

TOWN BOARD  
OCTOBER 12, 2005

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 5:30 p.m.

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

- - -

Supervisor Egan welcomed everyone to a regular meeting of the Bethlehem Town Board and invited them to join in the pledge of allegiance.

The Supervisor asked if there was any comment on any item on the agenda. Mrs. Marie Capone said they do not have the budget and yet the Spotlight said the Board gave everybody a \$3,000 raise. Supervisor Egan said it was not a \$3,000 raise. She said the proposal that was presented in the presentation was a 4 percent cost of living adjustment for the employees of the Town.

- - -

Mr. Robert Jasinski, Bender Lane, asked for an explanation about the approval of the water district number 1 extension for the New Scotland Road Planned Commercial District No. 6. Public Works Commissioner, Oliver Holmes, explained that it was for the First Columbia building, the new medical arts building. Mr. Jasinski asked where it was located. Mr. Holmes noted it is located on New Scotland Road where the other medical building is located. Mr. Jasinski asked how much of an extension this was. Mr. Oliver said the water is in the area and First Columbia extended it. He said the Town did not run any pipe but the Town Board has to approve it formally in order to accept it. Mr. Jasinski thanked Mr. Oliver.

Mr. Jasinski next asked if we were still having problems with the water. Supervisor Egan noted this is public comment on agenda items. Questions, she said, can be dealt with at another time. Mr. Jasinski thanked the Supervisor.

- - -

The first item on the agenda was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of appointment of seasonal personnel.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the appointment of Seasonal Personnel as listed on the Memorandum dated October 12, 2005 at the titles and salaries listed and on file in the Town Clerk's office as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

-----

The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for acceptance of donations. Supervisor Egan noted there were 3 donations.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the acceptance of donations as requested by Administrator, Nan Lanahan, Parks and Recreation Department, as follows:

---

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

Joseph and Kathleen Degnan - \$260 to purchase a memorial bench for the Henry Hudson Park;  
Lowe's - \$250 value of materials for construction of a shelter at the Dog Park; and

Ray Linstruth – donation of a couch for use in the Middle School pit.

The motion was adopted by the following vote:

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

Noes: None.

Absent: None.

- - -

Supervisor Egan asked if the park bench was good for Mr. Hall and where it will be located. Administrator Lanahan did not know where the bench will be placed.

-----

The next item was a request from Department of Economic Development and Planning, Terrence Ritz, for approval of street number change for Sylvan Avenue. Supervisor Egan said the current number for this residence was 10 but apparently the numbers on each side of his residence is 57 and 75. She said the request is for a change to 65 Sylvan Avenue.

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to approve the change in house number for Dale and Dorothy Harro from 10 Sylvan Avenue to a new number 65 Sylvan Avenue, Delmar, as requested by Terrence Ritz, department of Economic Development and Planning. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

-----

The following item was a request from Department of Public Works to go to bid for one Standby Generator for Water District Park Tank on Elm Avenue.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) Standby Generator for Water District Park Tank on Elm Avenue, Selkirk, Town of Bethlehem, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 19th day of October, 2005 and that bids be received up to 3:30 p.m. on the 2nd day of November, 2005 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

-----

The next item was a request from the Department of Public Works for the approval of award of bid for Portable Standby Generator to Walter Pratt & Sons, Inc., Rensselaer, NY at a bid price of \$26,792. Supervisor Egan noted 4 bids had been received for the 59 kilowatt portable Standby Generator with the recommendation to go to Walter Pratt & Sons.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the award of bid for one (1) Portable Standby Generator to Walter Pratt & Sons, Inc., Rensselaer, NY at a bid price of \$26,792 as requested by Commissioner of Public Works, Oliver Holmes. The motion was passed by the following vote:

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

-----

The following item was a request from the Department of Public Works, Commissioner Oliver Holmes, for the approval of award of bid for Sanitary Sewer Grouting Service to two (2) bidders, Sewer Specialty Services Co., Inc. and Fred A. Cook Jr., Inc.

The motion was made by Mr. Lenhardt and seconded by Mr. Gordon to approve the award of bid for Sanitary Sewer Grouting Service to the following as requested by Commissioner of Public Works, Oliver Holmes:

Sanitary Sewer Grouting Service Leicester, New York	\$300 per hour per grouting crew \$10 per gallon, chemical grout No bid on chemical root treatment
Fred A. Cook, Jr., Inc. Montrose, New York	\$325 per hour per grouting crew \$8 per gallon, chemical grout \$10 per gallon, chemical root treatment \$250 per hour for grout unit of manholes.

The motion was passed by the following vote:

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

---

Councilman Lenhardt asked if they were being selected for individual items and they will be selected based on the company's availability. Commissioner Holmes said that was correct.

-----

The next item was a request from Comptroller, Judith Kehoe, for approval to enter into a lease purchase agreement regarding IBM Hardware. Supervisor Egan said this is in regard to a finance agreement pursuant to a New York State contract and noted it had to come to the Board for approval.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the entry into a lease purchase agreement regarding IBM hardware. The motion was passed by the following vote:

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

-----

The following item was a request from Comptroller, Judith Kehoe, to reevaluate need for a review of insurance procurement. Supervisor Egan suggested Comptroller Kehoe to brief the Board regarding the history of this item. She said several years ago there was a recommendation by the Board to review the insurance provider. Comptroller Kehoe said the insurance market was a different market back in 1998 and 1999. She said the Board decided they were getting some conflicting information and thought it might be helpful to the procurement process if there was an independent set of eyes look at the whole process and make

recommendations. She said they engaged a company named Confirm, Inc. and they are knowledgeable about the insurance market but do not sell any insurance products. They issued a report, according to the Comptroller, and there were a series of recommendations within the report and she made operational recommendations and the Board had taken action back in 1999.

Mrs. Kehoe said one of the recommendations was that the Town have an independent review of the insurance procurement process every 5 years and she started to do that review this year. She said in looking at the bigger picture and how the insurance market has changed, it did not seem necessarily the wisest use of funds. She said the market is shrinking in terms of available carriers and they have access to the carriers. She said she feels they could get this independent review because that is what the Board approved in 1999 at a cost of about \$4,000 but she did not want to do that without giving the current Board an opportunity to decide whether or not this is prudent in this market.

Councilman Plummer asked what the independent firm would review. Comptroller Kehoe said they would review the whole procurement process – how the various companies are accepted; is there a look at the best carriers; reviewing the deductibles and other potential changes in the policy language. She said she does this anyway. She said it is an independent set of eyes looking at what is being reviewed in her office working with the insurance committee on this. She said in terms of the reports that would be received, she did not know that it would have the full value that she might otherwise want from a report like this. She said the prices have not been going up dramatically, noting they did spike upwards for 2 years after 9/11. She said they have been stable for the last 3 years and early indications are that prices are going to be stable going forward. She said the only value of the report is that it is an independent review of the procurement process. She said she would not expect that there are any major recommendations or changes in the way that this is being done from the report.

Councilman Plummer asked if there were a lot less carriers now writing municipal insurance. Mrs. Kehoe said the Town is still getting the coverage and noted the insurance market has changed over the years. She said there were some periods quite some time ago where municipalities were having difficulty even obtaining the coverage. She said that was when you saw some of the insurance consortiums forming through Association of Towns and other municipal associations. She said the coverages are out there and they are comparing them along with the other carriers. She said it is a shrinking market but it is still an available market.

Councilman Plummer asked if it was one agent/one company that we are dealing with that sells us the municipal insurance. Mrs. Kehoe said there are 2 agents who are currently the agent of record for the Town. She said they go out and solicit quotes on the Town's behalf from the carriers. She said these quotes are reviewed, along with the deductible. Councilman Plummer asked if this is done annually. Mrs. Kehoe said they do through the renewal process anyway. Councilman Plummer asked if that was part of the January session. Mrs. Kehoe said those reports are included on the organizational meeting.

Councilman Plummer said the bottom line is that the Comptroller and the Deputy are doing what the other company was doing. Mrs. Kehoe noted they were doing it even when the other company looked at it. She said the other company was sort of like an independent auditor.

Comptroller Kehoe brought this back to the Board due to the 1999 Board resolution that directed her to get this independent review. She said with the market it does not make a tremendous amount of sense to recommend that this be done. She said her recommendation was to retain that as a tool and indicated certainly the market could change going forward and it may come to the point where this would be beneficial at a later date.

Councilman Lenhardt noted he was on the Board at the time and the independent review as the Comptroller has indicated was adopted to avoid a

conflict of interest real or otherwise. He said at the time a Board Member, who is no longer on the Board, was implying that the current administration was not taking advantage of cost savings. He said that was the reason for the resolution. He said he did not then nor does he have now any concerns expressed by the Board Member at that time. He said he is in favor of saving the \$4,000.

Councilman Marcelle said he is in favor of saving the \$4,000 also.

Councilman Gordon noted in regard to the Association of Towns that they are eager to get municipalities involved in their program, asking if it has been reviewed. Comptroller Kehoe said she has and noted there was a letter received from the Association of Towns. She said they are regularly reminding the Town that that program is out there. She said there is a significant bonding that is required in order to participate in that program, indicating it is about 35% of the premium so there is a considerable increase in the initial year. She said given that the Town has not had problems accessing other markets, when the cost is looked at, it has not made sense to opt into that program. She said they do know they are out there and they do look at it. She said it might make sense some time in the future but not imminently. Councilman Gordon asked if it was fair to say that their program was developed because other municipalities were having trouble getting any coverage. Comptroller Kehoe said that was correct and that was a market of 15 to 20 years ago.

Councilman Lenhardt asked about the professional engineering insurance was coming along. Comptroller Kehoe said they are still working on that as part of the renewal process. Supervisor Egan said Mr. Deyoe and Mr. Holmes are constantly reminding the Comptroller about this.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to remove the mandatory 5 year review policy for the procurement of insurance and permit review of this as need is identified as requested by Comptroller, Judith Kehoe. The motion was passed by the following vote:

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

-----

The next item was a request from Town Engineer, Erik Deyoe, for acceptance of easements for the South Albany Water and Sewer Project. Supervisor Egan said there were 2 additional easements needed to get this project going. She said the easements are being conveyed to the Town at no fee.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the acceptance of easements for the South Albany Water and Sewer Project from Faye Williams, Selkirk, NY and Connie Kot, Selkirk, NY as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

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

-----

The final item was a request by the Commissioner of Public Works, Oliver Holmes, to approve Water District 1 Extension for the New Scotland Road Planned Commercial District No. 6, contingent on the forthcoming approval of this water district extension from the New York State Department of Environmental Conservation. Supervisor Egan noted everyone had a Memorandum on this but she did not know if there were any questions.

Councilman Gordon said he has been speaking with Commissioner Holmes from time-to-time and commended him for getting out in front and making this happen in a timely order. He said the fact of doing this ahead of time reflects that. He said they are excited to have the First Columbia building and it is wonderful to

have water in their building. Supervisor Egan said they are happy to have water in their building too. She said the tenant is working on a ribbon cutting date in the next couple weeks pending all of this happening. She said she will notify the Board of the date.

The motion was made by Mr. Marcelle and seconded by Mr. Gordon to approve Water District No. 1 Extension for the New Scotland Road Planned Commercial District No. 6 contingent on the approval of the extension by the NYS Department of Environmental Conservation as requested by Commissioner of Public Works, Oliver Holmes. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

-----

Supervisor Egan asked if anyone had any comment they wished to make regarding anything not on the agenda. Mr. Victor Rodriguez commented on the issue brought up about the 4 percent cost of living adjustment. He said he thought that was for the Town workers that plow the road, pickup all the trash and all the leaves. Supervisor Egan said that was correct. Mr. Rodriguez said he feels it is a good thing to reward the hardworking Town workers for their job. Supervisor Egan thanked Mr. Rodriguez.

- - -

The Supervisor asked for a motion to adjourn to Executive Session at the conclusion of the meeting to discuss contract negotiations.

The motion was made by Ms. Egan and seconded by Mr. Gordon to approve adjourning to Executive Session to discuss contract negotiations. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

-----

The motion was made by Mr. Marcelle and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 5:50 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

---

Town Clerk

#### EXECUTIVE SESSION

There was no formal action taken at the Executive Session.