

TOWN BOARD
SEPTEMBER 13, 2006

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
Tim Gordon, Councilman
Samuel Messina, Councilman
Kyle Kotary, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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The Supervisor 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 were any public comments on agenda items and asked that any non-agenda items be held until the end of the meeting.

Mrs. Capone spoke regarding the request from the Town Engineer for Kenwood Avenue. She stated that it would be cheaper to hire Bruce Secor he has done this type of work for seventeen years.

Supervisor Egan asked if there were any other public comments and there were none.

The motion was made by Mr. Kotary and seconded by Mr. Gordon to close the public comment period. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.
Absent: None.

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The Supervisor welcomed the PIG Classes and stated this was the first time they had students that sat in the first row. She congratulated them. She also congratulated Councilman Gordon on his victory in the Primary and wished him the best for the General Election.

The next item on the agenda was to approve the Town Board Minutes of August 9, 2006.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the Town Board Minutes of August 9, 2006 as submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.
Absent: None.

Next item was a presentation from the Youth Court Coordinator, Stacey Whiteley. Bethlehem Youth Court Program is a youth court program that is an alternative sentencing program and is available for young people who get in trouble for the first time. This program serves young people between the ages of ten and nineteen who have been arrested or have been referred by the Albany County Probation Department. They serve a section of population for the youth in the community that want to volunteer, help and/or assist with conducting hearings. They go through member training, learn how to present the criminal court cases and follow youth court guidelines. They work with the young offenders and their

families in presenting and preparing cases. After this process the young offender will be sentenced with community service, which is done here in the Town of Bethlehem in lieu of any criminal conviction or fines.

Supervisor Egan stated the Town does fund a portion of the Youth Court Budget noting this is a not-for-profit program. She said this allows them to take advantage of any grant opportunities. This is an incredibly positive program. The Supervisor then presented the Youth Court with a Proclamation.

Next on the agenda was a request from Town Engineer, Erik Deyoe for acceptance of deed documents for Clearview Subdivision, Wemple Road, Glenmont.

The motion was made by Mr. Plummer and seconded by Mr. Messina to accept the deed documents for Clearview Subdivision, Wemple Road, Glenmont as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

The next item on the agenda was a request from the Town Engineer, Erik Deyoe for approval of release of Letters of Credit for Dowerskill PRD.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the release of Letters of Credit for Dowerskill PRD as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

Next was a request from Town Engineer, Erik Deyoe for approval of release of Letters of Credit for Cherryvale Subdivision.

The motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the release of Letters of Credit for Cherryvale Subdivision as requested by Town Engineer, Erik Deyoe and listed in the memorandum dated August 15, 2006. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

Next was a request from Town Engineer, Erik Deyoe for approval of award of bid for the improvements to the Kenwood Avenue Booster Pumping Station to FPI Mechanical Inc., Cohoes, NY pending end of the permissive referendum period expenditure of the Water Fund Capital Reserve.

Supervisor Egan stated there were two bids and FPI was the low bidder. The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the bid for Improvements to the Kenwood Avenue Booster Pumping Station to FPI Mechanical Inc., Cohoes, NY pending end of permissive referendum regarding Water Fund Capital Reserve expenditure as requested by the Town Engineer, Erik Deyoe. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

Next was request from Nan Lanahan, Administrator, Parks and Recreation Department for acceptance of donations totaling \$1,200 for the Maple Ridge Park, Elm Avenue East, Selkirk.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to accept the donations totaling \$1,200 for the Maple Ridge Park, Elm Avenue East, Selkirk as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

Next item was a request from the Assistant Town Attorney, Thomas Newman for approval of a communications license agreement with Omnipoint Communications, Inc.

The Supervisor stated this is in regard to the installation on one of the Town's water towers. The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the communications license agreement with Omnipoint Communications, Inc. as requested by Assistant Town Attorney, Thomas Newman. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

The Supervisor stated that there is a huge request for more cell phone service. This is not a Town service, this service must be provided by vendors. She said to the extent you feel you need more service, residents need to contact the vendor.

Next item was a request from the Chief of Police, Louis Corsi for acceptance of DARE donation in the amount of \$50.00 from Nancy Farr.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to accept a DARE donation in the amount of \$50.00 from Nancy Farr as requested by the Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

Supervisor stated Brian Wood from the Albany County Sheriff's Department was here in the spring and did a presentation regarding the program for Advanced Life Support. There is a proposed increase in the budget for the Town's allocated share. In addition there is a summary of taxpayer impact with the additional ALS charges for 2007. This is an additional expense that is on the tax bills.

Brian Wood stated when the program began in 1996 they had the Town of Bethlehem and three of the hill towns. With the impact of the call volumes they need to have two paramedics here in the Town of Bethlehem and one in the hill towns. He said that they paid for the cost of one and the Town of Bethlehem paid for two. Since then they took on the Town of New Scotland and the Town of Coeymans. There has been a huge jump in call volumes, however, the cost was split up geographically. They took a look at call volume and the population. Now they have five paramedics during the day and four paramedics from 6PM-6AM but

there also is an on-call Supervisor who have an equipped paramedic response vehicle. When they broke down the call volume it worked out that about 62-64 percent of the calls were in the Town of Bethlehem and 58 percent of them were ALS calls which means the paramedic actually accompanies the patient into the hospital. When you look at the numbers, six times out of ten calls were for the Town of Bethlehem. The break down of the cost amongst the six towns is based on the population and the budget is based on the 2000 Census.

Council Plummer asked what the current cost was. Supervisor Egan said; it is \$378,000.

Councilman Plummer stated if we are going to \$584,000 what are other towns doing in Albany County. Mr. Wood stated they all do the same thing from Bethlehem south. The Town of Guilderland has there own paramedic service. They run four paramedics from 6AM-12PM and then three overnight. They do about the same call volume as the Town of Bethlehem and their bill is about \$900,000. That price was for the Paramedic Program and that does not include what they pay for ambulance and transportation etc.

Councilman Plummer asked if the percentage rate would be held until the next census. Mr. Wood stated this would be the percentage until there was another census update and then it would be adjusted.

Mrs. Kehoe stated that in 2007 the ambulance and paramedic charges that will be billed would be a separate line item on everybody's tax bill. In the past they have combined both ambulance and paramedics on the same line. Last year the cost was about ten cents per thousand and with the new increase that the county is proposing it is an increase of about seventeen cents per thousand. The additional amount of six cents applied to a \$200,000 dollar home is an increase of about \$12 dollars a year for the paramedic services. The total bill for the ALS portion for a \$200,000 dollar home would be \$34 dollars.

Councilman Plummer questioned whether the advanced life support percentage is all ambulance service. Mr. Wood stated they provide just advanced life support and first response. When the town receives a 911 call, they respond to the call and they provide advanced life support. This is advanced air management, placing tubes, medications, intravenous lines, defibrillation, and EKG monitoring. When the patient is ready and prepped they will be put into one of the two or three volunteer ambulances that cover the town and taken to the hospital with one of their staff and our paramedic.

Supervisor Egan stated there are three ambulance services in Town. We have Delmar Ambulance operated through Delmar Fire District, Bethlehem Volunteer and Western Turnpike. Delmar Fire also has a contract for EMT's which help supplement the daytime staffing problem in the district.

Councilman Messina questioned the travel distant and the cost for those calls. Mr. Wood stated when you look at the call volume, for example for every six ALS calls, there are only four out in the other five towns. The paramedics get paid whether there are calls or not. Councilman Kotary asked the percentage rate for calls in the Town of Bethlehem. Mr. Wood stated it was about sixty-two percent which was the total number of calls and that included all fire calls. Councilman Kotary questioned the call volume verses the percentage broken done by population. Mr. Wood stated it is within five percent.

Councilman Gordon stated as a first responder for North Bethlehem, the ambulance arrives shortly and it is nice when the paramedic is nearby, it is very comforting.

Supervisor Egan stated there is no Board action to be taken, this was an informative session.

Mr. Wood stated that when the contract is done, it goes to the County, then to the County Attorney for approval. The Supervisor Egan stated the amount and

percentage, which Mr. Wood gave, is an approximate estimate and subject to change.

Supervisor stated there are a couple of other notices. The Quadricentennial meeting is being held at the Bethlehem Historical Museum, September 20, 2006. Also Friday September 15th from 9-4:30 and Saturday, September 16th from 9-12:30 there will be a meeting for the New Scotland Road Hamlet Charette. This meeting will be putting the vision for that area on paper.

Councilman Kotary stated that he had participated in the preplanning meeting. They had good examples of bringing the community together to participate in the process. He also stated he would encourage anyone interested in the process to participate in the exercise.

Supervisor Egan stated there is a meeting regarding the extension of Cherry Avenue or the Extension of Route 85. The Cherry Avenue Extension will now be built with the ground breaking in the next couple of weeks. It will go straight ahead behind the Price Chopper, and hook into Route 85 by the old Blue Cross/Blue Shield building. As a result it is envisioned that a lot of the current traffic on New Scotland Road will stop being on New Scotland Road and will go to the new Route 85. As a result between New Scotland Road and Route 85 there is a significant piece of property about 80 acres. Four developers own this property and the idea is this will help support the area the tech park that is coming in; the economic development for balance in tax base and housing diversity which are identified in the Comp Plan. They are trying to make this a well-planned area as opposed to sections or pieces that are not in a coherent manner.

Supervisor Egan said she attended a meeting with County Executive Breslin regarding the HAVA update, Help America Voter Act and how it will impact the Town. She said based on a proposed budget for 2007 the County is proposing a charge back to the Town of about \$267,000. This is Federal Legislation that went to the State; the State passed the legislation that dictated the County is to take over the administration of elections. This will include the purchase of new automated high tech voting machines that aren't here this year but are supposed to be here for the 2007 elections. In addition to the administration of the elections, the State Legislation also allows, however, does not dictate or mandate a charge back to the Town but it does allow a charge back for expenses incurred by the County. The Supervisor stated herself, and Supervisor Brissel from Colonie, Supervisor Runion from Guilderland have written a letter to the County Executive expressing a concern regarding the elections and the highest amount that the Town has ever expended. She said the administration of the elections is about \$86,000 and the Town is now being asked to spend \$267,000. The County Executive's position is it is the discretion of the County to do a chargeback. Mr. Breslin said the budget will be submitted to the County Legislature with the proposed chargeback in there. Supervisor Egan said at this point we are trying to get our County, the Town County Legislators, and Representatives of the County Legislators to get involved quickly and vocally in this matter. In general numbers this will be about a 20 percent tax increase that is required in the General Fund to cover those expenses.

Supervisor Egan stated there were several letters requesting lighting for the volleyball field. She spoke with Nan Lanahan, Administrator for the Parks and Recreation Department and was told there was no electricity in that area so this is not a simple task. This will be looked at with regard to the number of people to benefit verses the expense of completing the job.

The Supervisor stated we have received the Grant Application for the Shared Municipal Services Incentive Awards Program. This is a grant through the Department of State which would allow the funding of proposed Fire and Emergency Medical Service on a Town-wide delivery service by a feasibility study.

This would be done on a voluntary basis and create a committee to look at this and would be an opportunity to take a look at the cost and the operational features of the program. The grant application has a due date of October 23, 2006.

Supervisor Egan stated that there is a walk being done for the Leukemia & Lymphoma Society. It is Light the Night. This is a nationwide evening walk to build awareness of blood cancers and raise funds for cures. There is a team that will be walking in Memory of John Cox. She said his daughter and son-in-law are putting this together and if anyone is interested please let her know.

Public Comment on non-agenda items.

Ms. Linda Jasiniski spoke about moving the time of the meeting to a later time and it was voted down. In yesterdays Times Union, she said there was an article written by Mark Sermack about Schenectady City Council and he said most members want to start meetings earlier moving from 7 p.m. to 6 p.m. and yet this is another attempt to obstruct public access. He also states he does not recall any of these bodies meeting before 7:00 p.m. or 7:30 p.m. The 6:00 p.m. start would reduce the public access audience because many folks are watching network and/or local T.V. news and it also interferes with the dinner hour of people who want to speak about municipal problems at the council meetings. She said once again she would like to ask to put this at a better time so that the public can attend.

Supervisor Egan asked for a motion for an Executive Session to discuss litigation on a personnel matter.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to meet in Executive Session following the close of the regular Town Board meeting to discuss litigation on a personnel matter. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.

The motion was made by Mr. Kotary and seconded by Mr. Messina to adjourn the regular Town Board meeting at 6:10 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.

Town Clerk

EXECUTIVE SESSION

The motion was made by Mr. Kotary and seconded by Mr. Messina to revise the settlement parameters on the personnel litigation. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.