. The yield from the system were still being

O'Brien and
Gere on
Dredging

maintained about the same and the water levels were back down to the 12 to 15 below mean sea level.

Looking at this information and looking at a little bit of information that was available from some emergency dredging that was done back in 1997, we basically concluded that one would have to dredge anywhere from at least 6 times a year to every couple weeks in order to maintain a relatively silt free bottom off shore and therefore, dredging as an operation/maintenance procedure to try to improve the yield of the infiltration system would not be effective.

That is the summary of my report. Have any questions?

SUPERVISOR FULLER: Questions from the Board Members, questions or comments.

COUNCILMAN BURNS: I have a question. What was the difference in the scope of the dredging study that you conducted, the second time, compared to what was done the first time?

MR. SWENSON: The first time was much more of an emergency response. My understanding, we were not directly involved with that. The information that was collected that time was much limited... much more limited, mostly what the pumping rate and the water levels were in the infiltration system. There was not work done prior to dredging and after dredging to look at how sedimentation occurred on the river bottom following the dredging. And, so really all we had was -- we knew that before the test... before the dredging at that time, what the pumping rates were and what the water levels were and then what happened to the water levels and the pumping rates following the dredging. But, it was not really a formal test, per se, where you are collecting data to try to interpret what's going on was much more of a let's get the bottom cleaned and see if we can increase the yield.

COUNCILMAN BURNS: But the... when I read the and was looking at your graphs in here, you had information which showed -- you compared the two...

MR. SWENSON: Correct. Yes, there are comparisons in terms of the production of the system before dredging and after dredging and then, for example, in our test we saw that while the production increased ... from what it was after the March 1997 dredging, our production declined within about 9 days. Where their production or the production at that time lasted for on the order of about 2 months. So, there were differences in terms of the length of time that the system produced more water but the end result, they both came back down to the same point which was on the order of 1,000-1,500 gallons a minute and considerable draw down. So, there were similarities, ours was much shorter lived which suggests that maybe there were some particularly favorable conditions at that time but you can't expect to have those last year after year. And, so, when I say you would have to dredge at least 6 times a year, well conditions were such as they were back in March 1997. Well, if you could maybe do it 6 times a year, you might be able to manage but what we saw is that 9 days we had lost any improvement that we had really seen and that probably somewhere in between the 2 is probably your long term expectations terms of how often you might have to dredge.

COUNCILMAN BURNS: Did the temperature of the water have any bearing on the test?

MR. SWENSON: The temperature of the water doesn't have... didn't have any direct bearing in terms of the 2 tests because during the time period we were doing the test, there was not a dramatic change in the temperature. Ours in 9 days, it was not a significant change that caused a reduction. And, when we did our sampling and our final sampling by April and temperatures had gone back up we were still getting a low yield. Temperature may play some role in the yield at a particular point in time of the system but in terms of the dredging tests, the temperature... the test was done last through a period of time where we expected the temperature would be significant, you know, understand...

COUNCILMAN DAVIS: From the results that you have here, would you conclude that we can expect the siltation level to remain approximately where it is? What can we expect the sedimentation to build up to continue to build up as time goes by?

MR. SWENSON: We did not look directly at that. We did find that between our December 17th sampling event and our April sampling event, there was not a dramatic increase in siltation or in sediment thickness. The sediment thicknesses that we saw prior to dredging were similar to sediment thicknesses that had been seen at one point previously. So, given that, it looks like it builds up a certain amount and then maybe stays kind of steady. But, we did not specifically look at that issue, it was more how the presence of the sediment affects... the... whether we can get that sediment off, keep it off enough to keep the improved yield up.

COUNCILMAN DAVIS: Just a technical question, in Table 1 under the 12/17/98, the line 2 there's a 6 which seems totally, you know... different than any of the other numbers that you have here. Was that just a fluke or can you explain it?

MR. SWENSON: I am not sure it's a fluke, no. River bottom is not perfectly smooth or level and there are low spots in it. And, in low spots you would get increased thickness that the river likes to make everything smooth but if you have an undulating bottom, if you have a rock or some other object, as we've seen in the past, you get an occasional number that is extra thick and an occasional number that's thin than the average.

COUNCILMAN DAVIS: It just stood out. I mean it was just so different than any of the other statistics you have here.

MR. SWENSON: It is but at the same time, it's not something that we haven't seen some other point.

COUNCILMAN DAVIS: Thank you.

SUPERVISOR FULLER: Any other questions or comments?

Is there anyone in the audience who has any questions?

MRS. CAPONE: Okay.

SUPERVISOR FULLER: Only on dredging.

MRS. CAPONE: Looks like a really good concept. What make it fail? Why did it fail?

SUPERVISOR FULLER: Only the dredging.

MR. SWENSON: I'm not sure what you mean by why did it fail? The dredging test was successful in that we...

MRS. CAPONE: Yes, but why did the concept of getting water from the Hudson River did not work?

SUPERVISOR FULLER: Excuse me. Bob.

MR. ALESSI: Good evening.

SUPERVISOR FULLER: Bob Alessi.

MR. ALESSI: This is Bob Alessi, the attorney for the Town. It's a very important question. It's one that is the essence of litigation and we are looking into that question and we have that as part of our litigation and it just wouldn't be prudent to say at this point. Final conclusions haven't been made as to precisely why it failed.

MRS. CAPONE: Okay, then if it because the river is too small... the Hudson River is too small when they put this plant in?

MR. ALESSI: There are several components to the answer and that study is still under way and as I said, it is tied up with part of the litigation.

MRS. CAPONE: Okay, thank you.

MR. ALESSI: You're welcome. Thank you for your question.

SUPERVISOR FULLER: Any other questions? Okay. Thank you very much for being here. The report is available to the public. It will be in the Town Clerk's office. Thank you, Bob, Guy.

 The next item was a recommendation from Town Planner, Jeffrey Lipnicky, and the Planning Board for approval of the Building Project Approval for PRD, Dowerskill Village, Section 3.

Supervisor Fuller said she believed this began back in 1978. Phase 3 was 1989, according to Mr. Jenkins.

Mr. Gary Hoffman, C.T. Male, gave a presentation regarding this proposal. He said this design has been underway for a number of years. He said it is 181 acres and it is a Planned Residence District. There is a proposal for 221 lots including 17,800 feet of new roadway and almost 5,000 feet of proposed sidewalks.

Mr. Hoffman exhibited a map indicating the roadway and development layout. He noted it is located on Elm Avenue East. He said there is a Tennessee Gas Pipeline easement that runs through the development. He noted there are also utilities available. He said a sanitary sewer drain line has also been located on the drawings.

Mr. Hoffman said there has been discussion of future traffic problems and, therefore, this project has been looked at along with the Haswell Farms project. Mention was made of the possibility in the future of a new traffic study to determine if a traffic light is warranted at Feura Bush Road and Murray Avenue. Payment for the installation of the traffic light, if required, will be shared by the developers of Dowerskill Village and Haswell Farms.

Mr. Hoffman also mentioned that there will be a park area which is currently green space. He also noted there is are Federal wetlands on the site, as well as, a cemetery. Mention was made that there will be access to the cemetery.

Mr. Hoffman said there will approximately 1500 feet of water main installed. He said it will go from Elm Avenue.

Mr. Hoffman said the upper roadway is actually a part of the east/west connector road that is proposed and will be approximately 330 feet long. He said it is part of this project and Haswell Farms, indicating it will be up to the Town to see this connected for better traffic flow.

Mr. Hoffman said that was basically a summary and asked if there were any questions. Councilman Johnson asked about the roadway that will go through Dowerskill Village and Haswell Farms, asking if that was where the proposed traffic light would be located. Mr. Hoffman said that was correct. Mr. Johnson said he is looking at the site location map.

Questions arose about the location of Haswell Farms and Dowerskill. Town Planner, Jeffrey Lipnicky, answered the questions posed. He noted there will be deeding of a strip of land along the Dowerskill that has a minimum width of 100 feet, indicating similar easements were obtained from Haswell Farms and a couple other developments along the Dowerskill that have preliminarily submitted plans, in order to do some passive recreation trail or something along the Dowerskill. He said this is another feature of this. He also noted there is a ravine system that runs throughout this development and a good deal of the system will be deed restricted as forever open space in this project.

Supervisor Fuller thanked everyone. Councilman Burns posed some questions regarding the east/west collector roadway. Mr. Lipnicky said this was discussed many years ago and it was also discussed in the LUMAC planning reference resource. He noted that future traffic

Town Planner
 approval
 Building
 Project
 Dowerskill
 Village Section
 ?

growth was discussed at length in the resource. Councilman Davis also noted there are corridors set aside in the Delaware/Slingerlands area and planning has revolved around these items. Mr. Lipnicky said this was correct.

Further discussion ensued regarding the installation of sidewalks and the fact of the concern in Town for pedestrian safety. Mr. Lipnicky noted easements along Elm Avenue will also be considered.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to authorize the Supervisor to sign the Building Project Approval upon completion of Albany County Health Department review and approval of the amendment to the Building Project Approval which are changes necessary to relate the lot development standards to the current zoning code for Planned Residence District No. 4, Dowerskill Village, Section 3. The motion was passed by the following vote:

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

Councilman Davis noted not all of the homes will be within the Bethlehem Central School District. Mr. Jenkins indicated there are 97 homes in the Bethlehem Central School District and 124 in the Ravena-Coeymans-Selkirk School District. Mrs. Fuller noted that Dr. Loomis of the Bethlehem School District meets with Mr. Flanigan, Building Inspector, on a regular basis, probably twice a year, and they have worked on long range planning. She noted these projects have been on the books for a very long time. Councilman Davis brought up the fact that this project could have had more than double the number of units. Mr. Lipnicky said there are 221 homes to be built on 180 acres and that is about average 3/4 acre lots, however, under the PRD regulations if this were multi-family units, there could be up to 1400 units. He said this is significantly below what the code allows.

Councilman Davis asked if there is a plan for the build out of this Section. Mr. Jenkins said he and Mr. Daniels have discussed that and it will probably be 10 years.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the signing by the Supervisor of the Building Project Approval for PRD, Dowerskill Village, Section 3, upon completion of Albany County Health Department review and submission of plans reflecting any changes required by the Health Department. The motion was passed by the following vote:

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

Supervisor Fuller thanked everyone and wished Mr. Jenkins and Mr. Daniels good luck.

Request approval
expenditure of
Capital Reserve
improvements
to Municipal
training facility
and resolution

The following item was a request from the Supervisors of the Municipal Training Facility, for approval of expenditure of Capital Reserve Account funds for improvements to the Municipal Training Facility. Supervisor Fuller thanked everyone for their patience. She said this is a request to make some improvements for the facility which would include the installation of the flammable liquids training area, structural repairs to an existing fire tower, construction of a confined space simulator and roof simulator and construction of a classroom training facility. She said the estimated costs of the projects are approximately \$240,000. She said the Town has already established a Capital Reserve Fund to help pay for this type of work, however, there has not been sufficient funds to pay for the entire project. She said what has been set aside is \$180,000 in the reserve account. She noted it is anticipated that other funding sources may provide the balance of the money to

complete the projects and a permissive referendum has been presented for adoption.

Supervisor Fuller noted the Supervisors of the facility have come forward and requested that the full amount be included in this item in order to be able to move forward with this work. She said they plan to finalize the details of the other funding sources prior to beginning the final stage.

Questions were posed and answered, as well as, comments given. One question pertained to other funding sources. Chairman Charles Wickham said there are options including taxes, donations from other organizations that use the facility, possibly contact with the fire districts, however, they are not sure. He further noted some work will go out to bid and work will be done with Town forces.

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 14th day of July 1999, duly adopted a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is in the public interest to undertake the following necessary repairs and improvements to the municipal training grounds; installation of a flammable liquids training area; structure repairs to the existing fire tower; construction of a confined space simulator and roof simulator for training; the construction of a classroom training facility to accommodate the expanding requirements for the fire service and municipality; and

WHEREAS, it is estimated that the costs of said work will be approximately \$240,000. for the above mentioned projects; and

WHEREAS, in recognition of these needs \$180,000 of funds for such purpose are in the Municipal Training Facility Reserve Fund; and it is anticipated that funding sources for the remaining \$60,000 will be identified shortly, and

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete these projects; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund these projects up to a maximum amount of \$180,000 plus the additional \$60,000 upon receipt of the other funding sources; and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Municipal Training Facility Reserve Fund the funds necessary up to \$240,000 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. Lenhardt, was seconded by Mr. Johnson and duly adopted by the following vote:

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

The following item was a discussion of the Confirm Insurance Report. Supervisor Fuller said basically the Memorandum from Comptroller Kehoe was received and this is really to bring everyone back up to speed as to where this was when last discussed. She said the report was presented at the Board meeting March 24, 1999 and the issue had to be addressed as to whether this should go to bid or continue the way this has been done and look at the approval every 5 years or should the Insurance Committee continue as has been done and

Discussion of
Confirm Insurance
Report

has worked very well selecting the lowest price that would benefit the Town.

Questions were raised regarding using the Insurance Committee and spending \$7,500 that a competitive bid consultant would cost. Mrs. Kehoe said if a consultant is employed, it would involve the procurement process for this or continue to do this as has been practiced with the Insurance Committee. She said given the results of the report, it indicates positive results of the Committee on the level of coverage that we have. She said it seems there are no major weaknesses in the program as it is operating now. She said it is a matter of the Board's choice. She said she does not believe there would be any harm in continuing to use the Committee to do the selection process in-house rather than using the consultant. She noted the bulk of the report affirmed this. She said the report was basically an audit of the practices and included a number of recommendations. She said they largely are of a minor nature -- wording changes, other options and new products that might be available. Question was also raised about the additional item being the 3 year issue. Comptroller Kehoe agreed.

Supervisor Fuller said it is not that cost can be measured in dollars is the first thing to be looked at but really the service and protection we have. She said with our local people it is just a phone call, it is not someone a hundred miles away to be dealt with. She said the service is 24 hours a day and that saves a lot of dollars for the Town.

Mention was made that this is a 3 part item. Comment was made that the competitive bidding process would be more open. Comptroller Kehoe clarified that the quotes that are received are from the carriers. She said there are carriers that cover the municipal market and through the agents they are the ones who are getting the quotes. She said it is not an agent competing against an agent, it is an insurance company. Councilman Burns said this is a business decision. Comptroller Kehoe mentioned that the competition element is there and that it is something that has been done every year. She said even if a consultant was hired, there was no requirement to have a bid, per se, this is a request for proposal process where you are getting quotes from the various carriers. It was noted that \$2500 has been spent for the Confirm report.

Councilman Burns requested there be 3 motions to clarify the items considered.

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to market the account for an award period of once every 3 years. The motion was passed by the following vote:

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

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The motion was made by Ms. Burns and seconded by Mr. Lenhardt to conduct a review every 5 years resuming in 2004. The motion was passed by the following vote:

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

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The motion was made by Ms. Burns to conduct a competitive bidding process and go with an independent consultant. Motion failed for lack of a second.

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The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to continue with the insurance committee and the same process that has been performed in the past with their competitive bidding process of insurance carriers.

The motion was passed by the following vote:

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

Supervisor Fuller thanked Mr. Turner for his attendance.

The next item was to acknowledge receipt of the 1998-99 Annual Report from the Town of Bethlehem Historical Association, Howard Gmelch, President.

Supervisor Fuller noted the first order of business was to thank Howard Gmelch who did great service for his years in office. She wanted to thank him for all of the work and mentioned that he came in to see Mr. Sagendorph to ask for help with maintenance at the Museum. She thanked Mr. Sagendorph also. She noted the new President was Parker Mathusa.

Receipt 1998-99
Annual Report
Bethlehem
Historical
Association

The Supervisor said they have done a great job. She said the Historical Association and our Town Historian, Joseph Allgaier, have received listing of the Museum on the National Register of Historical Places.

Supervisor Fuller noted they have a budget of \$4,705 and their expenditures totaled \$3,196.40. She said they obviously budget their money very well. She noted it was a great report and a great organization. She also asked the Town Clerk how fund raising was going with the Membership. Town Clerk Newkirk said it was going very good and aid she has turned over a lot of money.

The next item was a request from Chief of Police, Richard LaChappelle, for appointment of a Telecommunicator at a salary of \$25,181 effective July 18, 1999.

The motion was made by Mr. Johnson and seconded by Ms. Burns to approve the appointment of Nathaniel G. Brown, Troy, NY to the position of Telecommunicator at a salary of \$25,181, effective July 18, 1999 as requested by Chief of Police, Richard LaChappelle. The motion was passed by the following vote:

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

Chief
LaChappelle
request
appointment
of Tele-
communicator

Councilman Johnson said if anyone listens to the radio or reads the newspapers, you have to hear about all the problems the neighbors are having with 911 and telecommunicators/dispatchers. He said he never hears of a problem with the Town of Bethlehem Telecommunicators and told Chief LaChappelle whatever is done, it is a great job.

Councilman Burns asked if the Telecommunicators have to live in Bethlehem as Police Officers are required. Chief LaChappelle said there are limited residency requirements for Police Officers. He said on the list from Civil Service for Telecommunicators, none listed were residents of the Town. Attorney Kaplowitz asked if there was an established list of where Police Officers could live. Chief LaChappelle noted it was in Albany County.

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

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the appointment of seasonal personnel as listed in the Memorandum from Administrator, David Austin, Parks and Recreation

Parks and
recreation
appoint season
personnel

Department, dated July 14, 1999 at the titles and salaries listed. The motion was passed by the following vote:

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

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Parks and
Recreation
Playground
installation
Town Hall

Supervisor Fuller noted for everyone's information that the Parks and Recreation Department began installation of the new playground at Town Hall on Monday morning. She said it is moving right along. She said it is basically for a younger age child, preschool through early elementary grades. She said so far there are 2 sliding boards, new sand box and there will be swings. She said she is just as excited as anyone about these new pieces of equipment. She also noted Stewart's at Delaware and Cherry Avenues donated funds for the new playground that is being installed. She indicated there will be a ribbon cutting in the near future.

Approval
settlement
of assessment
litigation for
Water district
land and
facilities
in the town
of New
Scotland

The following item was a recommendation from Joshua J. Efron, Esq., Special Counsel to the Town Attorney, regarding settlement of assessment litigation for the Water District's land and facilities in the Town of New Scotland. Supervisor Fuller asked Mr. Efron to give a brief amount of information in plain language.

Mr. Efron said this all started in 1996 when the Town of New Scotland conducted a revaluation. He said as a result of that this would affect the 1997 assessment roll. He said when the preliminary reports were received from the Town of New Scotland, it appeared that the assessments on the 9 parcels owned by the Water District in the Town of New Scotland were going to be significantly increased with the result that our taxes were also going to be increased. He noted a grievance was filed on all 9 parcels in 1997 and indicated the big question in any assessment case is if the assessment is defensible. He said the burden would have been upon the Town of Bethlehem to prove significantly that the assessments were erroneous.

Mr. Efron said they retained a consulting firm and as a result of detailed work, they found that at least 3 of the parcels between 1997 and 1998 could not be justified to expend funds to pursue that further. He said there were 6 other parcels and noted they aggrieved those in 1998 and fine tuned that in 1998 so that it left 3 significant parcels that were over assessed. He said 2 of the parcels, transmission mains, were assessed with figures from manuals that New Scotland had and noted the Town had actual construction costs that had been expended on contracts to put in this type of large main for extended footage. He said there is the economy of size and the economy of mobilization and they came up with conclusions that were significantly lower than what the Town of New Scotland had.

Mr. Efron said the other parcel was the 26 acre parcel on Route 85 that has the 2 deep wells and it was significantly over assessed. He said the result of all this is that through hard negotiations with New Scotland, the 26 acre parcel which had been assessed at \$542,900 was reduced to \$327,650. He said the diversion main was reduced to \$561,300. He said the major transmission line is assessed in 2 parts and the total for that was approximately \$2,499,500 and it has been reduced to \$1,073,000. So there is a total savings of approximately \$2,336,650, according to Mr. Efron.

Mr. Efron said in addition to this, they wanted a large degree of stability so they insisted that there be a 5 year freeze on assessments. He said normally you can get this with a settlement of a tax certiorari or tax assessment case, however, this is always the opener. He said if you make changes to the property -- if you add a building or improve a building, whatever may be done -- the assessor has the right to come in and reevaluate the piece of property. He said as part of a settlement this will not happen so far as the Town properties are concerned. He said the only time it could happen is if the Town places something that had not been there before. He said he believes this is significant. He said this gives a sense of

stability for a period of time and allows for whatever work needs to be done.

Mr. Effron said they are looking for refunds. He said the Town of New Scotland was adamant because the significant effect of refunds would have been on the Voorheesville School District. He said when you take any dollar of tax -- roughly 60 percent of that is attributable to school taxes and the balance to Town, County and special district. He said they had to forego the refunds but they did have the freeze for 5 years and the opportunity to make whatever improvements have to be made without any increase in assessment.

Mr. Effron said the other things saved are the intangibles. He said tax certiorari litigation at its best is complex. He said the cost of putting this case together for trial with getting the necessary engineering reports and appraisals -- dealing with cost of reproduction less depreciation -- would be substantial. He said at the end of rainbow, so to speak, there is no guarantee that we will win. He said this gives us, in his judgement and based on his experience, a significant victory on behalf of the Town.

Mr. Effron said they have taken almost \$2,350,000 off the assessment roll and he thinks Bruce had it figured out that it would involve, at least for this year, a saving of approximately \$46,000. He said the thing they cannot tell, while the assessment will remain the same the tax rates that are set by the school districts, Town, and County may change year-to-year. He said generally if there is change it is in about the 2 or 3 percent range.

The motion was made by Mr. Johnson and seconded by Mrs. Davis to approve the settlement of assessment litigation for the Water District's land and facilities in the Town of New Scotland as recommended by Josh Effron, Esq., Special Counsel to the Town Attorney. The motion was passed by the following vote:

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

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Councilman Lenhardt asked Mr. Effron if this was subject to the Town of New Scotland's Town Board or if they have already approved it. Mr. Effron said it is on their agenda for this date. He said he spoke with them and it is felt it will be approved. Councilman Davis asked what is done if it is not approved. Mr. Effron said we would have to go back to the drawing board. He said the attorney for the Board is recommending this be approved.

Everyone thanked Mr. Effron.

The next item was a recommendation from Judith Kehoe, Comptroller, for appointment of Bond Counsel for renewal of the bond anticipation notes. Supervisor Fuller said for many years the Town has used LeBoeuf, Lamb and one of the partners retired and they have gotten out of the bond business. Therefore, she explained, they felt a need to appoint new counsel and asked Mrs. Kehoe to give some background information.

Comptroller
appoint bond
counsel for
renewal of bond
anticipation not

Mrs. Kehoe said at this point there are no plans for significant debt issuances, noting fortunately the reserves are at a comfortable level. She said that is the good news. She said there are 3 small bond anticipation notes that are outstanding and when they were originally done, they anticipated renewing them on an annual basis and pay off a small portion each time, gradually retiring the debt. She said in 2 cases over a 5 year term and in one instance over about a 17 year term.

Mrs. Kehoe said every year as these bonds are paid off, there is a need to do a renewal. She said in order to do that, there is appropriate paperwork that has to be drawn up along with the other necessary papers that the banks require. She said we do need an attorney for this and it is her recommendation that the Board appoint

Tom Connolly from McNamee, Lochner, Titus & Williams, P.C. to do this work. She said in seeking bond counsel for this, they need someone who is competent and experienced with this, available and professional. She said she noted they are listed within the Redbook directory which is also known formally as the Bond Buyers Municipal Market Place. She said there are requirements to be included in this directory.

Mrs. Kehoe said normally she likes to do requests for proposals, but given the scope of this limited work she does not recommend that the process be done. She said it is labor intensive and it would cost more to prepare this RFP and go through the selection and review process than the cost of the work that needs to be done. She requested this be approved, noting that if in the future there is a need for a significant bond issuance, greater than one million dollars, that we at that time go through the formal request for proposal process to select bond counsel.

Councilman Burns inquired if anything under 1 million will go to McNamee, Lochner, Titus. Comptroller Kehoe said the existing notes are in the vicinity of \$200,000-\$300,000 and the balances are declining so it is just a renewal at a lesser amount. She said greater than a million dollars would be if there was a large project, such as a community center, and noted there would be time to go to the RFP process.

Councilman Davis noted the costs estimated by Mr. Connolly and his firm are lower than what we are currently paying. Mrs. Kehoe agreed, indicating this is another reason for this recommendation.

Supervisor Fuller noted Mr. Connolly also serves as Counsel to the Bethlehem Industrial Development Agency.

Councilman Burns said she ordinarily, as a matter of good practice, would recommend an RFP and that has always been her policy and that will continue to be, however, for this amount of money she agrees with Comptroller Kehoe. She said she thinks the RFP practice is a fair and better way to go. Supervisor Fuller noted that is the policy of the Town but in light of the small amount it was not done. Mrs. Kehoe said she agrees with Supervisor Fuller noting that is the policy of the Town. Comptroller Kehoe noted an RFP is not required for professional services but, as a matter of practice, it does not mean it is not wise. She said this is clearly below the \$5,000 mark and she could not justify the process and expense for such a small amount of important work.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of Thomas Connolly of McNamee, Lochner, Titus and Williams, P.C., Albany, New York. The motion was passed by the following vote:

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

Supervisor Fuller congratulated Mr. Connolly.

The next item was to approve Town Board minutes of May 26, 1999 and June 9, 1999.

The motion was made by Mr. Johnson and seconded by Ms. Burns to approve the Town Board minutes of May 26, 1999 and June 9, 1999 as submitted.

Councilman Lenhardt commented that he was not present, however, he saw the rebroadcast on the television and feels the minutes cover the business of the meeting.

Approve
Minutes of
May 26, 1999
and June 9,
1999

The motion was passed by the following vote:

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

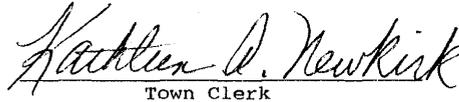
The next item was a recommendation from Supervisor Fuller to cancel the July 28, 1999 meeting. Supervisor Fuller said the next meeting will be August 11, 1999. She said in the summertime she thinks maybe there should be just 1 meeting a month since many people are away. She said when the agendas are put together, she wants to make sure the community is here and paying attention to everything that is on the agendas.

Supervisor
Fuller
cancelled the
July 28, 1999
meeting

Supervisor Fuller asked if anyone wished to address the Board. Mrs. Capone said there are very few people in attendance and asked what happened. The Supervisor said they are probably on vacation.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 9:02 p.m. The motion was passed by the following vote:

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


Town Clerk