

TOWN BOARD  
DECEMBER 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  
Tim Gordon, Councilman  
Samuel Messina, Councilman  
Colleen Hummel, Deputy Town Clerk  
James T. Potter, Esq., Town Attorney  
ABSENT: Daniel Plummer, Councilman  
Kyle Kotary, Councilman

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Supervisor Egan welcomed everyone to a regular meeting of the Bethlehem Town Board and invited everyone to join in the pledge of allegiance. She said this evening the meeting will start with any comments on agenda items. She asked if there are any comments on a non-agenda item to please hold them until the end.

Mrs. Capone said the last item is about the Normanskill village, asking if that was the bridge by the Good Samaritan. Supervisor Egan said it is the one closer to Rockefeller Road, down the hill past the Tastee Freeze. Mr. Parker Mathusa noted it was down the yellow brick road. Mrs. Capone asked if that was the State's. Supervisor Egan said it is the City of Albany. She asked if the Town paid to have it repaired. Supervisor Egan said that will be discussed when they reach the item.

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The Supervisor asked if there were any other comments on agenda items. There were none.

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

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

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The first item was to approve the Town Board minutes of October 25, 2006.

The motion was made by Mr. Gordon and seconded by Mr. Messina to approve the Town Board minutes of October 25, 2006 as submitted. The motion was passed by the following vote:

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

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Supervisor Egan said this is a different situation than what has been seen in the past. She said she has had several discussion with the Assistant District Attorney, Renee Merges in regard to some defendants over in Town Court relating to several occurrences of graffiti that happened not only to business residences but actually also to some Town property. She said Ms. Merges had suggested and as part of the plea bargain that certain things needed to be done and one of them was for these defendants to appear before the Town Board to give an opportunity to chat with them about what the concerns were. She asked that Chris Shell, Brendon Donohue, Andrew Feltch, Matt Hurt and Daniel Morrell come forward.

The Supervisor said Dan Morrell and Matt Hurt were in attendance. She asked them to explain to the Board what had occurred so they understand the situation. Mr. Morrell said they spray painted 5 places. The Supervisor asked them

to explain what has occurred through the Town Court. Mr. Morrell said he would rather not say in front of all the people since he does not think it is.... The Supervisor said the question and concern that Ms. Merges had was appreciating the ramifications. She said it was not just go out and have some fun, there was some real ramifications to the business owners, as well as, to the Town. She said the concern is whether they understand this. Mr. Morrell and Mr. Hurt said yes.

Supervisor Egan noted that what they will be doing is going to help remind them that this should not be done. She asked if this was correct. Mr. Morell and Mr. Hurt said yes. Mr. Morrell said they get the point and said they got, in his opinion, exorbitant punishment but there is nothing he can do about it and neither can Matt so they definitely get it and they are not going to do it again. He said they do not want to get caught again.

Councilman Messina asked if they do not want to get caught again so they will not do it again. Mr. Morell said and because it is not right. Supervisor Egan said he might want to lead with that the next time. She said the not getting caught part is not the part that they should be getting.

Supervisor Egan asked if there were any other comments from the Town Board. Councilman Gordon asked where Mr. Morell and Mr. Hurt go to school. They responded Bethlehem Central. Councilman Gordon asked what year they were in. They responded senior. Mr. Gordon asked what they plan on doing next year. They both indicated they plan to attend college. Councilman Gordon asked if they are looking at colleges now or did they know what college they wish to attend. Both Mr. Morell and Mr. Hurt indicated they are looking at colleges. Councilman Gordon asked if they will be going away or staying home. Mr. Morrell said going away and Mr. Hurt said not too far away from home.

Councilman Gordon asked what they want to study. Mr. Morrell said he wants to be a teacher. Mr. Hurt said he wants to be a chef. Councilman Gordon noted they seem to have some good plans for the future and what you would like to do. He said that is admirable and he said he appreciates that indicating their best chance of fulfilling those dreams is to stay out of trouble. He said he appreciated their coming before the Board. Councilman Gordon wished them the best of luck.

Councilman Messina said in case they wondered why he was direct with his comments, is that life is about a whole bunch of learning lessons. He said you do something, you do not do it right, you try to learn from it and ramp it up and do it right the second time. He said having had children who have made mistakes and dealt with other kids who have made mistakes, he knows they can do it and he knows they can do the right things and that is what it is all about. He said he knows they handled this and asked if they worked through the Bethlehem Youth Court to deal with this issue. Mr. Morrell said they did not. Councilman Messina asked if they went directly to the County. Supervisor Egan noted they were in Town Court. Councilman Messina said he hopes if the Board sees them at the Town Board meeting again it will be under different circumstances. Supervisor Egan thanked Mr. Morell and Mr. Hurt and indicated for them to stay out of trouble.

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Next item on the agenda was a request from Commissioner of Public Works, Oliver Holmes, for approval of acceptance of NYSERDA Participation for Water Study Agreement.

The Supervisor stated this was previously approved for funding to proceed with the study, however, Malcom Kearney has suggested that the Town participate with NYSERDA which if this is done with success this will contribute 13% of the total contract cost. This needs to be done by Board Resolution to participate.

The motion was made by Mr. Messina and seconded by Mr. Gordon to approve the acceptance of NYSERDA Participation for a Water Study Agreement. The motion was passed by the following vote:

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

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Next item on the agenda was a request from Town Engineer, Erik Deyoe, for acceptance of maps and documents relating to the Carriage Hill Drainage District and setting of public hearing for January 10, 2007 at 5:45 p.m. to consider approval of said Drainage District.

Supervisor Egan suggested that the time be changed due to this meeting being the Organizational Meeting for 2007. She suggested 6:15 p.m. for the time of the hearing.

The motion was made by Mr. Messina and seconded by Mr. Gordon to approve the acceptance of maps and documents relating to the Carriage Hill Drainage District and setting of public hearing for January 10, 2007 at 6:15 p.m. to consider approval of said Drainage District as requested by Town Engineer, Eric Deyoe. The motion was passed by the following vote:

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

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Next item on the agenda was a request from Town Engineer, Erik Deyoe, for acceptance of easement for lot 27 Louise Street, Delmar.

The Supervisor stated this was a proposed storm drainage easement. The motion was made by Mr. Messina and seconded by Mr. Gordon to accept the easement for lot 27 Louise Street, Delmar as requested by the Town Engineer, Eric Deyoe as per the memorandum dated November 28, 2006. The motion was passed by the following vote:

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

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

The motion was made by Mr. Gordon and seconded by Mr. Messina to approve of appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department at the titles and salaries listed in the memorandum dated December 13, 2006. The motion was passed by the following vote:

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

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Next item on the agenda was a request from Supervisor Egan to consider renewal of the Rapp Road Landfill agreement. Again the Supervisor noted this is at \$52 per ton which is the same rate as many years. She noted Highway Superintendent, Gregg Sagendorph, was in attendance if there were any questions. There were no questions.

The motion was made by Mr. Messina and seconded by Mr. Gordon to approve the Supervisor signing the renewal agreement for the Rapp Road Landfill. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Kotary.

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Next item on the agenda was a request from the Supervisor to consider a request from RCS for a recommended appointee to the RCS budget advisory panel. Supervisor Egan stated the RCS School District would like to have one representative from the Town Board on this committee. The Supervisor stated because of the absence of two Board Members this was difficult. Councilman Messina said Councilman Kotary and Councilman Plummer might be interested as he is, however, in the Spotlight it mentioned the fact that Bethlehem Central School District is considering the same sort of committee process. He said in light of this, he thought they should look at both of these together. Supervisor Egan suggested this decision be put off until December 27, 2006. Councilman Gordon commented there will be a new Board Member in the near future and they may be a candidate for that as well.

The motion was made by Mr. Messina and seconded by Mr. Gordon to table the request until the Town Board meeting of December 27, 2006. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Kotary.

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Next item was a request from Comptroller, Judith Kehoe, to consider creation of a distinct line item on the property tax bill. Supervisor Egan noted the Board Members received a cover Memorandum. She said this had been discussed months ago when the ALS budget necessitated a greater increase in the cost going to the residents. This would be an individual line item so residents would understand, along with a suffer that will go in with the tax bills. She said if the bill is being changed and an individual line is being created, the change needs to be approved by Board vote. Councilman Messina said there were no questions but that this made sense. Councilman Gordon asked if this notice would go out with the tax bill or would it go separately also. Comptroller Kehoe said it would go out with the tax bills. Councilman Gordon asked if that was with the school tax bills. Comptroller Kehoe said it was the property tax bills. Councilman Gordon said there is no really extra mailing cost for sending it out. Comptroller Kehoe said there was not.

The motion was made by Mr. Messina and seconded by Mr. Gordon to approve the creation of a distinct line item on the property tax bill as requested by Comptroller, Judith Kehoe.

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

Noes: None.

Absent: Mr. Plummer, Mr. Kotary.

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

The motion was made by Mr. Messina and seconded by Mr. Gordon to accept the donation of \$50. from Nancy Farr to DARE as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Kotary.

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Public Hearing Began: 5:50 p.m.

SUPERVISOR EGAN Let's move on to the public hearing for the Annual Plan for 2007 Section 8 Housing Choice Voucher Program. Do I have a motion to waive the read of the call of the meeting and... as well, as the motion to indent Notice of Publication, Affidavit of Publication and Affidavit of Posting.

The motion was made by Mr. Messina and seconded by Mr. Gordon to waive the reading of the call of the meeting and to indent the notices on the minutes of the

meeting. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Kotary.

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**TOWN OF BETHLEHEM PUBLIC HEARING  
ANNUAL PLAN FOR 2007  
TOWN OF BETHLEHEM  
SECTION 8 HOUSING CHOICE VOUCHER PROGRAM  
DECEMBER 13, 2006 – 5:45 P.M.**

The Town Board of the Town of Bethlehem will hold a public hearing on Wednesday, December 13, 2006 at 5:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York 12054 for the purpose of receiving comments from the public on the Town's proposed Agency Plan for 2007 for the Section 8 Housing Choice Voucher Program.

Copies of the Agency Plan and all supporting documentation are available for review by the public at either of the following locations:

Town of Bethlehem	Joseph E. Mastrianni, Inc.
445 Delaware Avenue	242 Union Street
Delmar, NY 12054	Schenectady, NY 12305
(518) 439-4955	(518) 372-4739 Ext. 26.

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, Ext. 183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk, MMC, RMC  
TOWN CLERK

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State of New York)

County of Albany )

T. DOLLARD of the City of Albany, being duly sworn, says that he is the Principal Clerk for THE TIMES UNION, a daily newspaper printed in the County of Albany, Town of Colonie, and published in the County of Albany, Town of Colonie and the City of Albany, aforesaid and that notice of which a printed copy is annexed has been regularly published in the said ALBANY TIMES UNION on the following dates: 10/06/2006

/s/ T. Dollard

Sworn to before me this 6<sup>th</sup> day of October 2006.

/s/ Lisa A. Towne

Notary Public, Saratoga County

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STATE OF NEW YORK)

COUNTY OF ALBANY) ss.:

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on October 11, 2006, a Notice of Public Hearing, a copy of which is hereto

attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this  
13<sup>th</sup> day of December 2006.

/s/ Julie S. McNeil  
Notary Public

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SUPERVISOR EGAN: Great. We have with us our resident Section 8 expert.

MR. MASTRIANNI: I have a handout.

COUNCILMAN GORDON: Welcome back.

MR. MASTRIANNI: Thank you, it is good to be here again. Thank you very much for holding the public hearing on the Section 8 program which, as you know, is a rental assistance program that helps elderly, disabled and other low income families pay their rent. You've had this program in the Town for about 22 years and this year the Federal Government supplied \$262,000 to operate the program. There are no Town funds required for the program.

We can help 49 families through normal vouchers, as we call them, an additional 10 families through mainstream which are always reserved solely for the disabled and when one of those opens, we go down the waiting list to find the next disabled person and that person is offered the assistance. So, we can... we have a base line as HUD now calls it of 59 but as we get into this, you will see that we don't really have enough money to help 59 families. Well, this year, we do but it's going to get interesting when I get to that section. It's interesting to me.

We have also family self-sufficiency program and I wrote to the Supervisor saying that we did not get funded this year. We didn't expect to get funded this year. We list 25 participants but in reality because so many of your families in the program -- a majority are elderly or disabled -- we don't have much of a population to pull from. I think we submitted 10 applications, 9 were funded and as I said, we didn't expect yours to be funded but we can take that money pool it and we can continue to operate your program. We think it's a good program and gets people off of Section 8. It gets them into employment and gets them into, in some cases, home ownership. So, we are going to continue to operate that program.

We're working with 4 prospects. We'd like to get it up to about 10 and we contact everybody in the program. It's voluntary, they don't have to do it but we do continue to contact them probably once a year to say have you changed your mind. We will continue working there.

Waiting list, we have 68 families in the program area on the waiting list right now. About 60 percent of the families are either elderly or disabled. In other words, either the head or the spouse is elderly or disabled. And the next person to be offered assistance was placed on the waiting list August 13, 2004. It's really about a 2 ½ year wait and there's no additional funding that has been made available from HUD so we can't increase the size of the program. So, that's the way it is.

Right now, as I said, we have a base line of 59. We have 58 families in the program. That's more than we can afford but I'll explain that later. 67 percent of the families are elderly or disabled. So, that's where the program is really having an impact on the people who need it most, the elderly and the real worst scenario is a disabled, poor person or low income person. And, those are the people that we're spending a lot of the funds that HUD gives us to assist.

We have to inspect every house. We inspected 103, almost 80 percent of them passed. Usually it's 50 to 60 percent so I'd have to say your housing stock is in pretty good shape for what we're dealing with. We deal with the lowest 40 percentile of the rental market. And, the rate of passing is pretty good. In fact, it's

excellent and when they fail, they fail for smoke detectors without a battery, a broken window, a missing handrail – things like that, really not too serious. If we really have a lot of problems with a house, it doesn't make it into the program. We do not want bad housing. You do not want bad housing. The Federal Government does not want to pay for bad housing so we are careful about that. Average number of years that people stay in the program runs between 4 and 5 years depending on whether they are elderly or disabled. Sometimes in some of our programs the elderly stay in... elderly and disabled is a big difference in your program, there isn't but it's about 4 to 5 years and the average income... monthly income of people in the program is about \$1200. Without the program rental on average would be... including utilities, would be somewhere between \$700 and \$800 a month. So when you consider that almost 70 percent of your people in your program are elderly and disabled, and that if they had to pay the \$700 or \$800 a month they wouldn't have much money left so the funding does put about \$350 to \$400 extra each month into their hands for purchasing power. And, I'm sure they spend it all on necessities.

On the back we have the funding for 2005-2006 and if you look at the top bank of numbers, across the bottom, you'll see totals and where it says deficit or surplus, you will see a figure of \$207. After we paid all the bills last year, that's what we had left. That's tight. Let me tell you that's tight, that's scary because all we'd have to do is get 1 part to Westchester County and we're in the hole. So, this year we knew we ended up with a deficit in the last 2 months of last year so we said well, we don't know what HUD is going to give us but we're pretty sure we're going to end up with a deficit and surely we did. We started in January with a deficit. So, we put the brakes on the program because we don't want to spend more money than HUD is going to give us. And, when you put the brakes on the program, it goes downhill and it takes a while to put the brakes on, takes a while to build the program up because it takes 2, 3 months to get a person in because you have to verify all their income. Got to get them to fill out the application, you've got to inspect. When I first started, we used to put people in in one day. We'd go out inspect, you'd have a few forms that we had to fill out, fill them out and say okay, if you're elderly give us your social security. That's the verification, I got your award letter, the landlord is there, he signed everything, you're in. Not that way anymore.

So, what happened, we started going down. Now, HUD said you can appeal if you think we're not giving you enough money so we said okay, we'll do it. And, there are 2 appeals – 1 if the data that we are using to decide how much money you get is out-of-date, which it was. And, we appealed on that. And, then they said if you have extra portability expenses – if you are sending people to Westchester County where the rents are higher, you can appeal that. Low and behold they funded both appeals. We didn't know this was going to happen, so in April and May we got almost \$20,000. Well, we said now we have to spend it, going back up the hill, you have to recoup what you lost when you put the brakes on and then you got to go back up. So, we are now at 58 units. We're also in a deficit situation for the last 3 months but we have \$22,000 left over. That's because we didn't know we were going to get that money. Had we known, that ... we could have used that money and we would have ended up with \$2,000 or \$3,000 which is where we want to be.

So, that's the situation. Now, when we go into 2007 we're going to have a deficit. We have continuing resolution because we have a new Congress coming in. The old Congress said we're not going to deal with the HUD budget, you new guys deal with it. We're not going to know what our budget is until probably February or March. Then we're going to scramble because we don't think we can keep that \$22,000. If they let us keep it, we're in good shape. If not, we're going to scramble and the utilization will go down probably to about 52-53 so that at the end of the year we come out in the black. Okay. That's it.

SUPERVISOR EGAN: Seems simple. I know the hard work that goes into it so, thank you. Questions.

COUNCILMAN MESSINA: The only question I have... I read the grant rejection letter that was forwarded to Supervisor Egan that was shared with the Board

Members and there is not a lot of details in that letter. It's polite, says why it happened and also gave an opportunity to go through a review of a reason for rejection. Is that a good thing for Town to do. Do we learn some things there that allow us to strengthen application next time or is it driven pretty much on the numbers and where we are.

MR. MASTRIANNI: This was driven by the numbers. Last year I did call HUD and I said guys, you had \$47 million, you spent \$45 million dollars. The legislation says you're supposed to spend it all, is there a chance that we're going too get funded? No, you just don't meet the criteria. Okay. What are you going to do with the other 3 million? That's internal we can't discuss it. That's as far as I got.

I have never seen an arrogant department of housing and urban development or as arrogant as it is now. We've never been treated this way and there are no answers. They've made errors. They just clipped us what about \$11,000 and they can't tell us why. They clipped us another... a small one \$250 and my son who works with us now said hey they're not going to do that to us. I said it is \$250, Jim. He said I don't care, it's the principle. And, he pursued it and he got them to change. They were wrong. They do this all the time now. I've never had anything like this and I've been doing this since 1976. I welcome a new Congress. I hope it changes.

SUPERVISOR EGAN: Great.

COUNCILMAN MESSINA: Thank you.

MR. MASTRIANNI: And, I'm not political, by the way. I'm not even enrolled. Never had... one story... I was Commissioner of Planning for Schenectady County and I purposely did not enroll because I did not want... I said look guys I am here to do a job. They said do you want a contract? I said no. If you want to fire me, fire me. If you don't think I'm doing the job, fire me. I'm here to do a job and I've never cared about the other stuff.

COUNCILMAN GORDON: In the past, you've mentioned there was a custom to perhaps, gift flowers to people leaving the program.

MR. MASTRIANNI: Yes.

COUNCILMAN GORDON: Any success stories?

MR. MASTRIANNI: This year we didn't have any graduates in Bethlehem. Last year we had 3. So, 3 dozen roses went out. We do about 50 dozen roses a year and we have an account with the local florist and our family self sufficiency people just when they are going to deliver a check, they just go get a dozen roses and deliver them with the check. If it's a guy. I said, what do you do. They said we give him a plant. And, a homeowner... we've had I can't remember... I think we've had something like 20 to 25 families purchase homes. They all get flowers, obviously, but they get plants...house plants. They don't give them roses, they say okay, here's a plant for your house and that's a good feeling. Our people love to do that.

SUPERVISOR EGAN: Great. Now, tonight we just need to move to adopt the plan for next year, right?

MR. MASTRIANNI: Yes, that would be good and I'll send you a certificate to sign tomorrow that you've conducted the public hearing. That will go to HUD. They'll send me a letter saying the plan is approved.

SUPERVISOR EGAN: Okay.

MR. MASTRIANNI: It doesn't change.

SUPERVISOR EGAN: Great. Let me just check to see if there is any other public comment or any other testimony this evening. Does anybody want to be heard on this particular matter, the Section 8 Housing Plan for 2007? Going once, going twice. Okay, do I have a motion to close the public hearing?

The motion was made by Mr. Mr. Messina and seconded by Mr. Gordon to close the public hearing at 6:00 p.m. The motion was passed by the following vote

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

Noes: None.

Absent: Mr. Plummer, Mr. Kotary.

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Deputy Town Clerk

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Supervisor Egan reconvened the regular Town Board meeting following the close of the public hearing. She asked if the Board wished to take action on the previous public hearing.

The following resolution was presented for adoption:

**RESOLUTION NO. 43**

**Resolution Adopting an Annual Plan for 2007**

For the Town of Bethlehem Section 8 Housing Choice Voucher Program

WHEREAS, the Town of Bethlehem operates a Section 8 Housing Choice Voucher Program funded by the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town of Bethlehem is required by the U.S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Bethlehem has caused a written Annual Plan for 2007 to be prepared establishing local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and has reviewed such written plan,

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem hereby adopts the Annual Plan for 2007 for operation of the Town of Bethlehem Section 8 Housing Choice Voucher Program.

The foregoing resolution was presented for adoption by Mr. Gordon, seconded by Mr. Messina and duly adopted by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Kotary.

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The next item was a request from Councilman Gordon to consider change to our Town flag and seal. Supervisor Egan said Councilman Gordon had sent her an email a few days ago which she thought she passed to the Board Members. She asked Councilman Gordon to proceed.

Councilman Gordon said for a number of years he has admired the Town seal and had some questions about it. He said some of this is precipitated by the fact that I believe we own one flag, asking the Supervisor if that was correct. Supervisor Egan said she knows there is one in her office. Councilman Gordon said it has been borrowed when it is needed from time-to-time.

Councilman Gordon said flags are good for morale and he thought the Board might consider purchasing a handful. He does not know if that is something

they would have to go out to bid, it was probably below the threshold. He said there is a company in East Greenbush, Gettysburg Flag or any other company that could help us with that. He said they might want to hang flags in various Town offices or gift those to various dignitaries or someone who visits our Town. Thought we might want to get a half dozen flags for various purposes.

Councilman Gordon said it got him also looking at the Town seal. He said he has been concerned and wondered for a number of years – it is a very fine seal, noting Mr. Mathusa might know some of the history of its creation. But, on the Town seal, he said, it depicts two individuals – a beaver and a ship along the river. He said only one names is proclaimed at the bottom – Henry Hudson – generally you can guess which one is Henry Hudson. He said somehow it always seemed odd to him that there are 2 individuals standing there and only 1 name. He said it is his understanding that Henry Hudson did pass through Bethlehem, he may have stopped, disembarked – we’re not sure about that – so naming the native American on the seal might be more fiction than truth and he just wanted to engage his fellow Board Members and members of the community what their thoughts were. He said somehow he is not really comfortable with the fact that the Native American is there but not mentioned in a way. Henry Hudson was just passing through where the Native American actually lived in what is now the Town of Bethlehem.

Somehow it isn’t a great a desire to be politically correct in everything we do but he thinks it is a rather Eurocentric view of things that we only name the explorer from Europe. Certainly the Constitution and our form of democracy has in this country has borrowed and taken a lot from the Native American culture, he said. Democracy was practiced in the Iroquois nation and the farmers drew upon that, Councilman Gordon said. He was just thinking of ways they might go ahead with revamping the logo in a way – again, he did not think that naming the Native American would be appropriate or not.

Councilman Gordon said he just wanted to engage his fellow Board Members. Supervisor Egan asked if the Town Historian, Ray Houghton, was in attendance. The Sueprvisor said once she got the email she forwarded it to Town Historian Houghton, as well, as the Historical Association. She said the Bethlehem Historical Association will not meet until January to be able to consider this. She said she does think they should be able to weight in on this. She said in the mean time, Mr. Houghton spoke with her about this. Mr. Houghton said it is obvious that the seal has some artistic license in it. He said the plaque probably that we have at the Hudson Park pretty much says it all. He said it commemorates the arrival of Henry Hudson. He said there is really no evidence that he actually boarded the area when he came through. He said again from that artistic license, it seems to commemorate the arrival without adding historical detail that we don’t have.

Supervisor Egan said from a technical perspective, they want to be very careful that they are not trying to recreate a historic event that didn’t necessarily occur. She said secondly, while she applauds the thought about using it as gifts, she has not had a dignitary in 3 years come through that has asked for a flag. She said a dignitary that has needed any sort of gift.

Comptroller Kehoe noted the flags are about \$2500 a piece because of the double sided and embroidery that is on them. She said that would be an expensive gift. Councilman Gordon said that is a very fancy version that is in the Supervisor’s office. Supervisor Egan said her guess is that the Town Attorney might have a problem with gifting, again using public funds especially at that level. She said in addition, the Town seal does not appear just on the Town flag. She said it is on all the Police badges, on the sides of the cars, on the stationery, on all the building inspectors badges, Highway trucks. She said there are seals all over the place so if the seal were to be changed it is the stone in the pond, it would be significant impact from a fiscal perspective in addition to a challenge from a historic perspective, whether it is correct.

Councilman Messina said he would wonder if in addition to the arrival and that being, if you will, the historical feature that is intended to be noticed in this whether there is any more research on what went on there. Mr. Houghton said it is

true that further north in the Mechanicville area there surely was a meeting with Native Americans at that time. He said it is very likely that Henry Hudson observed Native Americans in the Normanskill and the Vlomanskill area but again, if you go through the records in the Dutch, there is no mention of an actual sighting here in those records.

Councilman Gordon said he would not want to see the Town go through great expense over this but moving forward there are new badges produced, new Police cars are put into service, new stationery needed. He said he would not see the need to replace what has been printed. He said any replacement would be done over the course of time. He said there is the possibility of removing Henry Hudson's name from the logo.

Councilman Gordon questioned if it was the Halfmoon. Mr. Houghton said it is the Halfmoon. He said he thought maybe it should just be the Halfmoon without a lot of historical detail. He said the arrival is dated and that's on the seal.

Councilman Gordon said any input from the Bethlehem Historical Association would be welcome and he just wanted to start the dialogue with the community. He noted 2 Board Members were not in attendance. Town Historian Houghton said with the Quadricentennial coming up it would be an important thing to think about. Supervisor Egan asked for a motion to table this item until the January 24, 2007 meeting in order to be after the Bethlehem Historical Association meeting.

The motion was made by Mr. Messina and seconded by Mr. Gordon to table the discussion regarding the Town seal until the Town Board meeting of January 27, 2007. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Kotary.

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The following item was a request from Gregg Sagendorph, Highway Superintendent, and George Leveille, Director of Economic Development and Planning, to consider a resolution to endorse an application by the Mohawk Hudson Land Conservancy for improvements of Normansville bridge. Supervisor Egan said this is an application that would be submitted by Mohawk Hudson Land Conservancy and noted they have been working with the City of Albany. She introduced Jill Knapp was in attendance from the Conservancy. She said this bridge is at the end of Rockefeller Road, the yellow brick road. She said this is not the end by the Good Samaritan. She said there have been some improvements done at the entrance to the bridge area – repaving, landscaping, decorative lighting. She said there has been fund raising done similar to the Memorial Park where you can buy a brick, you can buy a yellow brick for this area. She said this grant application is to try and expand the improvements. She said the bridge does cross the Normanskill and goes to the City of Albany. She said there is also a community garden, dog park and trails on the other side. She said this would be a connection back and forth, noting the Mayor has signed a letter to help work with this grant application.

Councilman Gordon asked if this was to create a pedestrian bridge. Ms. Knapp said that was correct noting the bridge has limited access right now and for emergency vehicles only. She said this is for pedestrians noting it closed in about 1990. She said this would be a pedestrian bridge that would be able to link some of the trail systems that are proposed for the Town of Bethlehem with the extensive trail system on the Albany side that runs up through the Stevens farm.

Councilman Messina said if he understands this, the Conservancy makes the application and if there is any matching requirement, the Conservancy does it. Ms. Knapp said the Town and the City are providing the match. She said the grant is for \$10,000 and the Town will provide in-kind match with services. Supervisor Egan noted that is what they are working toward.

Councilman Gordon asked what is known about the structural integrity of the bridge. Ms. Knapp said Mr. Leveille has tried to get some research on that and the reports from the Department of Transportation said it was safe for fire trucks as recently as 2000. Mr. Leveille said that was the last inspection and they indicated that it was safe for vehicles. He said that is all they are talking about is providing a safe passageway for pedestrians. He said many pedestrians are using it already. He said this would simply clean it up, make it a little more friendly, put some security fencing up and signing to make it a more attractive pedestrian connection. He said he thinks if the grant is successful, they will probably have to get into a formal inter-municipal agreement and look at some details, questions and issues and be sure that what was done is appropriate and does not expose anyone to inordinate liability or anything of that nature.

Councilman Messina asked if this fits in with some of the other trail/pedestrian opportunities. Mr. Leveille said it does and the CACC has been developing a scheme for an integrated network of pedestrian facilities that would include along the Normanskill to Normansville and across to Albany side and back. He said it is very consistent with a long term look at how to connect all these things by foot.

Supervisor Egan asked if there were any further questions. There were none and she asked for a motion to adopt the following resolution:

TOWN OF BETHLEHEM  
RESOLUTION N O. 44

WHEREAS, the Mohawk Hudson Land Conservancy is applying to the Hudson River Greenway for a grant under the 2006 Greenway Conservancy for the Hudson River Valley Annual Grant Program for a project entitle Normansville Bridge Improvement Project to be located in the Town of Bethlehem,

WHEREAS, the grant application requires the applicant municipality or not-for-profit to obtain the “approval/endorsement of the governing body of the municipality or municipalities in which the project will be located”,

NOW, THEREFORE, be it resolved that the governing board of the Town of Bethlehem hereby does approve and endorse the application for a grant under the 2006 Greenway Conservancy for the Hudson River Valley Annual Grant Program for a project known as Normansville Bridge Improvement Project and located within this community.

The foregoing resolution was presented for adoption by Mr. Gordon, seconded by Mr. Messina and duly adopted by the following vote:

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

Noes: None.

Absent: Mr. Plummer, Mr. Kotary.

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The next item was to acknowledge receipt of the 2005 Bethlehem Police Department Annual Report. Supervisor Egan said the Board Members have been provided with a copy and noted the Chief and Deputy Chief were in attendance if there were any questions. She said it is quite extensive and has a lot of information.

Councilman Messina said it is a good report and he will discuss it later. Supervisor Egan said it is very comprehensive.

Councilman Gordon appreciated the report and spent some time with it. He said he is certainly pleased with it that it is not an overwhelming problem. He noticed there has not been any arrest for any prostitution which is good news. He said obviously very little complaints there. He said it has been years. Chief Corsi said there have been some in the past but none as of this report. Councilman Gordon said it is just not a good place for all forms of business he guessed.

Chief Corsi apologized for the delay in the report being presented. He said it has been a busy year.

Supervisor Egan thanked the Chief and noted he always remains available if there are any questions. She said the 2005 Town of Bethlehem Police Department report is hereby officially acknowledge receipt.

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Supervisor Egan reminded the Board that in regard to the obvious vacancy created with Councilman Gordon's promotion at the beginning of the year, the Board Member position to consider, as well as, a vacancy on the Bethlehem Industrial Development Agency. She noted she is expected a letter regarding the qualifications needed to fill the position and will be distributing to the Board Members. Councilman Messina said he signed the letter today and he thought the others did also. She said it will probably be distributed before the December 27, 2006 Board meeting.

The Supervisor said the Board of Appeals term is Mark Hennessey and he fulfilled the remainder of a term from a former Member and his term is up as of December 31, 2006. She said the Planning Board Member, Brian Collier's term is also up. She said those are types of things to be considered moving over the next few weeks.

Supervisor Egan said as an update she hoped they would be advising in the next day or two when the ground breaking will be for Route 85, the extension construction. She said they were waiting for the Army Corps of Engineers permit and noted it has been issued. She said they are going through a coordination effort to get the right dignitaries together at the right time.

Public Comment on non-agenda items. Mrs. Marie Capone noted in yesterday's in early afternoon they started to televise the Porco case. She said at the end of it, the District Attorney praised the Bethlehem Police Department. She said the community praised the Department. She said a Town Board Member is not too hot about it but as long as the people that count likes it, that is all they ask. Supervisor Egan thanked Mrs. Capone.

Mr. Robert Jasinski, Bender Lane, asked for the Board's indulgence on a couple things. He said as he speaks, he is assured that the ladies and gentleman can hear him. He said the Board needs to have somebody tell the Board whether it is going over the speaker system. He said right now he thinks 80 percent of the people that spoke did not go anywhere. He said there are students in attendance and he would bet they did not hear 90 percent of what took place. He noted the Supervisor's voice is very good, the other people are very good and it does carry because you are facing this way and you got the mikes close by. He said someday somebody that is here all the time from your Town Board are going to have to... Supervisor Egan suggested Mr. Jasinski does it. Mr. Jasinski said he is not going to be here and that is the other part he is going to indulge upon the Board. He said Mr. Gordon's talk on the seal. He said it is a non-agenda item that we are talking about but he will go back. He said he will not be here for January 10.

Mr. Jasinski said the Town seal itself is something precious. He said he would not put it in the same category as the American flag but for the residents that live here, we're only probably a notch below it. He said when you change it, the Board will be making a drastic change no matter how minor it is. He said mention was made that the cost will not be that much when you go back and have it done individually but do not forget that some of the bids that come in on the seals are almost all the same. He said the plates are there, they just print them up. He said there will be new plates and they will be looking at a new design. The other thing that goes through his mind and he goes back to like 1949 on the geography study and there isn't one Indian tribe that settled in this area. He said there was the Mohicans, the Mohawks, and he assumes there are other ones that he has forgotten. So, he asked how do you pick one of them or a tribe and put a name on it. He said it would almost be like having a Christmas scene and then deleting some religion or something like that. He said the Board will be opening a can of worms.

Supervisor Egan thanked Mr. Jasinski. He asked that someone tell the Board when the mikes are not working. He said he speaks right into it, he is close. Supervisor Egan noted they are working on it and that was a good point. Mr. Jasinski said some of the Town people do not speak into the mike and he is happy to see the kids in attendance, they have a class, and have to make a report. He asked what do they report when they cannot hear the people. He said when they can only hear the Supervisor, it is one sided. He thanked the Board.

Supervisor Egan thanked Mr. Jasinski. Councilman Messina said it may just be a Member of the Town Board saying... He said he is a popular guy. He said it may just be a Town Board Member having to say please get closer to the microphone. He said they will try and get that done more in the future. Mr. Jasinski said it is very impolite for me to stand up and start breaking into the conversation but he is sure somebody from your Town offices can get up and make sure the mike is working that we are hearing it back there.

Councilman Gordon asked Mr. Jasinski if he would be interested in owning a Town flag. Mr. Jasinski said no that he has the American flag and that is his flag. He said the Town flag for some of the people that were born here have generations here. He said he does not have generations here but he knows how he would feel if he had generations like the Meads and others who have forefathers that were here and the seal was designed and now you are going to change it. He said no good. Supervisor Egan said the Board did not say they were going to change it, it is up for discussion. Supervisor Egan wished Mr. Jasinski a safe trip.

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Supervisor Egan asked if there was any other public comment. Mrs. Cindy Hill said she has been involved with economic development going on in Greene County and she was so excited at their press conference and wanted to come back and make sure that we appreciate the planning the IDA people are doing. She noted IDA stands for Industrial Development Agency. She mentioned George Leveille and Parker Mathusa are 2 of the key planners and she wanted to thank them both. She said she believes everyone has to work toward a greener future. She said bringing development means energy efficient. She said something that fits in with the community and so Greene County is her favorite county. She showed the Times Union article that was written for the Greene County IDA. She said she emailed it to the Board Members. She said it was very exciting. Mrs. Hill said there was a bag lady that came in and she said she wanted to make sure the development going in is going to be what is needed in Greene County and she wanted to make sure it has an underwear store.

Mrs. Hill noted for Mr. Leveille and Mr. Parker that she graduated from Michigan State University and she is a go green gal. She asked Mr. Morelli to come forward so the students would know who he was. She proceeded to sing the green fight song of Michigan State.

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The Supervisor asked for a motion to adjourn to Executive Session to discuss pending litigation.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve adjourning to Executive Session to discuss pending litigation. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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The motion was made by Mr. Messina and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 6:30 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: Mr. Plummer.

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Deputy Town Clerk

#### EXECUTIVE SESSION

The motion was made by Mr. Messina and seconded by Mr. Mr. Kotary to approve settlement of certioraris pertaining to Durant, Jakovic and Goldman et ano. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Plummer.