

**Town Board
August 11, 2010**

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 6:00PM.

PRESENT: Samuel Messina, Supervisor
Joann Dawson, Councilwoman
Mark Hennessey, Councilman
Mark Jordan, Councilman
Kyle Kotary, Councilman
Nanci Moquin, Town Clerk
James T. Potter, Esq., Town Attorney

Supervisor Messina called the meeting to order and lead the Pledge of Allegiance.

He asked for a moment of silence for Dr. Tom Little who owned a home in Delmar and was killed in Afghanistan this past week.

PUBLIC COMMENT ON AGENDA ITEMS-----

Bob Jasinski; There was a request for the Supervisor to enter into an agreement for consulting services related to the Town Hall improvement. He thought a report had already been done for that. Supervisor Messina said a facilities assessment had been done on all the facilities. Mr. Deyoe would explain this more when they got to that agenda item. He asked if the recycling coordinator job was full time. Supervisor Messina said it was part time and is not a new position but one left vacant by the retirement of Ms. Fisher. Mr. Jasinski thought the Town was supposed to be cutting expenses. He didn't see the need for the position. Supervisor Messina said it was on the agenda because it was needed and funded by a grant. Mr. Jasinski said he has seen that if the money is there it is spent. What about having the money and saving it for a rainy day.

Linda Jasinski wanted more background information on agenda items. She didn't know what the grant for the Housing for Sustainable Planning was and if it would cost the Town money.

APPROVAL OF 7/28/10 MINUTES-----

A motion to approve the Town Board minutes as drafted was offered by Councilman Kotary, seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NAYES: none
ABSENT: none

REQUEST TO AUTHORIZE THE SUPERVISOR TO EXECUTE THE ADVANCED LIFE SUPPORT SERVICES AGREEMENT WITH ALBANY COUNTY FOR 2010 FOR \$770,402-----

Brian Wood presented. The Advanced Life Support has had contracts with the Towns since 1996 with a few other Towns joining more recently. Back then a need had been identified for the services they now supply. In 1996 there were 29 people hired. They cover a 350 square miles and a population of about 62,500. They also supply assistance to other agencies. They currently have a variety of full and part time staff members. They have noticed a problem with recruitment. The call volume in 1997 was 3800 and the recent year saw an increase of 2,000 calls. They have five vehicles for response and three command/support vehicles. They have a 24/7 supervisor on staff to assist the fire departments with things such as mass casualties and search and rescue. They have life pack defibrillators that allows them to give more information directly to the hospital which assists in an earlier assessment and sometimes the patients can bypass the emergency room and go directly to the cath lab. They carry a variety of medicines on the trucks as well as a CPAP units that helps get people into the hospital without having to be intubated. They carry transport ventilators that frees up a responder. One of the procedures that need two (2) paramedics helps someone that is semi-conscious but not able to accept an airway tube. There are new protocols that the paramedics must follow bringing the number of protocols up to 55. There are some paramedics that work on the search and rescue team that are trained in high level rescue. They must pass physical tests and train monthly. Some paramedics are on the tactical or SWAT team and receive special training. The paramedics must have 24 hours of continuing education every year. Every month they do seminars. They partner with several different agencies and report to these different stations. They also help cover some agencies that do not have enough volunteers. In 2009 the Sheriff's Department got an ambulance and the paramedics now staff that and they assist other volunteer agencies that are busy on a call. The goal is to increase revenues through billing insurance companies that would help offset the costs of the EMS program. They have a recruitment and retention problem because their pay is below other places. An immediate challenge

is that the part time paramedics have no paid leave. Adding paid leave would help with the recruitment and retention problem. The new senior living facilities that are being built, increase the calls to paramedics a lot. As the technology increases and the devices become more sophisticated and are required, the costs rise. The benefit of the program over another is that the cost is shared over a few different counties.

Councilman Kotary asked how much the cost has risen from 2009. Mr. Wood didn't have the numbers but said their budget had not risen. The difference in expenses between 2009 to 2010 was the purchase of new vehicle. There wasn't a cost of living increase for the employees. Councilman Kotary asked if additional revenues could be found to keep costs down and be competitive. Mr. Wood said some of the billing money is turned over to the municipality. He said there were about 1800 calls in the Town of Bethlehem last year and a portion of those proceeds go back to the Town. He said if the number of volunteers decrease, their calls will go up and that will generate more money.

Their biggest problem is to be able to pay their employees better to get and retain better staff. Supervisor Messina said they are trying to reduce cost to the Town.

A motion to authorize the Supervisor to execute the advanced life support services agreement with Albany County for 2010 for \$770,402 was offered by Councilman Kotary, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

REQUEST FROM THE ADMINISTRATOR OF PARKS AND RECREATION AND FLEET MANAGER TO AWARD A BID FOR AN INFIELD GROOMER TO MOFFETT TURF EQUIPMENT FOR \$13,619.

Current equipment is 14 years old and it helps provide revenue. This is a budgeted item.

A motion to award the bid for an infield groomer to Moffett Turf Equipment for \$13,619 was offered by Councilman Hennessey, seconded by Councilman Jordan and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

REQUEST FROM THE ADMINISTRATOR OF THE PARKS AND RECREATION DEPARTMENT FOR APPROVAL OF SEASONAL PERSONNEL

A motion to approve the seasonal personnel listed in the 8/11/2010 memo from Ms. Lanahan was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

REQUEST FROM THE ADMINISTRATOR OF PARKS AND RECREATION FOR ACKNOWLEDGEMENT OF SUCCESSFUL COMPLETION OF EAGLE SCOUT PROJECT AND ACCEPTANCE OF \$300 DONATION FROM CAMERON EBERSOLD'S EAGLE SCOUT PROJECT

The Eagle Scout project was related to the improvement and maintenance of some the trail systems. Cameron Ebersold was the Eagle Scout and he would like to donate \$300 back to the Town to purchase a bench for the park.

Councilman Hennessey thanked Cameron for taking time out of his life to volunteer to the Town and then make a donation to the Town. He had raised the money to facilitate the project.

A motion to acknowledge the successful completion of the Eagle Scout project and acceptance of \$300 donation from Cameron Ebersold's Eagle Scout project was offered by Councilwoman Dawson, seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

REQUEST FROM DEPUTY COMMISSIONER OF PUBLIC WORKS TO AUTHORIZE SUPERVISOR MESSINA TO SIGN A TASK ORDER PROPOSAL FROM BARTON & LOGUDICE, P.C. FOR CONSULTING SERVICES RELATED TO TOWN HALL IMPROVEMENTS AND A LONG-TERM FEASIBILITY ASSESSMENT TO IMPROVE SPACE UTILIZATION IN TOWN HALL

Eric Deyoe presented. This study was an offshoot of the facilities needs assessment that had been done in 2006. That report was to see how to better utilize Town Hall, deal with the growing space needs in Town Hall and in other Town facilities. That report was very expensive and didn't stay in step with a budget control. That was a forty million dollar investment in all the facilities which is not feasible with the state of the economy. There is additional staff in the comptroller's office and human resources that need space to work. They would like to do this proposal in two parts. First address the short term needs in Town Hall as far as space needs by building office space upstairs for the new staff, retrofit Room 107 into office space, retrofit room 101 into flexible meeting space and there needs to be a secure interface in DPW and in the building department with the public. There is an issue with a portion of the parapet wall and the roof over the police department needs to be replaced. B&L has an architect that will draw up plans that could then go out to bid. The other portion of the study is to look at how to capitalize the space that the Town does have. Town Hall will be maintained as part of the Town's portfolio but the Town needs to utilize the space in the building better. Some ideas for expansion are: a second floor above the auditorium, using the stage space and the areas behind it and relocating senior services to the Elm Avenue Park by adding onto the administration building to collocate the civic and recreation services in one location.

Councilman Kotary asked what's different between the 2006 report and the one they want to do and why the study had to be outsourced. Mr. Deyoe said the other study required acquisition of property for a new police building, modify and add to this building and then renovate the entire building. The new approach is to not add another building but better utilize the space in Town Hall. The design details require disciplines that the Town engineering division does not have. Mr. Deyoe is the only engineer with building experience. They need structural, mechanical and electrical engineers and some environmental work to be done and architects. The Town's engineering team is oriented to project managers, not design engineers. They use the TDE's as an extension of staff. These alternatives would be much more cost effective. There isn't anything wrong with the previous report and many things will be used as baselines. It's just that the cost is too high.

Councilman Hennessey said he wasn't sure he liked the decision to move senior services to Elm Avenue Park. Mr. Deyoe said it wasn't a decision, just a one of the alternatives that would be taken into consideration. He said the upside is to free up space in Town Hall but the downside is that it's not in the middle of Town and some seniors will go to a variety of offices when they come for senior activities. Councilman Hennessey said he was against even considering moving senior services. He asked about the possibility of hazardous environmental substances in places like the roof. Mr. Deyoe said testing has been done on the roof they have a better handle on what is there. They can build designs around that testing. Councilman Hennessey said he would approve the cost for the feasibility study for the renovations needed in Town Hall such as the roof and the parapet wall and the offices but wanted to wait on the portion of the study that would deal with the second phase outlined by Mr. Deyoe.

Councilman Jordan asked if the scope included putting the second story over the auditorium. Mr. Deyoe said it was part of the long term study. The scope had both a short term study portion and a long term portion. Councilman Jordan asked if he knew how much more room was needed in Town Hall. Mr. Deyoe said he could get him some numbers from the 2006 study. Councilman Jordan preferred not voting on this issue until he had more time to discuss this with the other Board members and Mr. Deyoe.

Councilwoman Dawson asked if the study could be separated into two parts so that the repairs needed could go forward and they could wait on the longer term issues. Mr. Deyoe said they could be separated because of Board comments the last time he was before them about these issues, he just wanted to make sure that the longer term issues were taken into consideration. Councilwoman Dawson wanted to see the repairs and initial office space move forward. Mr. Deyoe said they could have a workshop with the architect and the Town Board members to see what their thoughts were on the space issues. Supervisor Messina were not against separating the feasibility study into two (2) parts.

Councilman Hennessey offered a motion to approve \$34,600 for consulting services for Town Hall improvements and renovations, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

PRESENTATION BY THE COMPTROLLER OF MIDYEAR FINANCIAL STATUS FOR 2010

Ms. Traylor presented. She said this report was waiting for the sales tax numbers before presenting it to the Board. She has analyzed the numbers for the Board. One of the handouts was a summary of the revenue and expenses projections as well as the 2010 budget. The expected shortfall of the 2010 budget was to be corrected by the use of the General Fund balance. The projected revenue for December 2010 was based on 7 months of data and expected spending. There is an additional shortfall of about \$400,000 over what was expected. Highway, water and sewer funds should hit their targeted budgets. The General fund depends on the health of the economy, gaining revenues from sales tax, mortgage tax, cable franchise revenue and others. The largest being the sales tax. If trends hold there will be a shortage of \$400,000. The Town is short on fees from various departments and interest earnings on accounts. Expenditures have been curtailed by each of the departments. The water revenue is up because of the hot dry summer, people are watering their lawns. The remaining documentation shows how the comptroller came up with her projections.

Councilman Kotary said this documentation would be very helpful when starting the budget workshops for 2011. He said some of the projected expenditures for certain departments will be higher in the last two quarters and he wondered if the Town would be able to hit those projections or would the shortfall be higher. Ms. Traylor said for the smaller departments, most of the budget is fringe benefits and salaries. She met with the larger departments such as highway and DPW to make sure the projected expenditures made sense. What is shown is the summary by department, not the details. Those details would be available during the budget workshops. Councilman Kotary said he knew the Town was making choices in needed expenditures. He said even given the better of the two projections, there is still a shortfall. He knew that the DPW and highway money could go quickly doing just the necessities. He said the Board will be faced with policy decisions going forward in terms of how much of the reserve funds will the Town continue to use or how much further they will need to cut. The numbers concern him and the numbers will have to be addressed before January. Mr. Traylor said she has been conservative in her projections and she said by the end of October they should have a clearer picture of where the Town will end up. There are a lot of unknowns.

Councilwoman Dawson said she was concerned by a few things said. She was concentrating on the General Fund. She thought they would need to pull projected expenditures in line with projected revenue. The Town needs to find a half a million dollars and cut expenditures now. Supervisor Messina didn't think the projected revenue would change much. He said this was not an assumption of the use of the fund balance on the spread sheet before them. He knew that was a policy decision.

Councilman Hennessey said using the fund balance concerns him. The available fund balance is getting lower and the days of dipping into the fund are coming to a close. He said the Town needs to reign in spending even further and try not to use the fund balance this year. The Town can't depend on sunny weather to help. He thought they should plan for the worst case scenario. This also impacts the ability to bond projects. Ms. Traylor said the Board should be concerned with General Fund balance. Councilman Hennessey said taking from that fund is an unsustainable way of doing things.

APPOINTMENT OF AN EXISTING AND BUDGETED PART-TIME POSITION FO RECYCLING COORDINATOR AT AN HOURLY SALARY \$20.29

A motion to fill the part-time position of recycling coordinator was offered by Councilman Jordan, seconded by Councilman Hennessey –

Councilman Jordan amended the motion to appoint Daniel Rain as part-time recycling coordinator, seconded by Councilman Hennessey Discussion

Councilman Kotary thought the position was needed and the recycling program was important. He will support Dan Rain. He had a concern with the process of how they reached this point because he believed in consistency. He wanted to ensure that the Board is consistent in their approach to hiring. A few meetings ago Councilman Hennessey asked for the new procedures for hiring. He would also like a copy of those procedures. Supervisor Messina said the position was posted but it was not civil service.

Councilman Hennessey said Dan has a passion for recycling and he believes he will be a great addition. The motion was approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary

NAYES: none

ABSENT: none

REQUEST FROM THE DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING TO ISSUE A LETTER SUPPORTING THE GRANT APPLICATION BEING SUBMITTED BY THE CAPITAL DISTRICT REGIONAL PLANNING COMMISSION FOR A U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT

A motion to approve the issuance of a letter supporting the grant application submitted by the Capital District Regional Planning Commission for a US Department of Housing and Urban Development Sustainable Communities Regional Planning Grant was offered by Councilman Kotary, seconded by Councilman Jordan and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NAYES: none
ABSENT: none

REQUEST FROM THE TOWN ENGINEER FOR THE TOWN BOARD TO PASS A RESOLUTION TO AMEND THE STORMWATER COALITION INTER-MUNICIPAL AGREEMENT (IMA)

This amendment is to allow alternate members to be appointed and for the alternate to be able to attend the meetings.

A motion to approve the SEQR Negative Declaration for the amendments to the Stormwater Coalition Inter-Municipal Agreement was offered by Councilman Jordan seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NAYES: none
ABSENT: none

Resolution # 27

Whereas, the Town of Bethlehem entered into an inter-municipal agreement dated the 15th of October, two thousand, and eight with the purpose of that agreement to facilitate compliance with the permit requirements of the MS4 program and to better address storm water management generally; and

Whereas, this inter-municipal agreement as described in Section 11.8 allows for amendments to this agreement, the adopted amendment to Section 5.1 regarding the selection of representatives to the Board of Directors is an unlisted action under the State Environmental Quality Review Act; and

Whereas, there is no coordinated review of this action; and

Whereas, the Town Board has caused a short environmental assessment form to be prepared regarding the proposed action, a copy of which is attached to this resolution, and has reviewed that form.

NOW THEREFORE IT IS RESOLVED THAT:

1. The Town Board hereby determines that this amendment to the inter-municipal agreement will not have a significant adverse impact on the environment.
2. The Negative Declaration attached to this resolution is hereby adopted.
3. This resolution will take effect immediately.

A motion to approve the amendment to the Stormwater Coalition Intermunicipal Agreement as drafted was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NAYES: none
ABSENT: none

ALBANY COUNTY INTER-MUNICIPAL AGREEMENT FOR THE ESTABLISHMENT OF A COALITION FOR COOPERATION ON ISSUES RELATED TO STORM WATER MANAGEMENT

Resolution #28

AMENDMENT NO. 1

WHEREAS THE Members of this inter-municipal agreement entered into an Agreement dated the 15th day of October, two thousand, and eight,

WHEREAS there have been a number of meetings at which a quorum was uncertain due to the conflicting schedules of many Members, and

WHEREAS the Members wish to amend this Agreement by providing for alternates or other designees of each Member to attend such meetings and represent and vote on behalf of their members,

IT IS HEREBY AGREED AS FOLLOWS:

Paragraph 5.1 of the agreement which reads as follows;

5.1 A Board of Directors will be established consisting of one representative of each Member, each such representative being known as a Director. The governing body of each member organization will select its representative for a term of one year or such other period determined by the Member’s governing body.

Is hereby deleted in its entirety and the following new paragraph 5.1 is adopted and substituted in its place as if it had been originally set forth in the initial Agreement:

5.1 A Board of Directors will be established consisting of one representative of each Member, each such representative being known as a Director. Each Coalition Member shall designate a permanent representative and one or more alternates (as it shall see fit) to serve on the Coalition for a period of one year or such other period determined by the Member’s governing body. In the event no permanent representative or alternate has been designated, or no designated permanent representative or alternate is able to act, the supervisor of the town, or mayor of the village or city, or the Chief Executive Officer, as the case may be, or their designee shall serve as the representative to the Coalition.

WHEREFORE, IN CONSIDERATION OF THE FOREGOING, THE GOVERNING BODIES OF EACH THE FOLLOWING HAVE DULY AUTHORIZED THE EXECUTION OF THIS AGREEMENT BY THE SIGNATURES BELOW.

NEW BUSINESS

None

PUBLIC COMMENT ON NON-AGENDA ITEMS-----

Marcia Roth spoke on the rise of autism in society. The children with autism and their families have many challenges and there isn’t much financial help. As a Town Board there is something that they could do to help people struggling with this issue. She suggested a few things that the Town Board might consider. A fence is an item that OMRDD would fund before in house services. Some of these children just run and you can’t catch them. The allowable height of fence is something the Town Board could change. A four foot high fence in the front yard is not high enough to stop these children. A homeowner right now has to go before the Zoning Board of Appeals to get a higher fence. She said it takes about 3 years to get a grant from OMRDD to put up a fence. It might take 2 months to get through the Zoning Board of Appeals. She worried that too much personal information would be disclosed in front of the Zoning Board. She mentioned the ability to put a portable home on the property of the parents so they would have autonomy but are still close enough to the parents. These types of homes, if allowed, would be another alternative for the elderly instead of nursing homes. Emergency responders should have extra training on how to respond to these children. She thought changing a few laws would not cost the Town any money. She also suggested putting in a special area in the parks specifically for special needs children. She asked the Town Board to set up a committee of Town officials and members of community to see what can be done about the autism epidemic and the needs of the families. The County is now looking for federal funds to build special needs housing. She thought developers should be required to make a percentage of their housing special needs accessible.

Supervisor Messina said he had spoken with her about the need for a fence. He keeps a list of items that individuals bring forward and they try to get to them. The Board thanked her for bringing the issue forward and they would look at the items she brought forward.

Bob Jasinski – He has always fought for the southern part of Town and the farmers. About 2 weeks ago they started spreading “liquid slurry”. The people in the southern part of Town can’t open their windows or hang out their clothes because of the smell. This liquid slurry is a fertilizer. There aren’t any Town of Bethlehem farmers that use the liquid slurry. The farmer that uses this is from out of Town. He said the majority of the Town Board lives in either Delmar or Glenmont they don’t smell the problem. If you travel to Rt. 396 and South Albany Road the smell is a real problem. He asked the Town Board to consider an ordinance that would prohibit out of Town farmers that don’t own land here from spreading liquid slurry in the Town. The slurry should be tilled into the soil but not left to runoff into the creeks during a rain event. Even local farmers commented to him that the smell was strong. Supervisor Messina said this could be considered during the next

round of zoning amendments. Councilman Kotary asked if there were prohibitions on certain applications already. Councilman Hennessey said the possible issue of runoff should be investigated. He said it sounded that the suggestion was to have a law that only pertained to people from out of Town and he didn't think that was possible. Mr. Potter said he didn't think that could be done. Councilman Kotary asked if it was the same as the prohibition on pesticides. Mr. Potter thought the Town might be able to put zoning restrictions on certain fertilizers in the Town. The Board would look into how other municipalities dealt with this problem.

Linda Jasinski – She asked if the Bethlehem Garden Club was funded by the Town. It is not. She saw employees of the highway department at the garden on Rt. 9W and Rt. 32 weeding and she thought they had better things to do than weeding for the garden club.

PUBLIC ANNOUNCEMENTS -----

A motion to move into executive session was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none
ABSENT: none

A motion to adjourn was offered by Councilman Kotary, seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none
ABSENT: none

The meeting closed at 8:24 PM.

Nanci Moquin
Town Clerk