

TOWN BOARD
MARCH 10, 1999

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

PRESENT: 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: Welcome to a meeting of the Bethlehem Town Board. Ask you to join us in the pledge of allegiance.

The first item on tonight's agenda is a public hearing to consider the proposed local law regarding the taxation alternative veteran's exemption. I would ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on March 10, 1999 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 3 of 1999, Amending Chapter 111, Taxation, Article III, Alternative Veterans Exemption.

Public Hear- ing Alterna- tive Veterans exemption amending local law. All parties in interest and citizens will have an opportunity to be heard at the said hearing. The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk, CMC/AE
TOWN CLERK

State of New York)
County of Albany)

JAIMIE WILLIAMS of the Town of Bethlehem, being duly sworn, says that she is the Classified Manager of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 24 day of February 1999.

/s/ Jaimie Williams

Sworn to before me this 24th day of February 1999.

/s/ Kathryn Olsen
Notary Public, Albany County

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on February 24, 1999, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
3rd day of March 1999.
/s/ Catherine T. Picarazzi
Notary Public

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The motion was made by Mr. Johnson and seconded by Mr. Lenhardt to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

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SUPERVISOR FULLER: Mr. David Leafer who is our Town Assessor is with us this evening. Dave. Thank you for the large print.

COUNCILMAN DAVIS: Yes.

MR. LEAFER: Your welcome. That's becoming more and more for me than anybody. As occurred in the past, the New York State Legislature has adopted and passed an amendment to the New York State Real Property Tax Law amending the Alternative Veteran's Exemption section of that law. In doing so, they are giving the local assessment units the option of raising their home value cap on that exemption from our current level in the Town of Bethlehem being \$120,000 to one of 3 new levels. The level basically that I am proposing tonight is the higher of the level which would be \$180,000.

In very few words, what this means is that someone who is currently assessed at \$120,000 and receiving the veteran's exemption will actually not have any change in the amount of exemption they are receiving. For example, if they are getting simply the war time where they served during a period of... considered to be a war time period but not actually in combat, they would get 15 percent. Under our current law they can receive a maximum total exemption of \$18,000. If their home is valued at \$150,000 they still would only get \$18,000. If we increase the limit, the home value cap, to \$180,000, the person at \$120,000 home assessed value will still only get \$18,000. Someone getting at \$150,000 assessed value, you would be able to receive a higher exemption -- I think it is \$2205, if my math this morning was correct. And, anyone's whose home is assessed at \$180,000 or more who qualifies for the veteran's exemption would be eligible for the maximum limit which would be \$27,000 or 15 percent of \$180,000. The county... Albany County Legislature has passed this adopting the maximum amount the home value cap of \$180. Several of the towns and cities in the Albany County area have also since the county has passed, have also passed at that higher level.

What would this mean in terms of increase in the... both the tax rate... Town, Town Highway tax rates and basic dollar increase in taxes to property owner in general in the Town. Not everyone is going to receive an increase in this. I estimate maybe 50 percent of those currently... those 1300 or so alternative vet's exemptions would not receive any real increase in dollar value. Twenty-five percent might go up as much as 25 percent and the remaining 25 percent might go up as much as 50 percent. In terms of running through some quick calculations, this boils down to about 1/2 of 1 cent to a 1 cent increase in the Town, Town Highway tax rates, based on last year's total taxable and budget figures and what not. In terms of actual dollars if you own a \$150,000 home, the additional increase you might have seen in January in your tax bill would have been between 75 cents and a dollar, if this were then passed for the '98 year. So, it doesn't really damage the tax rate... it doesn't... I for one as a property owner would not have a major problem with laying out an extra 75 cents. That's what it costs me to get a can of soda from the machine upstairs. So, it doesn't represent a big dollar outlay to me at any rate.

Are there any questions from the Board on this?

SUPERVISOR FULLER: Thank you, Dave. Are there any questions from the audience? Sure.

MR. KELLERMAN: On the disabled, what percentage disability do you have to have to get the max?

SUPERVISOR FULLER: Excuse me, can you come up to the mike because we will need your name for the record. It's a public hearing.

MR. KELLERMAN: My name is Norman Kellerman, residing at 231 Schoolhouse Road. My question is, I'm a disabled veteran but what percentage disability do you have to have to get maximum under the value of your home?

MR. LEAFER: Okay. The way that disability exemption is calculated, I believe it is 1/2 of your disability rating. That's your percentage. That percentage is applied to your assessed value. Currently if you are at \$120,000 assessed value and let say you have 50 percent disability rating, you would be getting a maximum of \$60,000. That would be the upper limit you could get. I would assume that that same condition if your home was valued at \$180,000 now would allow you to go up to the \$90,000 level. If it's anything under \$180,000 it's going to be somewhere under that because it's still going to be that 1/2 of your disability rating as a percentage applied against your assessed value.

MR. KELLERMAN: Thank you.

SUPERVISOR FULLER: Mr. Kellerman, you have applied for the veteran's?

MR. KELLERMAN: I gave some but I...

SUPERVISOR FULLER: Okay. I just wanted to make sure we had you here on the tax rolls.

MR. KELLERMAN: Yes, but our assessor can always tell you... tell me if I'm up to what I should be, right?

MR. LEAFER: We'll get you exactly where you should be.

SUPERVISOR FULLER: Yes.

MR. JASINSKI: I think the mike will pick up my voice, it's usually pretty good. Robert Jasinski. I would like to ask, David, how long the current figures have been in effect? I mean, have they been updated or not? I mean, David, has given us an excellent presentation and everything but for my own knowledge.

MR. LEAFER: I think... I think we did this about 3 years ago.

MR. JASINSKI: All right. This is before the evaluation?

COUNCILMAN DAVIS: It was '97.

SUPERVISOR FULLER: 1997.

COUNCILMAN DAVIS: It was '97. I was going to say, it wasn't that long ago.

MR. LEAFER: '97, yes. It went into effect the year before... when we were starting to do the update of '98... I knew it wasn't that long ago.

COUNCILMAN DAVIS: Right.

MR. JASINSKI: Thank you.

SUPERVISOR FULLER: Governor Pataki signed a new law in August of '97 but we had already acted on it prior to that. This was a change.

COUNCILMAN DAVIS: Right.

SUPERVISOR FULLER: Any other questions? Okay. I would ask those wishing to speak in favor.

MR. JASINSKI: Robert Jasinski. I am in favor of it. I think it's an excellent honor to veterans that we have and with the housing now... if the evaluations keep going up and especially some of our older veterans transferring maybe from their home of years ago to the new homes because of accessibility and everything. I am totally in favor of it.

SUPERVISOR FULLER: Thank you.

MR. KELLERMAN: Norman Kellerman again. I'm in favor of it for the same reasons as this gentleman. Thank you.

SUPERVISOR FULLER: Thank you, Mr. Kellerman. Is there anyone else wishing to speak in favor? Is there anyone wishing to speak in opposition? May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to close the public hearing at 7:45 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

Supervisor Fuller convened the regular meeting following the close of the public hearing. She asked if the Board wished to adopt Local Law No. 3 of 1999 regarding alternative veterans exemptions.

Adopt Local
Law amending
Code of Town
Bethlehem
Taxation,
Alternative
Veterans Exemption

The motion was made by Mr. Johnson with honor and seconded by Mrs. Davis to adopt Local Law No. 3 of 1999 amending the Code of the Town of Bethlehem, Taxation, Alternative Veterans Exemption and using the maximum limit of \$180,000. 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 Supervisor explained this is one small thing that can be done for all that the veterans did for everyone. She thanked Mr. Kellerman and Mr. Jasinski and anyone else in attendance who was a veteran.

The Supervisor said the next public hearing is scheduled for 7:45 p.m. and, therefore, the Board proceeded with the agenda.

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

Parks and
Recreation
approval
of Seasonal
Personnel

The motion was made by Mrs. Davis and seconded by Ms. Burns to approve the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator, Parks and Recreation Department, dated March 10, 1999 at the titles and rates indicated. The motion was passed by the following vote:

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

Engineering
Division
Approval
to go to
bid for
corrugated
metal and Plastic
pipe and
Resolution

The next item was a request from Terrence Ritz, Engineering Division, Department of Public Works, for approval to go to bid for Corrugated Aluminum, Corrugated Metal and Plastic Pipe for 1999. Could advertise March 17, 1999 and open bids March 31, 1999.

The following resolution was offered by Mr. Lenhardt and seconded by Mr. Johnson:

WHEREAS, the Town desires to advertise for bids for the purchase of Corrugated Aluminum, Corrugated Metal Pipe and Plastic Pipe for 1999, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 17th day of March, 1999 and that bids be received up to 3:00, 3:10 and 3:25 p.m. respectively on the 31st day of March, 1999 at which time the bids will be publicly opened and read.

Councilman Burns raised questions about the need or use of this pipe. Supervisor Fuller said whatever they use these pipes for. She indicated Terry Ritz sent the Memorandum. Attorney Kaplowitz noted a lot of it is not designated specifically for something. He noted this is pipe they use during the year depending on what occurs. He said it could be for subdivisions, repairs on things, repairs on existing pipe, whatever they need. Supervisor Fuller noted this is an annual bid request. Mr. Secor later explained this use of pipe for Councilman Burns and she changed her vote from an abstention to a yes vote.

The resolution was adopted by the following vote:

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

The next item was a recommendation from Commissioner of Public Works, Bruce Secor, for award of bid for Materials for 1999. Supervisor Fuller noted there were numerous companies for the different material items.

Commissioner
of Public Works
award of bid
for materials
for 1999

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to approve the award of bids for Materials as listed in the Memorandum dated March 1, 1999 from Bruce Secor, Commissioner of Public Works, to the companies listed at the bid prices indicated.

Councilman Burns inquired about item 20, the polyethylene pipe with regard to the water. She brought this up because she wondered if this piping was being awarded for use in the test well that has not been approved to go forward. Supervisor Fuller said this was the annual bidding that is done. She requested someone contact Mr. Secor and ask him to come down to the meeting. Again Councilman Burns abstained until an explanation was given by Mr. Secor and directed her vote be changed to an affirmative vote.

The motion was passed by the following vote:

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

Hearing began: 7:45 p.m.

SUPERVISOR FULLER: This is to consider a proposed local law regarding Taxation, partial exemption for our senior citizens. Ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on March 10, 1999 at 7:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 4 of 1999, Amending Chapter 111, Taxation, Article I, Partial Exemption for Aged Persons.

Public Hearing
to consider a
local law
amending
Taxation Article
1 Partial
Exemption
for aged persons.

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

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

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk, CMC/AAE
TOWN CLERK

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State of New York)
County of Albany)

JAIMIE WILLIAMS of the Town of Bethlehem, being duly sworn, says that she is the Classified Manager of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 24 day of February 1999.

/s/ Jaimie Williams

Sworn to before me this 24th day of February 1999.

/s/ Kathryn Olsen
Notary Public, Albany County

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STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on February 24, 1999, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
3rd day of March 1999.

/s/ Catherine T. Picarazzi
Notary Public

- - -

The motion was made by Ms. Burns and seconded by Mr. Lenhardt to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

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SUPERVISOR FULLER: Mr. Leafer.

MR. LEAFER: The New York State Legislature amended the Real Property Tax Law as it pertains to the senior exemption not to be confused with STAR please. This particular exemption has been in effect for a long time. Our current levels, and we have adopted the sliding scale in the past... our current levels, I think were last changed also about 2 years or so ago, maybe 3 years before but what the amendment to the law allows us to do is to now change basically the levels... each of the levels of our sliding scale for the exemption by \$1,000. So, someone who... income previously had to be under \$18,500 to receive the full 50 percent exemption, their income now has to be under \$19,500. Those who would just qualify for it before had to be under \$26,999 now would have to be just under \$27,900 to receive a 5 percent exemption. Again, the impact on this one is particularly negligible upon the tax rate. Again, using the figures from the January tax bill just past, would... if this had been in place at that time would have amounted to approximately 7/100ths of a cent increase in the tax rate. Or, if you take my \$150,000 home, I would have wound up paying approximately 10 cents more on my January tax bill.

I would personally recommend the passage of this. This exemption is going to remain in effect perhaps after the STAR program disappears. The STAR program is based upon surplus funds and it is guaranteed through a 3 year period. I would be suspect that the enhanced STAR would continue, the basic may be the one to go if they run out of surplus funds to do it with but this certainly... this exemption will always be in place and it does protect to some degree the lowest income level home owner in the Town who is able to apply and receive the exemption. So, if I can pay an extra 10 cents to help somebody in their home, I think it is well worth doing.

SUPERVISOR FULLER: Thank you. Dave, when this is adopted, it goes then to the school district?

MR. LEAFER: Yes. Actually, the County has passed it, most of the towns have passed it and one of our school districts has jumped the gun and passed it already.

SUPERVISOR FULLER: Okay.

MR. LEAFER: And, they have always passed it in the past. I don't think STAR will enter into it.

SUPERVISOR FULLER: Those wishing to speak in favor?

MR. JASINSKI: Robert Jasinski, Bender Lane. This time I will get up so you can get my name good on this... the tape.

TOWN CLERK NEWKIRK: Thank you.

MR. JASINSKI: I'm totally in favor of it. As you said a few years have gone by and, of course, on some of these older people their Social Security has gone up only a small percentage but in some cases it may have put them just beyond that mark and I do speak in favor of it so that everybody will be in the same set, so to speak, running on the same platform rather than have 1 for or against or anything. And, I know it's nice when the Town Board does have somebody speak at least for it so the decision isn't totally in their favor. Thank you very much.

SUPERVISOR FULLER: Thank you. Those wishing to speak in opposition?

MR. KELLERMAN: Can we have one more for?

SUPERVISOR FULLER: Sure. I'm sorry.

MR. KELLERMAN: Again, Norm Kellerman. I got one question.

SUPERVISOR FULLER: Sure.

MR. KELLERMAN: I'm a senior citizen, and I am also a veteran. So, is it possible getting a little both off on both?

SUPERVISOR FULLER: Mr. Leafer?

MR. LEAFER: Well, if the new veteran's law is passed, you will receive possibly an increase in your exemption. The veteran's exemption only applies to the January tax bill to the Town, Town Highway and County portion. The senior exemption applies to both the school tax bill and the Town, Town Highway and County portion of the January bill. So, it's conceivable you could get... yes, a little off both.

MR. KELLERMAN: I'll be down and talk to you some day. I'll be down and talk to you some day.

SUPERVISOR FULLER: Tomorrow morning we'll have someone give you a call, Mr. Kellerman.

MR. KELLERMAN: All right.

SUPERVISOR FULLER: Anyone else wishing to speak in favor?

COUNCILMAN LENHARDT: I just have 1 question. At what age are you considered by this law a senior citizen.

MR. LEAFER: 65.

COUNCILMAN LENHARDT: Thank you.

SUPERVISOR FULLER: Not 55.

COUNCILMAN DAVIS: Not quite, George, not quite.

COUNCILMAN LENHARDT: I'm not there yet either.

SUPERVISOR FULLER: Anyone wishing to speak in opposition? May I have a motion to close the public hearing?

The motion was made by Mr. Lenhardt and seconded by Ms. Burns to close the public hearing at 7:58 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

Supervisor Fuller reconvened the regular Town Board meeting following the close of the public hearing.

The Supervisor asked for a motion to adopt Local Law No. 4 of 1999 amending the Code of the Town of Bethlehem, Taxation, Partial Exemption for Aged Persons.

Adopt Local Law
amending 1999
code of town of
Bethlehem Taxation
Partial exemption
for Aged Persons

The motion was made by Ms. Burns and seconded by Mrs. Davis to adopt Local Law No. 4 of 1999 amending the Code of the Town of Bethlehem, Taxation, Partial Exemption for Aged Persons to the new approved eligibility levels. 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 to acknowledge receipt of a recommendation from the Planning Board regarding the CMI Senior Housing proposal, located at 475 Delaware Ave., Delmar and authorize the signing of the Building Project Approval document by Supervisor Fuller.

Acknowledge
receipt from
Planning Board
recommendation
CMI Senior Housing
Building Project
Approval document
by Supervisor
Fuller

Supervisor Fuller noted this item is before the Board for approval of the Building Project Approval. She noted the following letter had been received from Mr. Hasbrouck, Planning Board Chairman:

March 2, 1999

Honorable Sheila Fuller
and Members of the Town Board
445 Delaware Avenue
Delmar, New York 12054

RE: CMI SENIOR HOUSING DEVELOPMENT, DELMAR, NY
PLANNED COMMERCIAL DISTRICT #5

Dear Supervisor Fuller:

Enclosed is the Building Project Approval recommendation for the construction of a 94 unit 2 story assistive living senior residence with 48 parking spaces and 10 future spaces at 475 Delaware Ave., Delmar, NY, as proposed by CMI Senior Housing Development.

The applicant's most recent submission satisfactorily addresses all significant issues raised by the Planning Board and the community. Building material samples will be available for the Town Board meeting if needed.

It will be necessary for the applicant to obtain approval of the Albany County Health Dept. before final plans can be signed for filing in the Albany County Clerk's office. If you have any questions, feel free to call.

Although CMI has merged with EPOCH Senior Living, Inc., there are no significant implications for the review/approval process.

Sincerely,
/s/ Douglas C. Hasbrouck, P.E.
Chairman, Planning Board

Supervisor Fuller said this process started in April 1997 when CMI approached the Town Board with a request for a change in zoning. She said it was forwarded to the Planning Board for review and recommendation. It was returned with a recommendation for approval of the rezoning. The Town Board held a public hearing, June 1998, and July of 1998 the rezoning was approved to Planned Commercial District for this specific use. It was then returned to the Planning Board where it has been very carefully and very rigorously scrutinized over many months and has received approval from the

Planning Board which is now sent to the Town Board for approval of the Building Project Approval.

Supervisor Fuller noted all the documents are with the Town Board members and the Planning Board approved this February 16 where this was further addressed with the residents. She said she knows that the Planning Board took every concern that was brought to them and had a lot of changes from what the initial proposal was when it came to the Town. She said they are proud of having the senior citizen housing here and especially proud of everyone's involvement as this was reviewed.

Supervisor Fuller asked if there were any comments or questions from the Board prior to the vote. Councilman Burns raised issues, not knowing who should answer them. She questioned the merger of CMI and EPOCH Senior Living, Inc. Mr. Messina, counsel to CMI, noted this was correct. She asked if this happened back in October as she has read. Mr. Messina said this was correct. She questioned the fact that the Town or the Board did not know about this merger. Mr. Messina said there was a merger of 2 existing entities and the principals of CMI remain the principals in the new entity. He said they did not think it was a significant change. Councilman Burns did not agree.

Councilman Burns proceeded to question the future development of additional senior units. Mr. Steven Insoft questioned whether she meant units or facilities. Councilman Burns said units. Mr. Insoft said they have units currently under construction in Rhode Island and those consist of 196 units. He noted it was a true statement. Councilman Burns questioned the fact that they intend to grow and continue. Mr. Insoft said absolutely. Councilman Burns went on to question CMI's ownership of facilities and growth. She commented regarding real estate statements pertaining to senior living facilities. She said construction has been stopped on these due to a down turn in business with this type of facility. Mr. Insoft said EPOCH Senior Living, Inc. has not stopped any construction. Councilman Burns continued to question a trend in regard to these facilities. Councilman Davis asked if this article referred to EPOCH. Councilman Burns said it did not. Councilman Davis asked if they were part of EPOCH. Councilman Burns said they were not. Mr. Insoft said they are not part of EPOCH. He said their stoppage has nothing to do with causing a down turn in regard to any trend.

Councilman Burns next addressed the issue of vacancies in existing facilities in the Town. Councilman Davis noted this was brought up at the public hearing. She further noted this was realized at the time and there is a difference in the nature of the 2 facilities. Mr. Insoft noted he cannot speak to the management team of the other facilities and what their marketing efforts are.

Mr. Sydney Insoft suspected that some of the questions have implications about certain things you read about in the industry publications. He said CMI and EPOCH merged, they were not bought out by each other. He said he had over 1,000 employees when he merged with EPOCH and all of them are part of the new company. He said an example of this is that he has no facilities in locations that are within a 10 mile radius. He further noted each one ran, depending upon the time of fill up, 85 to 90 percent full. He said he builds a facility and within 18 or 14 months, not only is he 100 percent filled, but he has a legitimate waiting list of 100 bonafide clients. He said the other facilities are still 80 percent full. He said you cannot compare apples and apples in this industry. He said he might be giving better services for the price. He said every facility and operation will stand on its own merit and build up its own reputation and credibility. He said that is their business.

Councilman Burns questioned Mr. Insoft regarding statements made previously. She asked now that he was not a part of this, how he can guarantee those things. Mr. Insoft explained that he is one of the major stockholders in EPOCH and is on the Board of Directors and he wants a return on his investment. He said he will not deviate from the plan.

Councilman Burns raised other points about other facilities and stock values dropping. Mr. Insoft again stated this was not EPOCH and he said she is talking about the status of the industry at this time with publicly held companies. He said he understands the stock market and the reason for the drop is that the new Medicare regulations came out effective January 1. He said they are ringing out big money from nursing homes under Medicare. The industry is showing a lot of the people in the nursing business are laying off people who do therapy work. He said the government allowed money for these services and they are trying to stop it. He said when they stop it, it drops the stock value.

Supervisor Fuller said for the record in the Building Project Approval on page 3, this approval has been granted to EPOCH Senior Living, Inc. and its subsidiaries as successor in interest to the applicant CMI Senior Housing and Health Care, Inc. and as sole owner of the land constituting Planned Commercial District as defined in paragraphs above. As owner and perspective developer, EPOCH Senior Living, Inc. shall be held responsible by the Town for strict observance of all stipulations contained herein and full compliance with all pertinent rules, regulations, specifications of the Town until such time as the stated building project herein has been fully completed to the satisfaction of the Town. This is all part of the documents, Supervisor Fuller stated, that have gone out to every single Board Member. She asked if there were any other questions or comments.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to authorize the Supervisor to sign the Building Project Approval for Planned Commercial District No. 5, CMI Senior Housing Development, 475 Delaware Avenue, Delmar, pending revised plans showing any necessary modifications being received. The motion was passed by the following vote:

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

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Councilman Burns made a statement noting Bethlehem expects and wants growth but not at the expense of the private land owners. She voted no on the zoning change in July because she believed that this change is not part of a well considered and comprehensive plan calculated to serve the general welfare of the Town. She said after much further review and consideration, she could not reasonably conclude that this action is appropriate and valid.

Supervisor Fuller thanked Councilman Burns. Councilman Johnson thanked Mr. Hasbrouck and his entire Planning Board for the hard work that was put into this project to make it as pleasant as possible for everyone. He thought they did their normal, fine job. He thanked them again.

Supervisor Fuller thanked Mr. Hasbrouck and Mr. Lipnicky, Town Planner, who heard from her repeatedly on various concerns and said the job was very well done. She said to the residents and neighbors she knows this is very difficult. She said she hoped that within time everyone will remain neighbors. She said she believes they will see this project built with the ideas and concerns of the neighborhood and stand to represent the issues that were brought to the Town to make this the best that it could be. A resident commented that they could move away and that no one really understands how big this project is. He feels the phones will ring forever over this project.

Supervisor Fuller said the one concern she had and she knows she shares with the Board Members is that they have seen a need for senior housing in the community and have tried to have senior housing in the community. She said they have also seen that every time it came here it was going elsewhere and not in the center of Town where it would be convenient for the seniors. A resident again noted if this were smaller it might be better at this location. He noted it is larger than the Blue Cross building on New Scotland Road. He threatened to move away from it. Supervisor Fuller noted she hoped he would not do that.

Mrs. Marie Capone, resident, said she visited houses because someone asked her to look into it. She said she went to the Good Samaritan and it was okay. She went to the Beverwyck and asked to see a room. They said they were sorry but they did not have a vacancy to show. She went to the Loudonville Home for the Aged, and they are adding 4 rooms because they have no vacancy. She said she questioned this and was told if you want something tell the people to go to the Marie Rose senior housing in North Bethlehem because their waiting list is shorter than at the Good Samaritan. She said the question was raised if they are going to have room and this is what she was told. She indicated she plans to visit 2 additional facilities. She said these people are coming to build it across the street from her and she cannot wait for the people to be there. She loves it and thinks it will be great. She also noted it is needed and its at the right place.

Supervisor Fuller thanked Mrs. Capone. Councilman Burns said to clarify that at the Good Samaritan Nursing Home, the health related facility has a 3 year waiting list not the assistive living facility. She noted there is a difference. Mrs. Capone said yes but there are people from this Town there and there is a waiting list all over. She said the Good Samaritan waiting list is longer than at Marie Rose Manor. Attorney Kaplowitz noted there are 3 levels of care at Good Samaritan and it depends upon which level of care you are talking about. He said the subsidized apartments have a 5 year waiting list and there are some units that are not rented but hopefully these people did their marketing and if it does not work, it is their problem. Residents noted it is their problem because there will be an empty building sitting there.

Planning Board Chairman, Mr. Hasbrouck, commented on behalf of the Planning Board that most of the projects -- the real dog work for this Planning Board stuff is really done in these offices right here, every day by Mr. Lipnicky's staff and Mr. Secor's team and they deserve a lot of credit. He said he could not tell the Board the number of hours that was put into the review of this project between the rezoning and the Building Project Approval phase but it has got to be probably in the thousands of hours of staff time. He said he worked in public works, before retiring, for 33 years, most of it being large capitol construction projects, and has seen every end of the building business and said these people are good. He said they are thorough at what they do and even though they get criticism for being slow, it is done thoroughly and they need a lot of congratulations. Supervisor Fuller said from April 1997 to March 1999.

Councilman Davis said having attended almost all of the Planning Board meetings when this was discussed, as always, they looked at every detail and she thinks that every Planning Board Member would have to admit that their concerns were answered, as far as, detail was concerned. She said they also tried to address as many of the details of the residents as possible. She said they may not be happy but the detail concerns that were able to be answered were answered. Mr. Hasbrouck said he has been on the Board almost 8 years and he does not think he has ever seen a project that made everybody happy but he thinks in this case, the community input was of value. He thinks it added to what the project turned out to be. He said he thinks it is improved from what it was originally and a lot of that goes to the public input that was received.

Mr. Norm Kellerman commented that Schoolhouse Road where he lives is right around the corner from the Beverwyck. He said he thinks if this place is maintained like that is, it's an asset to the community not a detriment.

Supervisor Fuller thanked Mr. Kellerman. She also thanked Mr. Insoft, Mr. Messina, and Mr. Webster.

Commissioner
of Public Works
to go to bid
for Generators

The next item was a request from Bruce Secor, Commissioner of Public Works, for approval to go to bid for the purchase of Generators. Could advertise March 17, 1999 and open bids on April 2, 1999. Councilman Burns asked Mr. Secor if we have generators and

whether these are replacements. Mr. Secor explained that they have 2 generators which were purchased back in the 1970s and are still owned. He said over the years they have picked up additional pumping stations. He said all of the major pumping stations have built in, automatic, generators just like here at the Town Hall. He said one of the generators is a back-up in case one of the generators/station goes down. He said they don't have any that are large enough to run over and back that up. He said it can handle any of the other pump stations. He said the other one is an additional generator because we picked up a number of stations that the 2 generators can't get around fast enough. He said plus the 2 generators that are over 20 years old are more difficult to get parts for. He said they are not throwing away anything they have, they are simply adding to the fleet to better to provide services to the community.

Councilman Burns asked if these are computer generated. Mr. Secor said they are not, just generators on a trailer. She said she was concerned about 2000. Mr. Secor said there is no reason for concern but noted the Town Hall has been protected by a generator to carry the entire building. He said all the facilities -- the Highway garage, the Public Works garage and he believes the fire companies -- now have emergency generators installed. He said compared to where they were in 1987 when they had the ice storm and no power for over a week, they are in much better shape. He said this is just new equipment for additional facilities throughout the Town. Councilman Burns thanked Mr. Secor.

The following resolution was offered by Mr. Lenhardt and seconded by Mr. Johnson:

WHEREAS, the Town desires to advertise for bids for the purchase two (2) trailer mounted diesel generators for use by the 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 17th day of March, 1999 and that bids be received up to 2:00 p.m. on the 2nd day of April, 1999 at which time the bids will be publicly opened and read.

Resolution to
go to bid for
2 trailer mounted
diesel generators

The resolution was passed by the following vote:

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

Noes: None.

- - -

Supervisor Fuller noted this was discussed at budget meetings for 1999.

Councilman Burns added though it was discussed during the budget process, that was just between the Board Members. She mentioned this for everyone's information.

The next item was to accept the resignation of John Esposito, Programmer/Analyst, effective March 31, 1999. Supervisor Fuller noted the date would be April 2, 1999. She said March 31 would be his last working day but he has 2 days vacation. She said this is with regret, John has been a great employee of the Town of Bethlehem since June, of 1987 and took the position of Programmer/Analyst January of 1989. She said he has been Jeff Dammeyer's right hand. She said he will be sorely missed.

Resignation
John Esposito
Programmer/
Analyst

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to accept with regret the resignation of John Esposito, Programmer/Analyst effective April 2, 1999. The motion was passed by the following vote:

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

Noes: None.

- - -

Supervisor Fuller noted he is leaving to move closer to his family in Florida. She said she is sure he regrets leaving, however, will enjoy the climate better.

Councilman Burns asked if this position will be advertised. Supervisor Fuller said it would be.

Receipt of
Conditional
approval of
Final Plat
Adams Woods
Section I
Subdivision

The next item was to acknowledge receipt of the Conditional Approval of Final Plat for Adams Woods, Section 1 Subdivision from the Planning Board for information purposes.

Acknowledge
receipt of
1998 Annual
Report from
Town Clerk

The following item was to acknowledge receipt of the 1998 Annual Report from Town Clerk, Kathleen A. Newkirk. Supervisor Fuller said this appears to be a very busy office. She said the Records Management Program grants which have been applied for have generated a great deal of revenue for the Town and they appreciate the expertise that has been added. Town Clerk Newkirk thanked Supervisor Fuller.

Approve
February 24,
1999 minutes
of Town Board

The next item was to approve the Town Board minutes of February 24, 1999.

The motion was made by Mrs. Davis and seconded by Mr. Johnson to approve the Town Board minutes of February 24, 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
congratulated
John Flanigan
2nd Vice-President
Association of
Towns

Supervisor Fuller congratulated Building Inspector, John Flanigan, on his election as 2nd Vice President of the Association of Towns of the State of New York. She mentioned this occurred at the Annual Meeting held in New York City in February.

Albert Penk
addressed board
about truck
traffic

Supervisor Fuller asked if anyone wished to address the Board. Mr. Albert Penk, Clapper Road, Selkirk, NY noted he addressed the Board on February 24, 1999 and asked if any action had been taken or if anything transpired from what he presented. Supervisor Fuller said she spoke with him. She said she spoke with Mark White at the Department of Transportation the next morning and expressed the concerns. She said he did not have a meeting scheduled for the project and it is tentatively on hold. She also noted she had called him with that information. Mr. Penk said she did. He just wished to confirm this.

Mr. Penk provided handouts of New York State Traffic law and a diagram of trucks and their measurements. He addressed the issue of Route 396 and the truck traffic currently traversing the area from Route 9W to River Road, Selkirk. He also requested direction as to what department or State agency he should direct his concerns to. Attorney Kaplowitz noted with the Town it would be the Town Board. Supervisor Fuller indicated he should speak with the Department of Transportation. The Supervisor suggested Mr. Penk meet with the Bethlehem Police Department regarding concerns of the existing trucks on Route 396, Selkirk.

Councilman Burns
questioned
Mr. Lipnicky
and Mr. Secor
about wetlands

Councilman Burns had a question for Mr. Lipnicky and Mr. Secor. She noted it was either this week or last week, she noticed an article in the paper about new maps that are out showing wetlands. She said Saratoga County got them. She asked if there will be new maps for our area. Mr. Lipnicky said State regulated wetlands he does not know of any changes. He said in terms of Federal wetlands,

there are no Federal wetland maps for this area. He said he does not anticipate that there will be. Mr. Secor said the State delineates wetlands like on a U.S.G.S. sheet and he will have to find out if they have updated that. He said there are no Federal wetlands delineated map of that. He said one problem is that there is a definition with the Federal and it is up to the land owner to find out if they have any or not.

Planning Board Chairman, Douglas Hasbrouck, made a comment regarding the Planning Board jurisdiction relating back to Mr. Penk's questions of Town involvement with the design and planning of the Route 396 truck bypass. He noted they are only involved in things that are specifically set-up under regulations and the Town Board is limited by State law as to the kinds of things they can give to the Planning Board. Highway issues is not one of the items, he said. Attorney Kaplowitz said this was basically true. He said there is a limit on what can be delegated. Mr. Hasbrouck said basically it is subdivision of property and site plan applications. He referenced the CMI project that was on the agenda and the fact that the Town Board is the lead agency and makes the final decision.

Mr. Hasbrouck
Planning Board
Chairman comment
jurisdiction
relating to Mr.
Penk's Question

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

Supervisor Fuller asked for a motion to meet in Executive Session to discuss police negotiations.

The motion was made by Mr. Lenhardt and seconded by Mr. Johnson to meet in Executive Session following the close of the regular Town Board meeting to discuss police negotiations. The motion was passed by the following vote:

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

Meeting adjourn
to executive
session. No
formal action
taken.

The motion was made by Mr. Lenhardt and seconded by Mrs. Davis to adjourn the regular Town Board meeting at 9:15 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

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.