

TOWN BOARD
AUGUST 23, 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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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 public comment on the agenda items. She asked that other comments be held until the end of the meeting.

Mrs. Capone spoke regarding the heat wave and how it lasted three days. She asked how long do people have to wait before you give them direction? The winter is coming and we are going to have ice storms and the people need to know where they can go. She also said the Police Department is short on staff.

The Supervisor asked that the comments stay to items on the agenda please hold comments to the end of the meeting for public comment on non-agenda items.

Mrs. Capone spoke regarding the pools and spending \$750,000 and it does not work. She said it was closed at 11:30 and at 1:30 it was still closed.

The Supervisor asked if there were any other comments on agenda items. The motion was made by Mr. Messina and seconded by Mr. Kotary 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 next item on the agenda was to approve the Town Board Minutes of July 20, 2006.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the Town Board Minutes of July 20, 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.

The next item on the agenda was to approve Town Board minutes of July 26, 2006.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the Town Board Minutes of July 26, 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.

The next item on the agenda was to accept the Planning Board recommendation on Subdivision Regulations and the amended application form.

The motion was made by Mr. Gordon and seconded by Mr. Messina to approve the recommendation on Subdivision Regulations and amended application form from the Planning Board. 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 was to consider adoption of a proposed Local Law regarding Chapter 128, Zoning Law, Chapter 103, Subdivision Regulations, Zoning Map, and Use Chart and Area and Bulk Charts.

Mr. Leville spoke regarding minor changes and issues that were already underway so that these projects could be grandfathered in and would be allowed to continue. He suggested a modification that would provide certain exception for the projects that have already received SEQR determination of significance and that have been authorized through a scoping process to develop an environment impact statement. So the language has been added to grandfather certain provisions of the old MED as it relates to the ratio of primary to secondary uses.

Mr. Leville recaptured information that the original MED, then looked at developable acreage as a basis for calculating how much of the land could be devoted to primary uses and how much could be devoted to secondary uses. Primary uses being basically industry, office, business and secondary being things that would be supportive of that. Under the old code adopted last year seventy percent of the developable acreage had to be committed to primary uses. It didn't take into consideration the vertical nature of buildings. It took into consideration the floor plate of the parcel. Under the new MED section in addition to many other changes that were made they have now moved to a floor area calculation, where they look at the total amount of space being developed on a per-floor, per-foot basis and indicating not more than thirty percent of the floor area of the total plan could be devoted to secondary uses. There are only two potential applications the VISTA and Beacon Harbor Heights that would be subject to this, Mr. Leville noted.

Mr. Leville also stated the language was included regarding the timing of construction of primary and secondary uses. The first draft said you must have twenty percent of the total primary area constructed before you can do any secondary. The secondary use cannot be more than fifty percent of what was constructed or being constructed. The first qualification is for the owners to do twenty percent of the primary work first. On a project scope like Beacon Harbor that could be a half of million square feet of office space first and when in reality some of the secondary uses might be the things that attract the office to that location. So they suggested that the twenty percent requirement be left at fifty, fifty to insure that both primary and secondary uses are tracking together and that we do not wind up with a site that is all secondary.

Mr. Kotary questioned regarding any height limits.

Mr. Leville stated under MED building east of the thruway are limited to three stories and west of the thruway are limited to four stories.

Mr. Kotary asked why three stories verses four stories.

Mr. Leville stated that it was made through the feedback through the Comp Plan process. Variances could be granted if appropriate for height type restrictions.

Mr. Kotary questioned the fee for special use permit application and approval.

Mr. Leville stated that there is now only one fee.

The motion was made by Mr. Messina and seconded by Mr. Gordon to approve the adoption of proposed the Local Law regarding Chapter 128, Zoning Law, Chapter 103, Subdivision Regulations, Zoning Map, and Use Chart and Area and Bulk Charts. 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 on the agenda was a presentation of the report for Senior Services Department from IMAC.

The Supervisor reviewed some highlights of the community indicating we have of almost thirty-three thousand residents with seven thousand of those residents aged fifty-five and older, and almost six thousand are over sixty. We have a huge demographic that we are servicing in the town. Probably three thousand of those seniors are part and parcel of our department, serviced by our department or in some way touched by Senior Services Department.

Some of the services are Tax Counseling, HEAP, RAP, Medicare, SSI, Health and Safety Wellness Programs, Health Related Programs, Health fairs, Nutritionally based situations, Meals on Wheels, Holiday Meals, Holiday Baskets, Farmer's Market Coupons, Food Pantries in addition to all the recreational type things and the list goes on.

Management Structure is with Mrs. Pellettier, Mrs. Becker, six fulltime employees and three hourly employees. This is also supplemented by clerical and programmatic volunteers which serve so many thousands of people and that is not counting our drivers. Last year the seniors presented a check to the Town for a sum of \$620,987 which represented over 35,000 volunteer hours that were provided to the Town during 2003-2004. This is a tremendous effort by many people.

The Supervisor said there are some emerging priorities that were discussed regarding some staffing needs as well as some space need because of servicing so many more people. Based on the projections by 2020 thirty-one percent of the Town population will be fifty-five and older so we are growing not diminishing with regard to our senior numbers.

Supervisor Egan said Seniors have a good and effective partnership with the not-for-profit Bethlehem Senior Projects. They work closely together and a lot of the cost to the Town is defrayed by the not-for-profit and the activities of Bethlehem Senior Projects. They do an incredible job leveraging the Town funds and getting donations. We are finding more people that are willing to hop in, volunteers from some of the church organizations, banks and a couple of the businesses are looking to see how they can help with vans and cars. We are struggling with some advertisement thing that some are looking for but we are trying to balance that out.

The Supervisor said on the revenue side if we were to rely on primarily contributions from people, we get about \$30,000 annually from contributions from the transportation side of things.

Supervisor Egan said in Summary, the Senior Department is a support agency more than a regulatory one and as a result services are generated from community at large although the demands are getting greater. We are serving a large number of seniors at a reasonable cost. Expenditure side they run a tight budget with Town funds and everything they get from the not-for-profit and business.

The Supervisor said in Recommendation, continue to work with Highway to train our department personnel to effectively utilize the Fleet and Maintenance and

Repair Management Programs. Also work closely with the Parks & Recreation Department to determine the feasibility of preparing a Town wide Recreation Master Plan. There is a lot of overlap between our Seniors and our Park & Recreation Programs. A lot to do with the demographics trends of the Town and what the demands and requests are going to be in the future.

The Supervisor said they are trying to find other reasonable revenue opportunities. This is a two-fold process that all departments are going-through trying to find ways to trim the expenditures and increase or raise revenues.

The Supervisor said they are trying to streamline and centralize the Towns phone system. We are way behind on some updates that need to be done but they are also looking at how it works with other departments and how it could be centralized.

Supervisor Egan said they will be looking and coordinating with the Town Records Management Officer to ensure effective and efficient archival of Senior Records. They are working with MIS Department, as far as, looking to see if there is any new application that could help make the office more efficient.

Councilman Kotary stated the Senior Program is clearly a shining star and the private/public model is a way to the future and cutting edge. He questioned the budget about the equipment and how the cost is how done.

Mrs. Pelletier explained the Bethlehem Senior Projects has shared in the purchase of the vehicles. Since 1984 the Town and Senior Projects have purchased twenty different vehicles for the Bethlehem Senior Transportation. Nine of these have been purchased through Bethlehem Senior Projects. It generally rotates, the Town purchases a vehicle one year and the Projects purchase a vehicle the next year. This is why you see such a large change within the budget. This is not a vehicle year coming up so you will see the equipment line be smaller. Sometimes we are at the whim of some grants that may be available through Albany County. Two or three years ago there was a large grant through Albany County that became available and we used it to purchase a vehicle. We may have taken the Town's turn to purchase it on that year because it was available to Senior Projects. This is what accounts for the variation.

Councilman Kotary said with regard to future projects it seems they are all staff related. He asked how they see of the next five years in regard to the staffing. He asked if there were any other equipment needs or other priorities. Mrs. Pelletier said other than transportation there is not a large number of equipment needs, they have no more space. With the growth of the senior population there will be a need of growth and staff. She said they are able to cover it now with interns and volunteers but there probably will come a time where changes will be needed. One of the growth areas will be in outreach because of the numbers of frail and vulnerable population that need specific services with specific information, very technical information.

Councilman Messina stated he sees the one-on-one and personal attention and support that is given. When you look at the whole program, he said you don't often get to see the whole picture.

Councilman Gordon stated Senior Services exemplifies community and this is terrific. He asked when speaking of space limitations if there was funding what would be on a wish list. Mrs. Pelletier said if they had more room the first thing would be to address more room for privacy. We do a lot of individual things with talking and listening to the seniors that have problems. There is no privacy in the office. We have used the copy room, the kitchen, and have very little privacy. The second biggest thing would be to address the baby boomer population. They may not wish to sit and play Bingo and Cards although we have a full room on Thursday. Maybe add some Cooking Classes and combine more programs with Parks and Recreation. Some examples are Senior Softball, Yoga, Taichi and attracting a younger population. She said the Hill type intellectual classes expand

and a chance to expand the volunteer program. The buzz is civic engagement, Mrs. Pellettier said.

Mrs. Pellettier also stated that the process has helped us all look at things differently and look outside of the box. The report doesn't list a lot of individual counseling, assisting and health related programs along with not listing Social Programs. Although these programs could appear to be merely outings, these programs are also a way to address such issues as social isolation, poor nutrition, the need for intellectual stimulation and depression. Social programs often provide informal opportunities for them to approach sensitive issues and become an avenue for continued dialogue and assistance. It is hard to put a value on something that appears to be a social outing, however, they are much more than that. She also thanked the volunteers and the people in the community. Senior Services could not be what it is without the participation of the entire community, the children and adults. She mentioned every department in Town Hall in some way volunteers whether it is delivering meal on wheels, driving the van, helping with the food drive, or cleaning snow off the vehicles. This could not be done without the many hands that make for light work. She thanked the Town for helping the program be a success.

Mr. Mathusa said the Bethlehem Grange thanks Senior Services for taking seniors out of their residences and bringing them other places. Everyone understands there is a charge of \$3.00 to bring a senior from this area to Beckers Corners where the Grange Hall is. The Grange charges \$9.00 for dinner and we are prepared to reduce the price to \$6.00 to anyone that is recommended by Mrs. Becker or Mrs. Pellettier as a way to make sure some monetary funds do not prevent them from coming out because it is too expensive. The Grange is prepared to work with Senior Department to see what else they could do to make sure those people that are on that fine line find a way to go and enjoy dinner at least once a month.

Supervisor Egan extended thanks to the Grange for their help.

Mrs. Pellettier stated riding the senior van there is always a suggested donation but never a charge.

Next item on the agenda was the Department of Public Works IMAC Report.

Mr. Leveille spoke regarding emerging priorities that were highlighted. He said they are looking at asset management for the Town's Public Works infrastructure, the idea of long range planning, capitol planning, infrastructure and when it is appropriate to upgrade the infrastructure. He said Storm Water Phase 2 Program is an unfunded mandate that is coming down the line will require a commitment of effort and resources by the Public Works Department. With regards to service trends the biggest thing is emphasizing the proactive approach not reactive approach. Deferred maintenance, which the department is now orienting themselves to be a proactive preventative program using asset management and a capitol plan as a methodology to ensure that our infrastructure does not become deferred.

Mr. Leville stated with regards to information technology the assessment is that the needs to be implementing a work order facility management system that appears as a recommendation from IMAC. This again is accountability, better recordkeeping documentation for service calls and it is a system that has been implemented in the Highway Department and needs to be improved in the Public Works Department. The need for better integration of planning, building and engineering in Public Works as it relates to building projects whether there are software and information technology tools but certainly identifying things that can be done manually to improve the communication and coordination of the different departments.

Mr. Leveille said in looking at the financial and budget overview, one thing is to shift the tax based system to a user fee based system. He said this is something the Board has been facilitating through changes of billing over the last couple of years. Unlike most Town Departments only thirty-two percent of the DPW budget is personal services which is a relatively small percentage compared to most of town government, which is about seventy percent.

With regard to the recommendation of deferred maintenance, this is putting out fire when they occur rather than trying to prevent them. There is a lot of operating efficiency potential in taking a more preventive approach to maintaining the system. Some of the other recommendation is supporting the department's efforts in developing a long-term water production distribution plant. Looking at projected needs and where they are, how are we going to make the water and distribute the water to those areas. They also suggested a constant revaluation of rates and rate structures specifically where we have a large volume user, which has a discounted rate that needs to be looked at to make sure that is comparable to the competitive set of communities that are trying to encourage industries.

As far as administrative issues we would like to see a stronger documentation of internal operating procedures. For business continuity purposes we need to ensure that all systems are in place so that when someone leaves people can pick up and carry on.

Work force plan, a short-term work force plan where the department can look at cross training employees and try to create interchangeability of the staff so they can be more responsive to priorities as they change. To reevaluate the administrative staffing of the department to see if there are more efficient ways that this administration could be used beyond DPW by other departments-things like call centers are being evaluated that could be shared among some of the operating agencies.

Mr. Leville said they will continue to evaluate the shared service approach. There are more formalized ways that could deploy more resources and deal with peak needs when they occur. The work order system is needed to program the maintenance activities. There is a lot of information that can come from looking at where the demand is coming from. It can be used as a strong planning tool and we encourage the department to continue to implement that system.

He said they could close the loop back to the Highway Department noting the report indicates that there are opportunities for both immediate and long term efficiencies and capacity building to pick up new demand for services through the potential consolidation of some or all of the services performed by certain operating departments. He said they recommend further consideration of structural and organizational approaches that might cultivate these efficiencies and capacity building opportunities through integration of certain services or functions among some of our larger operating departments.

Mr. Holmes said there is a lack of asset management. The interesting thing with asset management is the Town has 175 miles of water, 150 miles of sewer line, 2 water plants, a sewer plant, and six water tanks. They need to determine what that is worth. We were given most of that in terms of the pipes. Every developer that builds a project builds it and includes it in the cost and gives it to the town when they are done. We inherit it because it is all new. He said some of this is fifty, sixty or seventy years old. If we had to replace those pipes today it is probably about \$200 million dollars worth of work. Asset management is the process of understanding the age, the condition and the risk of your entire infrastructure. This is what the town is embarking on, so that you know where to spend money smartly and wisely. This then leads into a capital plan, which has been in process and moving forward over the last year. Right now we are looking at about \$64 million dollars over the next ten years given the priorities, the risk and condition that they know today.

Mr. Holmes said this takes you to the capital plan and other emerging priorities. We are in a very regulated environment the County, the State, the

Federal Government, are all dictating new rules in terms of water and sewer world. Water rules more and more cost, casting, etc. The other piece is the storm water that is being drilled down to the Town and will be brought on line in 2008. He said it is a challenge.

Mr. Holmes said work orders are tied with asset management. When you have a work order system you know where all the leaks have occurred, you know where you are exercising your valves, you know where the problems are and you have a database to help you understand where to go next. He said you know how to plan for your work in the future. The model that they want to move towards is proactive versus reactive.

Mr. Holmes stated financially they spend a lot of money, but also bring a lot of revenue. He said one of the things they are doing is a water and sewer rate analysis to bring up the revenue to the expenses as we go forward. He said they have both the funds for the expenses of the operating budget and a mechanism by which they can gain sufficient funds through the capital plan to move forward. The recommendations were looking at water and sewer. Mr. Holmes said they also need to look at sewer pipes and the sewer plant. We are approaching capacity at the sewer plant. Collaboration and communication are important to ensure that things run smooth throughout town government.

Supervisor Egan asked if there were any questions.

Councilman Messina questioned the timing for the asset management program and a capital program. Mr. Holmes stated that discussion would start with the budget process this fall. They are concurrently looking at the water, sewer rate analysis and tweaking the capital plan and preparing through at least next year's operating budget. However, we are also looking at several years worth of operating budgets in areas given some market conditions that we will face. Whether it is personnel cost, energy cost, big-ticket items they will need to deal with and model out. The water and sewer rate analysis will take a ten year look forward and incorporate in the capital plan both where we can roll over from savings; where we program into the operating budget; and if, in fact, we need to move to a debt service component.

Supervisor Egan stated there is a need to resolve some of the outstanding issues with Earth Tech. She said the results from the study of other possible alternatives in regards to raw water also need to be reviewed.

Councilman Plummer questioned where we are with the asset management and what the needs are and where the problems are. Commissioner Holmes stated we have taken some critical first steps. We have already taken a look at the New Salem Plant and we know there are expenditures there. The question of what the capacity should be will drive how many dollars would be spent. We are looking at the Clapper Plant and looking at a raw water line or some pretreatment schemes. He said they would have the information on that. Looking at those two water plant assets is well along the road. Regarding the sewer plant, they have begun discussions there and understand there are issues with age, issues with capacity for the future; and also some risk issues where there is only one piece of equipment and if it fails it presents some serious problems operationally. The tough one is the underground. They are actually pulling some samples out of the ground in selected locations. He actually goes out when there is a water main break and gets in the hole and looks at the stuff. The reason is to understand the condition. They are actually developing maps and one is a sewer map where you plug all the districts up. He said they are going to schedule a session with the staff and get a mental history on the work they know on the sewer pipes. Then they will pin up all the main breaks over the last five years, as well as, the written information to the extent that they have it. This way they can see the concentration of breaks and issues that have occurred around town. He said you start budgeting a line item and in the early years watch closely to see if that is enough or not enough and adjust your plan accordingly regarding the infrastructure.

Supervisor Egan stated there is not a great way to track what has happened with DPW. A lot of this information is in their heads. This is one reason why we keep reiterating work orders. This way you can hit a button and you will be able to pull in any neighborhood at any given point where all the breaks were. This is done by a camera placed into a line to view what has happened and what is going on.

Mr. Holmes said they are doing a comprehensive computer modeling of the whole water system so that they can understand and see the flows.

Councilman Plummer questioned regarding the debt service of twenty percent. Mr. Holmes stated a lot of this bulk is really Clapper Road. There is some work that was done at the sewer plant about ten years ago so there is a piece in there about that.

Councilman Plummer stated this is going down and asked if these figures were from Comptroller, Kehoe. He asked if this is a result of the payments going down from Clapper. Mr. Holmes believes Clapper was refinanced and it has about eleven years or so on that debt.

Councilman Plummer asked if that was unusual for a Public Works Department of our size to have a debt service of that magnitude. Mr. Holmes stated given the debts that we incurred you have to understand what the extent of that was. The whole well system, the water plant, as well as, the pipeline from the river to the plant and from the plant all the way up to Creble Road. There are miles and miles of pipeline that were installed as part of that system. So this was really extensive and this was a major investment that was long term. Normally when you see an investment like that you would expect a fifty-year life. We are only ten to twelve years into it. When you have a major investment you take debt off. You have to strike a balance and that is part of the rate analysis program to really look at the balance point of what you pull from operation; what you roll into the capitol reserve; and for the very large projects you would move to the debt service approach.

Councilman Plummer stated that it would be helpful to know if this was typical of other Public Works Departments to have a certain amount of debt service. Mr. Holmes stated typically you would find that other departments do have a large debt service, however, it would depend on where they are in the cycle.

Councilman Plummer stated when you talk about this, it requires a lot of analysis. Mr. Holmes said the interesting thing is that a lot of water and sewer municipal organizations have not jumped into the asset management wagon and so they have ignored a lot of this from the capitol end. He feels that this cannot be ignored.

Supervisor Egan said that the State Comptrollers office should be able to see relatively where we are.

Councilman Plummer said regarding the common theme of the shared services, we have seen it with the Highway Department, Parks and Recreation and DPW, as far as, sharing labor pools and then you take it to the next step to consolidation of certain services and that has been an issue. This has been a common theme. He asked if there is an end point soon that you are projecting where we will be able to see the analysis that you are talking about. Each IMAC recommendation of the key departments, key only in sense of the large budgeted departments all point to that. He asked if we at the point of end gain where we can see that.

Mr. Leveille stated that they are continuing to explore how we can do these things within the existing framework that we have as we encouraged doing by the Board. And as part of the budget, once we understand the financial parameters we will be in a position to turn around and say here are our thoughts about how you might be able to close the gaps through some of these efficiency moves. He said

you are really looking at the fourth quarter tying all into the budget process and coming back with the final recommendations.

Councilman Plummer asked if this was for the upcoming budget. Mr. Leveille said yes, all the major departments are done; all the big capitol department projects are done; there are a few small departments left. So we need to understand the fiscal constraint that we are dealing with, and that will come from the Board with the budget process and then we will look at how the recommendations can address that.

Councilman Plummer stated that there are common sense issues like shared building space and shared labor pools under certain circumstances that should happen automatically.

Supervisor Egan stated that IMAC had a meeting with Labor Council again based on the conversations that have taken place over the last several months and feelings of different Board Members while trying to assess and evaluate everything. There were a series of these questions that they went through with the Labor Council, as far as, what we can and cannot do legally. Unfortunately, I thought we could at least take certain classes and possibly merge them to make them more flexible and fluent. Labor Council does not necessarily agree that we can legally do that or that it is as easy as it sounds.

Councilman Plummer said that he was talking about shared services, which is separate in the recommendation. Supervisor Egan said not necessarily when you are talking about staffing. If you have DPW staff, for example help out at Highway and plowing which is a shared service between departments, it is not as easy as just doing that, based on legal opinion.

Councilman Plummer asked what does the recommendation mean then. Mr. Leveille said without doing any type of formal restructuring of anything, it becomes a voluntary program. This is where you encourage departments to assist each other as needed. There has been a history of this occurring, however, to deal with the efficiency issues this becomes challenging to do when there is no formal connection between different operating departments. Example, the lack of communication between two major departments both of which are doing major capitol projects in the same vicinity that has caused problems. You would think that this type of communication would be simple to foster. But it didn't happen and so there was a lot of miss information. One had a lot of notification, the other department had a little bit of notification and this resulted in misidentified as to who was doing the work. These are the dysfunctions of being independent. The help is all there and there is the willingness with departments to help each other as needed but the formalized shared services so that you achieve efficiencies is going to be very challenging in our opinion at this point without some major shift of how we do things. If it could be done short of merging which is certainly not what you are talking about, we are trying to find those ways of doing that. But it is a voluntary program and as recently as today and yesterday we see the pitfalls of trying to make that work on a voluntary basis.

Supervisor Eagan stated that we are exploring it. There are things that were raised that were not thought of from a legal perspective from types of licenses, drug testing that are necessary for different class. Unfortunately, it is not as simple and logical as it sounds.

Councilman Gordon asked how bad it has been with water main breaks this summer compared to last year. Mr. Holmes said it was much better this year and it was due to a variety of things. One thing is that we purchased less water from Albany in some cases during peak times, the other is we actually got folks to manage the system pressures better than they were in the past. When you have a higher pressure it spikes and you are more prone to get a leak. So we have seen less of them this year, which is a good thing. So it has been more proactive in managing the system as a system and not in pieces.

Councilman Gordon asked in the month of July, if there was a number. Mr. Holmes stated it was one and a half per week approximately six per month. So it was a good month. It keeps them busy. We are doing a lot of other routine maintenance during the summer because this is the time of year to accomplish things.

Councilman Messina said the facilities development study has been going on for a while. Many departments have echoed the need for some changes in the way our facilities organized and what is of that project. Mr. Holmes stated the process has been completed with regard to looking at all the departments and evaluation of existing conditions. Interviews with everyone have been done and talked about future space needs over the next two-five year window and over the ten-year period of time for growth. A finalized report has been done and an executive summary will be put together so that it can be shared.

Councilman Kotary questioned regarding the budget line item regarding revenue interest, power rental miscellaneous. He asked if this has gone down significantly and what does this account do. Mr. Leveille stated he felt that year had the Clapper Road settlement proceeds. The other years are more representative of where we are today.

Councilman Kotary asked regarding the item contractual under combined categories, if there was a significant increase in that line item what accounts for that. Mr. Holmes stated the contractual includes the Albany water purchases, which is the most significant component of that.

Councilman Kotary stated we have a lot of great recommendations. They fall into two different categories one is Facilities Management, Asset Management or Capital Investment Plan and then there is a lot of equipment, work force plan, cross training, shared services, performance goals and these are more personnel related. He said you can't afford to do everything but given that, the pipes and equipment seem to be a first priority. He asked what do we need to focus more on the personnel or focusing dollars on reinvestment and or equipment. Mr. Holmes stated that you have to do some of all of it. In terms of the assets you have to weigh the years with the risk plus the risk of failure. In the personnel training you need to get people up to speed, get them to take a more global perspective.

The next item on the agenda was a recommendation from the Planning Board for approval of Amendment No. 5, for Beverwyck, Phase V.

Supervisor Egan stated this is basically construction of a one-story addition to the existing assisted living facility, which is going to have about twenty skilled nursing beds and eighteen additional living units. This was referred back to the Planning Board in December and now they are sending it back with the recommendation for approval.

Ms. Saatman said there is a minor correction in paragraph five, page one at the end of the second line where it refers to item A14 it should be A13 and on page 2, paragraph six, line two where it refers to it should be A14 it should be A13.

Supervisor Egan stated that Albany County Planning suggested that we send this to Albany County DPW. She said they do not have any permitting authority, however, we should add this as a condition to what the Town does, as well as, recognizing that this requires a merger of Beverwyck's two parcels which is also one of the conditions coming out of planning.

Councilman Messina questioned the two structures and what is being demolished. Ms. Saatman stated there is one home that will be demolished.

Councilman Gordon stated that Beverwyck has granted use of that home to the North Bethlehem Fire Department for training and search and rescue purposes.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the recommendation from the Planning Board for approval of Amendment No. 5, Beverwyck, Phase V. 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 Town Planner, Jeffrey Lipnicky for approval of renewal of a service agreement with the Town designated Engineering Consultants.

Supervisor Egan stated after doing an RFP and interviews the Town engaged Clough Harbor Associates and Barton and Loguidice to be the two Town designated engineers, share the services and figure out the best ways to utilize them. That system has been in place now for a year and from all opinions it is working well. The Contracts expire on September 1, 2006 so this is the request for the renewal of those service agreements with both Barton and Loguidice and Clough Harbor.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the request from Town Planner for approval of renewal of the service agreement with the Town designated Engineering Consultants, Barton and Loguidice and Clough Harbor Associates. 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 Assistant Director of Economic Development and Planning for adoption of a resolution accepting application from VanDyke Spinney for a Planned Development District, Lead Agency coordination, and referral to Planning Board for review and recommendation.

The Supervisor stated this is a project on VanDyke Road that is about ninety-one acres and it is proposed that half of that be developed. We are looking at about 222 residential units.

Ed Fineberg a member of VanDyke Spinney, LLC and Vollmier Associates is Engineer. They were in, in 2003 and referred to the Planning Board for the review before the moratorium. After it was lifted there has been several meetings.

There was a meeting in August 2005 and they met with the interim committee for Planning and Development. They helped to get back on track after the Comprehensive Plan and the adoption of the new Zoning regulations. They restructured application for a Planned Development District under the new regulations. In general they are still proposing about 220 or so units for seniors and this will be for people that are fifty-five or older. The plan is to keep the seniors that live in our town here and provide a maintenance free dwelling.

Mr. Fineburg stated they have other projects in different areas and they have found that the seniors do not like the two story buildings. This is a one story complex and introduces elements of verticality. This means it is a one-story structure but has a two story feel to them. This is an attempt to have a Dutch look to this project. On average apartments will be \$1,100-\$1,200 per month. When the marketing survey was done for Adams Station they did a one to three mile radius survey. The median income in that area is about \$72,000. Then you take eighty percent of that and even a twelfth of that and you are dealing with \$1,500-\$1,600 a month. He said that would be what HUD would define as reasonable rent at this market rate.

Council Plummer stated that he liked the idea of the Community Center there for the tenants and asked if there is a prospect of connecting trails to this development. Mr. Fineburg said no one has approached them regarding this. The Phillipenkill runs through most of the property, so they may be able to have a nature trail, however, he did not know how close it gets to Five Rivers or the Town Park without going through someone's property. He said they are not developing down by the stream. They are developing up on the flat lands. He noted they were thinking that area would be a nature trail and if the Town or a body wanted to take over the management of it and incorporate it into a Trail Plan they would assist.

Council Plummer asked if that land is pretty much usable regarding the vacant parcel. Mr. Fineberg stated you are dealing with property that was a thirty-five to forty acre cornfield. It is easier to build on a cornfield then it is to build on woodlands.

Supervisor Egan said early on DPC had discussions regarding the trails because they are not far from the Town Park, the High School, the YMCA and the trails. They also have been very good about being receptive to trails and changing the design.

Councilman Messina stated he was glad to see the thousand to eleven hundred square foot units. Not everyone needs to or wants to have thirteen to fifteen hundred square feet. He realizes there is a need to have rental units noting these are all rental units. He asked what they thought as a business model or development model about including some rental units and some owner occupancy units of the same type. He said there are some residents that want to own their own home but in a smaller unit.

Mr. Fineburg said to do that they would have to submit the entire property to a condominium plan and then basically would have some units for sale and some for rental. The financing of that becomes quite problematical and the rent structure becomes uncontrollable. They feel to serve the needs of the community they are seeking to serve-which is basically senior citizens that want to stay in the area and don't want to have the obligation of homeownership, and do not want to have the responsibility of paying the tax bill etc., that a rental model is better. We are talking about a population in five or ten years of ten to eleven thousand people of this age group. So they are not trying to solve the entire problem. Maybe down the road, maybe another project could be built as a co-op. As it stands now they do not have the population based for those types of homes.

Councilman Gordon stated that he is glad to see we are creating affordable housing. Beverwyck is not an option for everyone and stated he feels this is good.

RESOLUTION NO. 34

**TOWN OF BETHLEHEM
PLANNED DEVELOPMENT DISTRICT APPLICATION
AND
SEQR LEAD AGENCY COORDINATION
VOLLMER ASSOCIATES LLP
FOR
VAN DYKE SPINNEY LLC
AUGUST 23, 2006
RESOLUTION**

WHEREAS, Van Dyke Spinney, LLC, (the Applicant) seeks approval from the Town of Bethlehem Town Board for a Planned Development District ("PDD") consisting of 222 senior citizen dwelling units proposed to be constructed on a 91.1+/- acre parcel located on the east side of Van Dyke Road, approximately 800 feet south of the intersection of Van Dyke Road and Vadney Road; and

WHEREAS, in accordance with Section 128-44(C) of the Town of Bethlehem Zoning Law, the Applicant has submitted the requisite application materials (the "Application"); and

WHEREAS, the Project is considered a Type I Action under the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively “SEQRA”); and

WHEREAS, the Applicant has requested that the Town Board take the following actions with respect to the Project:

1. In accordance with Section 128-44 of the Town of Bethlehem Zoning Law, to accept the Application from the Applicant for Van Dyke Spinney for further review and consideration by the Town Board;
2. In accordance with Section 128-44 (C)(3) of the Town of Bethlehem Zoning Law, to refer the Application to the Town Planning Board for review and recommendation; and
3. In accordance with SEQRA and Section 128-44(C)(3) of the Town of Bethlehem Zoning Law, to recognize the Project as a Type I Action and declare itself lead agency with respect to the Project;

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby accepts the Application for Van Dyke Spinney, determines that it shall consider the Application and in accordance with the Town of Bethlehem Zoning Law hereby refers the Application to the Town Planning Board for review and recommendation;

AND BE IT FURTHER RESOLVED that, in accordance with SEQRA and with the Town of Bethlehem Zoning Law, the Town Board hereby declares the Project to constitute a Type I Action and hereby declares its intent to be lead agency with respect to the Project. The Town Board directs the Town Staff to undertake the necessary coordinated review with other involved agencies to establish the Town Board as lead agency pursuant to 6 NYCRR §617.6.

On a motion by Mr. Plummer seconded by Mr. Kotary and a vote of 5 for, 0 against, 0 abstention and 0 absent, this RESOLUTION was adopted on August 23, 2006.

The next item on the agenda was a presentation by the Assistant Director of Economic Development and planning on the Slingerlands hamlet charrette.

Mike Tucker, Principal Engineer working the The Pines at Normanside. He stated this is about a little over eleven and a half acres the PPD on this is just over nine and a half and that includes the area that they are proposing thirteen single-family homes. In addition to what was proposed on the PPD there are also two single family homes located on single-family lot located on Salisbury Road and a mixed-use building which will be located with the frontage on Delaware Avenue. They will be a Victorian Style Home, the PPD allows the homes to be closer together. This helps accentuate the look of what they are trying to accomplish with these buildings. The PPD regulation allows them to pull everything in the middle and maintain a large open space around the entire perimeter of all the neighbors and consolidate as well.

Supervisor Egan stated that only one resolution is needed per Mr. Potter, which will do all three items.

RESOLUTION NO. 35

**TOWN BOARD
TOWN OF BETHLEHEM
PLANNED DEVELOPMENT DISTRICT APPLICATION
AND
SEQR LEAD AGENCY COORDINATION
INFINIGY ENGINEERING
FOR
THE PINES AT NORMANSIDE
AUGUST 23, 2006
RESOLUTION**

WHEREAS, Richard Bohl, (the Applicant) seeks approval from the Town of Bethlehem Town Board for a Planned Development District (“PDD”) consisting of thirteen (13) single family houses proposed to be constructed on a 9.96+/- acre

parcel located at the north side of Leonard Place. The project would include the extension of Leonard Place and the construction of two private roads; and

WHEREAS, in accordance with Section 128-44(C) of the Town of Bethlehem Zoning Law, the Applicant has submitted the requisite application materials (the “Application”); and

WHEREAS, the Project is considered a Unlisted Action under the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively “SEQRA”); and

WHEREAS, the Applicant has requested that the Town Board take the following actions with respect to the Project:

1. In accordance with Section 128-44 of the Town of Bethlehem Zoning Law, to accept the Application from the Applicant for the Pines at Normanside for further review and consideration by the Town Board;
2. In accordance with Section 128-44 (C)(3) of the Town of Bethlehem Zoning Law, to refer the Application to the Town Planning Board for review and recommendation; and
3. In accordance with SEQRA and Section 128-44(C)(3) of the Town of Bethlehem Zoning Law, to recognize the Project as a Unlisted Action and declare itself lead agency with respect to the Project;

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby accepts the Application for the Pines at Normanside, determines that it shall consider the Application and in accordance with the Town of Bethlehem Zoning Law hereby refers the Application to the Town Planning Board for review and recommendation;

AND BE IT FURTHER RESOLVED that, in accordance with SEQRA and with the Town of Bethlehem Zoning Law, the Town Board hereby declares the Project to constitute an Unlisted Action and hereby declares its intent to be lead agency with respect to the Project. The Town Board directs the Town Staff to undertake the necessary coordinated review with other involved agencies to establish the Town Board as lead agency pursuant to 6 NYCRR §617.6.

On a motion by Mr. Messina seconded by Mr. Kotary and a vote of 5 for, 0 against, 0 abstention and 0 absent, this RESOLUTION was adopted on August 23, 2006.

The next item on the agenda is a presentation by Assistant Director of Economic Development and Planning, Michael Morelli on Slingerlands Hamlet Charette.

Mr. Morelli stated a tier one-priority recommendation was in conjunction with moving the VISTA project forward and develop a Master Plan for the New Scotland Hamlet. This covers about seventy-two acres or so in the study area. They have obtained the services of three consultants and this process will start next Thursday. A letter will be going out inviting all the stakeholders and property owners in this corridor to express thoughts, ideas, concerns and questions they may have. This will follow up on September 15th and September 16th. At the end of the day we will have an illustration and design as to what this could really look like. We are looking for a design that is built for and around the pedestrian, and a community that is pedestrian friendly and mixed uses. It is referred to as a new Urbanism a real traditional plan. This is occurring in other parts of the country and is working well. By doing this we would be ahead of the curve and well positioned to implement the plan. There will be a meeting August 31st Room 101 to kick this off and then it will be followed up on September 15th and September 16th to try and accommodate those interested.

Supervisor Egan stated this came about, once we knew that Route 85 Extension was going to happen it was that area between 85 and New Scotland Road

that created this opportunity. They are tentatively looking at a ground breaking at of the end of September for that road.

Mr. Leveille said because of the timing of the public and private investment this is a great time to take this model of building a Hamlet Master Plan to an area that is seeing a tremendous amount of investment. It also ties to the CACC and they are working on an integrated pedestrian network in this area. The consultant working on that will be participating in this so out of this planning session will come a concept for how this area can evolve and with it will come an integrated pedestrian network. This is a variety of different ways to connect people who live here, to services, to jobs, to recreation and to entertainment activities. All these funds were in our budget for this year so we are working off funding in our budget. The charette model is technically known as a design charette. It is an intensive workshop where a lot of stakeholders come together and talented individuals can quickly draw things out and out of this can come a concept, which is very implementable. It is relatively a low cost high brainpower way of getting things done. The four developers that own the majority of the land are committed to this. Our goal is to get them to commit to not the same old type of project with a drive through but rather do something that is unique and has the new era of suburb in building this community.

Supervisor Egan stated this will be a live, work and play concept. Also we are working with NYSERDA on energy conservation type things. NYSERDA is excited because they can participate from the ground up.

Councilman Kotary stated this is a great opportunity. He asked if there are any visuals, case studies or are we on the cutting edge. Mr. Morelli there is a lot of this type of development going in the south, southwest, and the west coast. Little by little you are starting to see this here, but we are going to be a little bit ahead of the curve for this region.

Mr. Leveille stated exit 15 in Saratoga has a new hotel in front of a new urban area where you can live, work and play. There is also a project on Route 20 in Guilderland, which is more residential based. We want the developers to buy into something that is challenging and has dynamics. The impact on the residents will be relatively modest.

Supervisor Egan stated that Terremere has also been involved. The Homeowners Association, as well as, all of the residents and people that have attended our prior meetings all got personal invitations to come. Again, they want to make sure that everyone who is going to be affected knows about this.

Mr. Leveille stated that this has a strong market element, it is a new form of housing. It will be like living on a main street in a downtown, which has not been a tradition in our community.

Next item on the agenda is to consider an Agreement with City of Albany for use of fire tower.

Supervisor Egan stated the Town maintains the fire tower off of Kenwood Avenue for training purposes. The City of Albany uses it as a training ground and pays us about \$3,000 a year. This is to let you know that the facility is there and we do have other people using it.

Councilman Kotary questioned the rental fee, and if it is a standard fee. Supervisor Egan said yes, we have had the same fee for about four to five years.

Councilman Gordon stated it is a nice example of regionalization and cooperation. The fact that we are able to let the city use it and it does not interfere with our volunteers and other departments. However, we might consider looking at the fee for next year. Supervisor Egan stated that the contract is for May 1st so that discussion needs to come prior to May 1.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the adoption of this year's Agreement with the City of Albany for use of the fire tower. The motion was passed by the following vote:

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

Councilman Messina said the thing that is critical is that it is structured well and that the Town assumes no liability for anything that may happen.

Next item on the agenda was to consider adoption of Explore NY400 Community for Quadricentennial Commemoration.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the adoption of Explore NY400 Community for Quadricentennial Commemoration. The motion was passed by the following vote:

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

Councilman Kotary asked when our Town Quadricentennial meeting was. Supervisor Egan stated September 13th 2009.

Next item on the agenda is the presentation by Comptroller Kehoe of the Interim Financial Report for 7 months ending July 31, 2006.

Comptroller Kehoe stated that we appear to be hitting budget for all four funds at the end of the seventh month. She looked to the revenue sheet for the General Fund and the Highway Fund, the line item for payments in lieu of taxes and it looks like there are significant amounts close to \$700,000 in uncollected revenues. This reflects a timing difference, the balance of those monies will be collected when the PILOT payment is received from Selkirk Cogen, which is scheduled to be paid in November of this year, the Comptroller said.

Sales tax figure came in about one-fourth of the total annual budgeted amount and we collect \$2,334,000, which was right on the mark. It is lower than the first quarter receipt but that was no cause for concern. This is not attributable from the cap on the gasoline because that came into effect July 1. In a normal year you would expect to have about \$200,000 ahead of budget on sales tax, however, the amount of decline in the sales tax revenues is based on the cap on the gasoline tax. The County estimates between \$150,000-\$200,000 so if that is an accurate estimate we may actually come right in on target with budget for sales tax.

Mortgage Tax comes in, in two installments she said. Legislation just passed, would enable counties to distribute that on a more frequent basis than twice a year. It would be helpful from a planning purpose if we could find out how much was coming in on an interim basis as well. We will probably be coming in at \$1 to \$1.2 million dollars, which is below budget.

Medicare Part D reimbursement, which is a new item and is a result of the new Medicare D Program where you could participate in for prescription drug reimbursement. This will result in about \$50,000 per year coming into the town. That money is spread between all four funds in proportions to the expenditures for retiree health insurance for the Medicare participants.

Mrs. Kehoe said water and sewer funds are right on target and the revenues are coming in and in accordance with the budget. Commissioner Holmes is monitoring those expenses and making sure the annual budgetary amount is

consistent with no major fluctuations. Interest income is doing well and the rates are picking up. We should be coming in above budget for all four funds.

On the expenditures we are coming in close to the targeted budget. We still have then unknown cost for the Election Expenditures. The County is taking over that function in accordance with the Help America Vote Act (HAVA). They have given us a bill of \$176,000 and it is an estimated bill of what they think it will cost. Supervisor Egan stated that this is \$176,000 more than what we budgeted. The total bill was about \$276,000.

Comptroller Kehoe stated it is a lot more than what we usually budget. We increased the budget to \$95,000 and in a normal election year it would cost about \$70,000. We didn't realize it would be over two times what we would normally be paying.

Mrs. Kehoe said highway funds so far are coming in under budget and that is primarily because we have four unfilled positions. If we are able to operate at that fifty-six-position level we could save about \$250,000 for the whole calendar year. That also reflects the salaries and the fringe benefits. The Highway Superintendent and Commissioner Holmes are trying to find some ways to share some services.

She attached a spreadsheet for the General Fund and the revenues look like they are going to come in about \$200,000 below budget. She said our expenditures are going to come in about \$200,000 under budget so that is a net effect of zero. The deficit would be right around \$800,000, which is in accordance with budget. The cash position will still be at adequate level for the Town's operations, the Comptroller said.

Councilman Plummer questioned about the General Fund and if the \$150,000 savings will help the \$800,00 deficit. Comptroller Kehoe said the major source of revenue for the Highway Fund is property taxes. They do not have a lot of user fees, and they get a nominal amount in state aid.

Council Plummer questioned the work force.

Supervisor Egan stated that at any point a modification could be made to the budget. She stated they put pressure on the Highway Funds to get balanced and not to transfer the \$115,000. The Highway Superintendent would not agree to the removal of those four spots from the budget until he had adequate assurance that in the event of a snowstorm he would have adequate numbers to man the plows. The problem is it is a weather driven problem. Last year we did not utilize the full 56 people that we had all year long through the winter. These are the things that we have been grappling with both IMAC and internally. We seem to be staffed to peak in many of our departments as opposed to lean and being creative on how to fill the gaps in times of emergency.

Council Plummer stated that we should take that \$115,000 and set it aside so that the money is there.

Councilman Messina asked before going into budget workshops, if new expenditure data can be provided. Comptroller Kehoe stated the numbers are constantly being updated as all the transactions come in. She said the receipts are posted several times a week and expenditures are done, as payments are made bi-weekly for payroll and weekly for expenditures.

Supervisor Egan said the HAVA and the Town's portion of charge back is significant. Compared to the budgeted amount of \$90,000 they are proposing between \$260,000-\$290,000. As part of that there is also a suggestion that we reduce the number of voting machines in the actual polling places. As discussed with Town Clerk, Newkirk when you reduce the number of machines in the polling places you reduce the Inspectors and Pole Clerks so you do save some of the money. After discussions with other municipal leaders, they are equally shocked at the expenses that are being charged back. She said our legal counsel is taking a

look at this to see if there is a legal challenge, as far as, how they are allocating this money. However, with Colonie, Guilderland and Bethlehem is footing a significant amount of this bill, a joint letter back to County Executive Breslin is being prepared to try and work through this. Based on the conversations, none of the communities are happy with this on a financial level. Town Clerk Newkirk and the Clerks have issues on many different levels. She provided an outline of where she has been with her Clerks meetings and will keep us posted as we go further.

Supervisor Egan stated that the Town contracts with the County for ALS Services has been about \$350-\$360 annually and that has been in place for about ten years. The Sheriff and Brian Wood did a presentation and came in about rising cost and reallocating the expense for the program. Bethlehem represents almost 60% of the population of the six communities that are involved in the program and probably close to 60% of the call volume. The Supervisor said they are submitting the bill for next year, which is about \$200,000 higher than this year.

Councilman Plummer asked why won't they just allow us to continue to do what we have done in the past. He said in the past our budget has been \$70,000 and they are coming in with a figure around \$270,000. Town Attorney Potter said it is a State statute that was enacted in 2005 and it provides that the County will take over this function and there's option for them to charge back the municipalities.

Supervisor stated the County could choose not to bill us, however, they are choosing to allocate the expenses proportionately to the communities based on assessed values. Councilman Plummer asked if legally something conceptually could be worked out where we continue to operate it as we have in the past. Town Attorney Potter said the statute does not provide for that. The statute says that it is a County function now.

Supervisor said the machines would be changing, so the methods will be changing. Part of the expense is raising the fees for the poll workers and inspectors, which was doubled, and an allocation for warehousing, maintenance, and transportation of the new machines.

Councilman Plummer asked if the state statute raised the fees. Town Attorney Potter said the County has raised the fees. Town Clerk Newkirk said the new machines are going to be some kind of a computerized machine so warehousing will have to be looked at with more detail. She said we have been lucky enough to store them in a garage where now we are going to have to have climate control, moisture control and things that are different for the new machines. It was also stated that the County will own the new machines noting they actually and technically own the machines now.

Councilman Kotary stated there is not much that the Town can do regarding the Federal and State statute however, a formula for financing should be developed.

Supervisor stated last year when we got the standard letter the allocation of chargeback was based on population. This year the allocation is based on assessed value. The state enables the County to do a chargeback in the criteria set within the statute. Supervisor Egan said the answer appears to be that you can do it but it doesn't give the method by which to do it.

Councilman Plummer questioned whether the County Legislature determines that. Supervisor stated that the County Board of Elections makes the proposal to the County Executive because it is a budget item for them. She spoke with one of the County Legislators who has a concern for the expense and also about not having two machines in each district. Then again if we are trying to help America vote it seems to be disingenuous to take away machines from the districts. The expense does not include the warehousing expense so the amount could go up significantly based on that expense. The supervisor said this is an ongoing issue.

The next on the agenda was a request from Town Engineer, Erik Deyoe to authorize funding for upgrades to the Kenwood Avenue Booster Pump Station from the Water Fund Capital Reserve Fund.

The motion was made by Mr. Messina and seconded by Mr. Gordon to approve the funding for upgrades to the Kenwood Avenue Booster Pump Station from the Water Fund Capital Reserve Fund. 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 was a request from Commissioner of Public Works, Oliver Holmes for approval of award of bid for Wide Format Scanner to Dataflow, Albany, NY at the bid price of \$10, 250.

The motion was made by Mr. Gordon and seconded by Mr. Kotary to approve the award of bid for a Wide Format Scanner to Dataflow, Albany, NY at the bid price of \$10, 250. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Comptroller Kehoe said on the increased cost, of the ALS bill from the County, from a tax payer perspective is a large increase, however, that was not included on the seven-month financial report because those charges do not appear within the General Fund. She said those charges are part of the special district charges that are assessed back to tax payers within the district. You have the three ambulance districts within the Town, and then the ALS charges are a portion to all the people who are within those ambulance districts for the Town. It will be an increase to the taxpayers, regrettably, because of the increase in charges to Bethlehem. But it will not affect the deficit within the General Fund.

Councilman Plummer asked if there were any other alternatives. Councilman Gordon stated that the Town of Guilderland employs their own paramedics for advance life support. He suggested we reexamine the idea of doing this ourselves rather than staying with the County.

Supervisor Egan stated there are regular meetings with all the municipalities within the county to try and come up with shared service initiatives. She said they have started looking at alternatives in combination of the basic ambulance and life support services that are now provided by Delmar Fire District, Bethlehem Volunteer Ambulance, and an agreement with Western Turnpike.

Councilman Plummer asked when the contract ends with the Sheriff's Department. Comptroller Kehoe stated that it is an annual contract, which goes on a calendar year.

Public Comment on non-agenda items.

Mr. Robert Jasinski questioned the award of bid for the Wide Format Scanner asking if it was the low bid. Mr. Holmes stated it was the low bid.

Mr. Jasinski asked if the meeting regarding the hamlet was open to the public. Supervisor Egan said it is. Mr. Jasinski said so anyone that is interested can attend. Mr. Leveille said yes and there is information on the web site. There will be a large working group and a period where people can suggest ideas and then the ideas will be bounced off the public that is there.

Mr. Jasinski said that there has been two instances of West Nile Virus, and asked if we have a plan in this area. He asked if we have anything on this or is it up to the County.

The Supervisor said the County really decides and it is very similar to what we are going through for the Bird Flu. We have ongoing meetings about the potential of a Bird Flu outbreak. The County Health really organizes it and then there is a communication with the communities. She said depending on the level of severity there are different ways to proceed.

Mr. Jasiniski asked regarding the storm water retention ponds, and what about the stagnant water. He asked if we are going to have access to that or does the Town take over maintenance for that. Mr. Holmes said the ponds that are being developed now will ultimately turn that over to the Town as part of the Storm Water Management System.

The Supervisor stated the ponds are only one of four or five accepted methods of managing storm water. The first time we heard they wanted to do ponds, the first thought was now a mosquito breeding heaven and it cannot be fenced. We have encouraged our subdivisions not to go with ponds but go with an underground management to avoid this problem. Mr. Leveille stated that there is a management plan that is required for the application for the developer to manage it and ensure that it is working properly before the Town takes it over.

Mr. Jasiniski asked if the new plaza going in on 9W has any open water. Mr. Muthusa said yes it does have a pond.

Mr. Carkner questioned regarding the voting machines and if after the initial purchase of the machines our payment goes down. Supervisor said no because no part of our payment has to do with the purchase of the machines. She said Federal Funds purchase the machines.

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

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

The motion was made by Mr. Kotary and seconded by Mr. Messina to adjourn the regular Town Board meeting at 7:54 p.m. The motion was carried by the following vote:

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

Town Clerk

EXECUTIVE SESSION

The motion was made by Mr. Kotary and seconded by Mr. Gordon to enter into a settlement agreement on pending litigation. The motion was passed by the following vote:

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