

TOWN BOARD
AUGUST 9, 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 Deputy Supervisor at 5:30 p.m.

PRESENT: Daniel Plummer, Deputy Supervisor
Tim Gordon, Councilman
Samuel Messina, Councilman
Kyle Kotary, Councilman
Kathleen A. Newkirk, Town Clerk
ABSENT: Theresa Egan, Supervisor
James T. Potter, Esq., Town Attorney

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Deputy Supervisor Plummer welcomed everyone and invited them to join in the pledge of allegiance. He said he would be filling in for the Supervisor but not for the Town Attorney.

The first item on tonight's agenda was to receive public comment. There was no public comment.

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

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department, and listed on the Memorandum dated August 9, 2006 at the titles and salaries listed and on file in the Town Clerk's office. The motion was passed by the following vote:

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

The next item was to acknowledge receipt of the Franchise Fees from Time Warner Entertainment-Advance/Newhouse Partnership for the period April through June 2006 in the amount of \$109,636.49.

The next item was a presentation by Councilman Messina of the IMAC Report regarding the Town Clerk's Office. Mr. Messina thanked Kathy Newkirk, Town Clerk, for working with them. He noted he would give a brief overview of the report. He said all department heads have been doing a good job and cooperating with the committee to review their operations.

Mr. Messina said 7 major functions were defined and 30 activities within the functions accomplished within Town Clerk's office each and every day. The office provides useful, productive service oriented work is done. One of the emerging priorities they saw, Mr. Messina said, was the ability of making public access improved as discussed with other departments. A few suggestions came up with the report as follows:

- Consideration of a drop box for after hours which would provide additional access to Town government.
- With the new website which has improved the accessibility of information, further information can be provided.
- Release of time due to Albany County Board of Elections taking over the conduct of elections which was previously the Town Clerk's responsibility. He said this may result in some reduced work load, and an opportunity to reinvest time some where else, it probably is not going to result in any reduced cost savings for the

Town because there will be a methodology where the County can assess towns for the services. He said the Town might wind up paying more than is paid now.

The Town Clerk's office has 5 different computer systems and the operations work well. Work has been done with the MIS office to improve computer operations. He said there are a couple areas where additional computer things could be done but they are somewhat marginal.

He mentioned with respect to IMAC's recommendations, the Town Clerk's office cost of operation is about \$90,000 a year to run with \$40,000 in revenues and fees collected. This is a \$150,000 net operation. This is a small office that does well with few people.

Some things IMAC will work with the Town Clerk and staff and programs will take the lead with this and this is a joint report are looking at the difficulties and challenges of electronic records and how to store those, manage and deal with large maps because there is a lot going on in terms of questioning how long and viable electronic records can be effectively stored.

Mr. Messina said there are a couple opportunities to raise additional revenues, not large, but updating things and once again as with all other departments reviewed, the goal that will be brought forward into the budgetary process. He said this is of interest to all Board Members is to come up, specifically, with savings or revenues in the 5 to 10 percent range and be able to consider those as part of the budget session that is coming up.

Mr. Messina said there is an opportunity to look at greater coordination and standardization in some of the records management activities, as well as, how record requests are handled under the Freedom of Information law. He said those things tend to once in a while slip a bit but noted ours works well but better coordination could be used to improve the turn around and public service. He noted there was once a Records Advisory Board and suggestion is made to reconstitute it and to make it really viable and useful for the Town.

Councilman Messina said he touched on some of the high points and the process worked good. He again thanked Town Clerk Newkirk for her cooperation and invited her to make any comments or questions she might have. Town Clerk said most of the information has been covered that is pertinent. She said the operations in the office in most instances are operated under State law so that the regulations are very straightforward and we're given those from the State departments. She noted the office interacts with State, County, as well as, the Town government and all offices. She said the only thing that is not clear at this time is the role the Town Clerk will play in elections. There is a meeting scheduled at which time she hopes to gain information on this. Councilman Plummer asked whom the meeting was with. Town Clerk Newkirk said it was with the Commissioners of the Albany County Board of Elections.

Councilman Kotary asked if this meeting would focus on the transition period until 2008 when it officially transfers over to the new system. Town Clerk Newkirk said her hope is that that is the topic of the meeting because there are a lot of questions. She noted she has emailed questions to the Commissioners in the hope that answers will be forthcoming. She said such issues as who is going to move the machines, exactly who is responsible on Election Day. Councilman Kotary asked for a report to be made at the next Board meeting.

Councilman Kotary asked about emergency alarm permits and whether these were for homes or businesses. Town Clerk Newkirk indicated both. Mr. Kotary also asked if the \$25 fee was for both. Ms. Newkirk indicated it was. Mr. Kotary said licenses are issued on bingo asking if there are many of these. Ms. Newkirk indicated there is only one organization that handles bingo and that is the Nathaniel Adams Post on West Poplar Drive. She mentioned the Elks Lodge on River Road used to do bingo also but they have moved. Mr. Kotary asked if it was an annual permit or a permit per occasion. Town Clerk Newkirk indicated it is a

license than can be issued up to 6 months with all the dates and then they reapply or the next time frame. She said there is a fee per occasion.

Councilman Kotary asked about genealogy under vital records. He asked if there are a lot of requests or how much of a time commitment it is. Town Clerk Newkirk said it totally depends on how many come in but she does charge the State fee of \$22 per search because they were so voluminous they took too much time. She said by charging the State fee it has cut back on the number of requests.

Councilman Kotary asked about FOIL requests and what happens when requests do not come to her office and what kind of burden or how long it takes to handle the FOIL requests. Town Clerk Newkirk said the normal process is that they should come through her office and it is distributed to the departments for the information. She said if a department gets a FOIL request directly, a copy should go to her office, however, there is no way to track if this is being done with all of the requests. She said totally depends on the request as far as how much information has to be drawn together. Mr. Kotary thanked Ms. Newkirk.

Councilman Kotary asked if the pc that is received from the Department of Environmental Conservation could be used for other things. Town Clerk Newkirk indicated the computer could be used by the Town Clerk's office, however, if something is put on that computer and the State decides to pull the computer you can lose the records. She said they only use that for the DEC program. Mr. Kotary said that makes sense.

Councilman Kotary asked if there was a fee with handicap parking permits and is there some State or County requirement of proof. Town Clerk Newkirk indicated the handicap-parking permit is done through the Department of Motor Vehicles. She said in order to obtain a parking permit, the person must have a doctor's certification as to the disability in order to have a permit. She said there is no fee involved and Motor Vehicle provides the supplies for this.

Councilman Kotary asked if the Town Clerk wanted to bring the Records Advisory Board back. Town Clerk Newkirk said it is a good idea and noted she lost some of the members. She noted William Saffady moved out-of-town and indicated he had the expertise with regard to electronic records. She said she will be looking to reestablish the Board and get it back up and running.

Councilman Kotary asked about the figures under contractual and the differences. Town Clerk Newkirk said she did not know and would have to ask Comptroller Kehoe. She said there has not been any activity that she knows of. Councilman Kotary asked if this basically was software and hardware contracts and sorts of things and not employee related. Town Clerk Newkirk said as far as she knows that would be correct.

Councilman Kotary said with regard to records and records management, on the records management line the numbers changed including the grant income. He asked what the differences represent. Town Clerk Newkirk indicated we did not have a grant in that particular cycle and that is why there is nothing listed. She said it is just a matter of how much is awarded when a grant application is made. She indicated it is the Local Government Records Management Improvement Fund grant and that money has to be accounted for separately. Councilman Kotary asked if the Town could qualify each year for. Town Clerk Newkirk said it is provided the project is eligible and an award is granted. Mr. Kotary said these are not annual ongoing projects, they are separate projects. He thanked Town Clerk Newkirk.

Councilman Gordon said he was curious as to what Town Clerk Newkirk sees moving ahead in the future to be greater challenge or challenges in the office. Town Clerk Newkirk said there are couple ways to look at that and one way is records management. She said that is an ongoing program that has to be continued. She said the program began in 1992 and of course, with the new age of computers and all of the digital records that are being created, we do have one grant in house with the Department of Public Works which is digitizing the maps in the map room. She said that kind of work is going to become more and more as we move

forward. She said her fear with that is due to a recent article that says in a year or two it is a question as to whether that kind of records management is going to be around. She said the CD may disappear and will the DVD disappear, what is going to come in. She said it is a constant turnover with records management. She said she tries to keep the program running smoothly for the offices at this time but you will also be getting into a problem of space for the paper records. She said there are certain paper records which must be kept and are permanent. She said records management is the biggest avenue for change and things that will have to progress forward.

Town Clerk Newkirk said the other operations in the office for the most part are set by the State Departments, so there is no control over those other than to use the fees they dictate.

Councilman Gordon said as a Board Member, the volume of documents that they receive, he could only imagine how it is amplified in her office. Town Clerk Newkirk said with the records management program they have a records coordinator in each department and that person is responsible for the records of the department so that they in turn will determine which records can be transferred into the inactive area. She said in some departments microfilming has been done to dispose of the paper copies and the silver microfilm is stored off site. She said there are ways they have been trying to continue with the amount of record stored in the inactive area.

Councilman Plummer thanked Town Clerk Newkirk and Councilman Messina.

The next item was a request from Town Engineer, Erik Deyoe, for approval to go to bid for Upgrades to Kenwood Avenue Booster Pump Station. Could advertise August 16, 2006 and open bids on September 1, 2006 at 2:00 p.m. Deputy Supervisor Plummer said this is for work at the Albany Interconnection and he understands the interconnection is operated manual and this would permit the operation of the quantity of water purchased from the City of Albany automatically through certain control valves at an off site location. Town Engineer Deyoe said this was correct and noted it is a two-fold project. He said it allows the Town to optimize the taking of water from Albany. He said it is old equipment in need of change.

The following resolution was offered by Mr. Kotary and seconded by Mr. Messina:

WHEREAS, the Town desires to advertise for bids for the Upgrades to the Kenwood Avenue Booster Pump Station, pursuant to law,
NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 16th day of August, 2006 and that bids be received up to 3:00 p.m. on the 1st day of September, 2006 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Councilman Plummer noted this would permit award during mid-September and project start date would be in November. Mr. Deyoe said it should be completed by the end of November. Councilman Messina asked if we are drawing water from Albany now that is not being used under the current manual drawing system. Town Engineer Deyoe said there is an opportunity for energy savings here and to be able to react more responsibly to the conditions that Albany has. He said it deals with the pressures and the gravity as opposed to having to manually adjust the valves. Councilman Messina thanked Mr. Deyoe.

Councilman Kotary asked if this will pay for itself over the next years. Mr. Deyoe said he is not sure they have analyzed the return on investment. He said the approximate cost of this project is \$60,000 and he is not sure that there is a reasonable return on investment where it will pay for itself within the life expectancy of the project but there are opportunities to save money.

Councilman Gordon asked about the greatest advantage of doing this project. Town Engineer Deyoe said it is a better control and allow them to keep the manpower where it needs to be rather than moving them back and forth to operate valves. He said it allows us to be more responsive.

The following request was from Town Engineer, Erik Deyoe, for acceptance of deed for Hoyt Avenue, Delmar. Deputy Supervisor Plummer asked if there were any questions. There were none.

The motion was made by Mr. Gordon and seconded by Mr. Messina to approve the acceptance of a deed for drainage easement purposes on Hoyt Avenue, Delmar as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

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

Noes: None.

Absent: Ms. Egan.

Deputy Supervisor Plummer asked if there was any public comment on non-agenda items. Mrs. Capone said last week it was in the 90s and the television stations mentioned cooling areas in each municipality and the Town of Bethlehem had nothing. She said it was unbelievable how they could live in their house without air conditioning. She said the Senior Services Department would notify someone to come to Town hall. She said they have no organization. She said Mr. Kotary was informed of it and he took action immediately, showed leadership and he saw that the picnic at Slingerlands Fire House was moved to the Town hall. She said this room was filled.

Deputy Supervisor thanked Mrs. Capone and said Councilman Kotary did get active and they were notified. He said Supervisor Egan and the department heads had a number of initiatives underway and he knew there was a planned effort and things were already on the go. He said it was not that anything was not done, because it was. Mrs. Capone said a neighbor told her the pools were open for free in Albany and if our pool was free, he could have taken his children but he cannot afford to take them there.

Councilman Kotary thanked Mrs. Capone for her kind words and also for raising the issue. He said he did some research and we do have an emergency plan in place for heat waves and power failures. He said one thing mentioned that there wasn't word, is something that they have talked about and try to do a better job. He said they can post information on the website and get information out. He said there is a list of seniors that can be checked on and he said perhaps it could be put on television, radio and on the website.

Councilman Messina said he appreciated what Councilman Kotary had done and said he knows Councilman Plummer was here and connecting with Supervisor Egan about what was going on, he knew calls were made. He said the Senior Services Department contacted 150 seniors potentially at risk that they know of with volunteers to reach out to them even as Town Board Members were making their interests known. He said he think a reasonable, caring job was done.

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Ms. Linda Jasinski said she just wanted to say that the Town Clerk's office is

the best office you have in this Town. The response is even better than the Police Department and a lot of times it is not life threatening when you call. She said they get back to you almost immediately. They answer the questions, even if it is not their responsibility, they will find out who you need to talk to, she stated, and she could not say enough about the customer service you get from the department.

Ms. Jasinski said she does take exception to Councilman Kotary calling FOIL requests a burden. She said elected officials are responsible to the people and FOIL is one of the ways that they find out what is going on. She said she knows the Town Clerk's office has been great about getting stuff back and in a way that you can find it and read it and everything else. She said she thinks that is important too.

Councilman Kotary said absolutely and that was a poor word choice on his part which is why he quickly changed and said how much time does it take. He said he thought Town Clerk Newkirk knew what he meant but thanked Ms. Jasinski for pointing that out and her office does do a great job.

Town Clerk Newkirk thanked Ms. Jasinski and Councilman Kotary.

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The motion was made by Mr. Messina and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 6:00 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: Ms. Egan.

Town Clerk