

TOWN BOARD
JULY 23, 2008

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Deputy Supervisor at 6:00 p.m.

PRESENT: Daniel Plummer, Deputy Supervisor
Samuel Messina, Councilman
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Mark Hennessey, Councilman
Colleen Hummel, Deputy Town Clerk
James T. Potter, Esq., Town Attorney
ABSENT: John H. Cunningham, Supervisor

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Deputy Supervisor Plummer called the meeting to order and invited everyone join in the pledge of allegiance. He welcomed everyone and noted Supervisor Cunningham was on vacation. He said in his role as Deputy Supervisor, one of the responsibilities is to preside at the meeting of the Board when the Supervisor is not in attendance. He noted he does not have a vote.

Mr. Plummer asked if there were any comments on the agenda items. Mrs. Capone noted in the Spotlight she learned that Mrs. Kehoe was leaving. She said it reads much of a shock to loose Mrs. Kehoe as it was to loose Bruce Secor. She said they were people who knew their job and did it perfect. Now, she said what are we going to get to replace her. She said look what we got for Bruce Secor, look how cold it is, Bruce would have taken care of that. Deputy Supervisor Plummer said he thought they did a great job in Mr. Secor's replacement and look who took his place, he is doing a great job. Mrs. Capone said Mr. Plummer has a jacket on and he had run here. Deputy Supervisor Plummer said Mrs. Kehoe is going to be very difficult to replace, there is no question about it. He congratulated Mrs. Kehoe and noted he did not get to read the article. Mrs. Capone said maybe it was not her idea, like it was not Bruce's idea but it happened. She said God knows what we are going to get in return.

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Mr. Robert Jasinski said things change but then again they do not change. He said he was right here at the mike asking the same question. Mr. Plummer said he has noticed that already. Mr. Jasinski said because a number of times monetary evaluation is in place sometimes and he calls attention to it quite often. He said he sees there is a request for the disposal for sediment, sludge from the aeration tank at the waste water treatment plant to Fred A. Cook. He said he has no problem about that. He said his question is if at the time, tell what the price is and how often it would take place, if possible and also how long of a contract it is. He welcomed Mr. Plummer back and said it was nice to have him. Deputy Supervisor Plummer said it was nice to be back. Mr. Jasinski thanked Mr. Plummer.

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Mrs. Capone said she forgot to say something. She said if you look Dan, there is a lot of construction going on in Town and they are talking about it. They are going to add more people living here but you don't see anywhere where they are increasing the Police Department. That's what we need she said and there is nothing being done about it. She said she thinks the previous administration was doing better than this one and Mr. Plummer was there and should know it.

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Mr. Jasinski congratulated the wonderful woman that is leaving and getting he hoped a better job and more money and everything as we all do but he is wondering if there is a final report that is going to be made to the Town Board as Mrs. Kehoe leaves. He said he believed August 1 is the date. He asked if that would be public. Deputy Supervisor Plummer asked if he meant on the finances. Mr. Jasinski said yes. Mrs. Kehoe said the report will be presented at the August

13 meeting. Mr. Jasinski thanked the Deputy Supervisor.

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Deputy Supervisor Plummer said the first item on the agenda was to approve the Town Board minutes of June 25, 2008. The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the June 25, 2008 minutes as submitted. The motion was passed by the following vote:

Ayes: Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: Mr. Cunningham.

The next item was to approve the Town Board minutes of July 9, 2008. The motion was made to approve the Town Board minutes as submitted of July 9, 2008 by Mr. Hennessey and seconded by Mrs. Dawson. The motion was passed by the following vote:

Ayes: Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: Mr. Cunningham.

The next item was a request from John Brennan, Director of Emergency Management, to authorize the Supervisor to sign an agreement with Albany County Health Department establishing Bethlehem Town Hall as a Point of Dispensing (POD) during public health emergencies. Deputy Supervisor Plummer said this is an agreement that will occur between the Town and the Department of Health for measures that are designed to preserve health and prevent any kind of spread of disease. He said this would allow the Supervisor to sign the agreement. He asked if there was any discussion. There was none.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to authorize the Supervisor to sign an agreement with Albany County Health Department establishing the Bethlehem Town Hall as a Point of Dispensing (POD) during public health emergencies. The motion was passed by the following vote:

Ayes: Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: Mr. Cunningham.

The following item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to award the contract for the removal and disposal of sediment, sludge and accumulated debris from the aeration tank at the wastewater treatment plant to Fred A. Cook, Jr. Inc. Deputy Supervisor Plummer said there was a competitive bid. Deputy Commissioner Deyoe said this is an annual or bi-annual basis where as a maintenance activity, they have to out sediment and dispense sludge from the aeration tanks to keep the operation and aeration system operable. He said they went out to bid this year and the low bid price was \$2.35 per gallon or estimated about 10,000 gallons to be removed out of one of the tanks, for a total of \$23,500. Mr. Deyoe said this is a once a year job and one time contract to be done sometime in the next month.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the award of bid for the removal and disposal of sediment, sludge and accumulated debris from the aeration tank at the Wastewater Treatment Plant on Dinmore Road, Selkirk to Fred A. Cook, Jr. Inc. The motion was passed by the following vote:

Ayes: Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: Mr. Cunningham.

The next item was a request from the Director of Senior Services, Karen Pellettier, to accept a donation in the amount of \$50.00 from Delmar Place in appreciation for Bethlehem Senior Chorus performance of June 17, 2008.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to accept a donation in the amount of \$50 from Delmar Place in appreciation of a Bethlehem Senior Chorus performance on June 17, 2008 as requested by Karen Pellettier, Director of Senior Services. The motion was passed by the following vote:

Ayes: Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: Mr. Cunningham.

The next item was a request from Louis Corsi, Chief of Police, for acceptance of DARE donation. The motion was made by Mr. Hennessey and seconded by Mrs. Dawson to approve the acceptance of a DARE donation in the amount of \$10 from Nancy Farr and requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: Mr. Cunningham.

The following item was a request from Nan Lanahan, Administrator of Parks and Recreation Department, for approval of seasonal personnel. The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the appointment of seasonal personnel as listed on the Memorandum dated July 23, 2008 at the titles and salaries listed as requested by Administrator Lanahan, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: Mr. Cunningham.

Deputy Supervisor Plummer said that ends the agenda and asked if there was any new business. Councilman Kotary said he did not have any new business but noted Mrs. Capone mentioned Judi Kehoe's resignation and he wanted to personally thank her for the great work she has done. He said he wanted to thank her also for giving him many opportunities to discuss the finances of the Town. He said he wishes her well and he was sorry to see her go. He said Mrs. Kehoe is going to the school district but she is staying in the community. He said it is the school district's gain and the Town's loss but the community will still have her services.

Councilman Messina said he would echo what Kyle has said and from his point of view Mrs. Kehoe has been a consummate professional in terms of cooperation, willingness to get data and present it, maintaining wonderful relationships with auditors and for the courage to say and do what she believes is right even when it came to being very persuasive with the Board so they would understand all of the fiscal realities and the care that they had to exercise in terms of fund balances and expenditures. He said Mrs. Kehoe has done her job here wonderfully and he will be professionally and personally sad to see her leave but glad she is staying in the school district. He thanked Mrs. Kehoe for her work.

Councilman Hennessey said he thought the greatest praise you can give to a professional is that replacing them will be very tough to do. He said since coming

on the Board, Mrs. Kehoe has been very helpful, forthcoming with information and he considers a good friend. He said she will be missed.

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Councilman Dawson said the school board is going to be very lucky to get Mrs. Kehoe and she knows also that it is a personal, as well as, a growth opportunity for her and she sees nothing but good things in her future. She wished her good luck and for teaching her how it is done.

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Mrs. Capone said Mrs. Kehoe will be remembered as being extremely honest and she provided information when asked. She said they are not used to that.

Councilman Messina said he would like to clarify something that was in the Spotlight today and probably if you were at the most recent meeting of the Noise Ordinance Task Force, there was a reference to presentations being made to the Town Board. He said the reason that was changed and he changed them with the Supervisor, is that the Supervisor said it is a policy and an ongoing initiative and he did not feel it was right not to have the Supervisor in attendance. He said he did not think it would have been right to spring this on Deputy Supervisor Plummer. He said this will probably be on the first meeting in August. He said they have made recommendations and they will be to the Town Board in a few days.

Councilman Hennessey asked what the clarification is for. Councilman Messina said the recommendations generally are for the next step in the process and that is to recommend to the Town Board either to pursue drafting a noise ordinance specifically for the Town or not. He said they are going to recommend that the Town Board approve a draft ordinance be prepared.

Councilman Kotary said he wanted to acknowledge the great work over this past weekend of everybody in Town from Highway, DPW, Parks and Recreation and all Town employees who helped with the storm clean-up. He said he was out early Saturday morning and not only were our crews out and got to a lot of houses that were severely damaged but again wanted to thank everyone. Mr. Kotary said he thinks Mr. Cansler is a very good replacement for Mr. Secor, indicating he was sorry Mrs. Capone but he does think he is doing a good job. Mr. Kotary also commended National Grid for being much more responsive in this storm. He thinks that is as a result of the discussions held here and the meetings that were well attended by the community. He said he thinks National Grid delivered on their promise to people. He again thanked everybody.

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Deputy Supervisor Plummer asked for public comments on non-agenda items. Mr. Richard Mendick, Selkirk, and also the Albany County Legislator in the 36th district covering South Bethlehem, Selkirk, parts of Glenmont and a little bit of Coeymans in there too. He said the reason he was at the meeting was to seek support for a resolution he put forth – he handed out some information – noting many people may know about the election charge backs and this is a charge that is being billed back to the Towns for the cost of election. He said the most recent billing was for the election of 2006. He said the resolution is seeking to change the methodology on the way the cost is assessed back to the cities and towns.

Mr. Mendick said if you look at the second chart, really speaks to the issues and if you look at Bethlehem. Bethlehem was billed \$83,000 and change for actual cost of about \$55,000, according to Mr. Mendick. He said if you move on up to the Albany line, their actual cost was \$243,000 and they were billed less than half, \$121,000. He noted the Board is probably asking how does this happen – the current methodology is based upon the equalized assessed value. He said that has the impact of moving costs out of the cities into the suburban areas and in this case to the tune of \$125,000 or so for Albany. He said as you can see, there are 3 major towns – Bethlehem, Colonie and Guilderland – that are picking up all of that cost.

Mr. Mendick said his resolution is asking the Legislature to change the methodology to bill only the actual cost. He said he appreciates the fact that the taxing system is based upon regressive nature and where the rich pay a little more for the people who can't, however, what is missing in this whole thing is the accountability. He said the next chart spells out the number of polling sites, not election districts, Albany had 66 polling places in the 2006 election and the next largest was Colonie at 35, almost half of what Albany had. He said interesting enough Colonie covers almost 3 times the geographic distance, as well as, has 10 percent more registered voters. He said one could wonder why Albany needed so many and the reality is if you are not paying for it, you are going to take as much as you can get. He said that is why they are not making an effort to cut that back because they are not paying the tab. He said the taxpayers of the large towns are paying that tab.

Mr. Mendick said we hear all the time that we need more accountability in government. He said his resolution addresses that issue.

Mr. Mendick said the next chart is for the 2007 budgeted costs and if you look at Bethlehem, the cost moves from \$83,000 to \$122,000 based upon that methodology of using equalized assessed value. These are costs based upon the election cycle as we have known it with the lever style machines. He said the Spotlight today talked about the new electronic machines. He said the cost for an electronic election is going to be far greater than using lever machines. He said they are computers and they need to be programmed, stored in climate control environment and need special handling just to be moved. He said it is easy to see and note where our machines are now stored. He said they are over in the garage, dusted off when needed, and the machines that will be used are in a climate controlled environment and have to be constantly plugged in and the batteries have to be kept, maintained and the cost is only going to grow.

Mr. Mendick said the Spotlight noted there are 3 ways to cost this out – one is the current methodology; second is actual costs and that is what he proposed for the Legislature; the third is to let the County pay for it. He said that concept is like a wolf in sheep's clothing. If the county pays for the elections, the County tax rate is going to be increased to cover the cost. He said how does the County assess that value, how do they figure it out – it is on the equalized assessed value. He noted further that if do that, we are 4right back where we are at. He said the taxpayers of this town and most of the suburban communities really need to take notice of what is happening. He said everyone owes it to the taxpayers to get a better shake than what they are getting from the City of Albany and from County government. He said that is why he is there and that is why he put the legislation out there.

Mr. Mendick said what he is hoping to get from the Town Board of Bethlehem is – noting he included the list of all the Legislatures that have a part of Bethlehem – to support or comment to these Legislators and get the bill out of committee and get a vote on the floor. He said even more, stronger indication, would be if the Town Board puts forth a resolution that they approve supporting his Number 197 resolution. He said it seems to be a real simple thing. He said the Board of Elections can capture that cost and the Town should only pay for what they actually spend. He suggested the Board think about it from a management standpoint. He said where is the initiative, the motivation for a Town to become more efficient if they don't have to pick up the tab. He said Bethlehem has done a very good job, being in line with the other major towns of making the process as efficient as possible. He said Albany on the other hand has not picked up the gauntlet yet and without them being responsible for their own actual costs, he does not see it happening.

Mr. Mendick asked if there were any questions and thanked the Board. Councilman Hennessey asked about the voting machines that we are picking up are required under HAVA. Mr. Mendick said that was correct. Mr. Hennessey asked Mr. Mendick if he thought we should comply with HAVA or that we should not. Mr. Mendick said it is not his issue, it is the Albany County Board of Elections issue and he is not trying to dodge the question but there are some legal ramifications not compliant. Councilman Hennessey asked if Mr. Mendick was

taking a position on that. Mr. Mendick said no, this resolution has nothing to do with it. He said the resolution has to do with the methodology in which the towns are charged back.

Councilman Hennessey said the City of Albany voting district system takes into account it's ward system which his different than the way we do things here. He asked how Mr. Mendick would have that changed. Mr. Mendick said he is not here to design their system. He said he is here to provide the motivation for them to make it as efficient as possible. He said when you tell him that you have to have 66 polling sites in less than 22 square miles and the cost per polling site – he thought the number costs about \$55,000, little over \$2,000 – 66 sites for \$250,000 about \$6,000 a piece. He said there is no reason for it and no rational for it. He said he understands the ward system but the ward system can be handled with multiple voting districts at one polling site. He said it is all geographically constructed.

Councilman Hennessey asked what his colleagues said about this. Mr. Mendick said he has had a number of people support it, they say they will vote for it. He said a lot of the Legislators have taken a wait and see attitude. He said a lot of them, as he may know, the construction of Albany County Legislators tend to be focused on the City of Albany. He said they have a vested interest in this legislation so they are not willing to commit just yet. He said it has gone to committee for 2 months and it will be discussed again next week. He said that was part of his being at the meeting to try and gain that support to at least get it out of committee and get it on the floor for a vote.

Councilman Hennessey asked if Mr. Mendick has heard from the County Executive on this, talked to him about it. Mr. Mendick said he has not but the Department of Budget Director has put together some information regarding it. He said they take a neutral position. He said they do not really care one way or the other noting their job is just to budget for it and bill it.

Councilman Hennessey asked if the change in the way this is done now or the way it was done previously, how did that take place, when did it happen. Mr. Mendick said there is no change yet. He said the resolution asks for the change to move away from equalized assessed value to actual costs. He said the actual costs are calculated by the Board of Elections on every election. He said the information is available, auditable and certifiable, so it is not like guessing. He said this is on actual costs.

Councilman Hennessey asked if a vote in support of this resolution in any way shape or form, decrease the number of polling places here in the Town of Bethlehem, would it limit the Board in any way. Mr. Mendick said that option is up to the Town Board. He said they are in charge of how efficient, cost efficient, they want to make the process. He said the City of Albany wants to maintain 66 polling sites that is great but let them pay for it, noting the Town should not have to. He said it is the 3 major towns that pay that bill and the cost is only going to go up. He said he does not see the motivation for Albany to make the change at this point to become more efficient. He said this hopes to rectify that.

Councilman Messina asked about the 4th whereas where the County Executive has allocated the costs for 2006, is there a statutory or other regulatory provision for allocating costs based on assessment or was that just done that way. Mr. Mendick said it was just done that way. He said it is at the option of the county and the only regulatory or opinion on that is that the county has the option of assessing back to the towns. Mr. Messina thanked Mr. Mendick.

Councilman Kotary asked if that was always the case or is that just the case with HAVA. He asked if the Town has always been assessed. Mr. Mendick first of all, this has nothing to do with HAVA. Mr. Kotary asked if the Town has always been charged though based on assessed value. Mr. Mendick said it is only been around for a couple years. He said prior to that it was a County cost. Mr. Kotary asked if it was a local cost. Councilman Hennessey said it was a county.

Mr. Mendick said it was just the last couple years they have moved it – like unfunded mandates they just roll down hill. He said this is another one of those.

Councilman Kotary said he would have to take a look at the actual resolution but he thinks conceptually for our town to pay actual costs, he thinks makes a lot of sense. He said again if in fact you are simply saying we are not legislating how the towns are going to handle the towns and municipalities to them, it seems that it is only fair that you pay actual costs noting this is different to other programs. He said in this case, it seems logical and straight forward that if you have an actual cost, the cost is being spread out over the communities, that it should be the actual costs. He said he thinks the primary concern are the residents of Bethlehem and to him, looking at the numbers he can only anticipate that the cost per resident or per 22 election districts is only going to get higher for us. He said potentially, out of control or that we no longer have control. He said he thinks it sounds fair. Mr. Mendick said this resolution is very simple, it is just a change in the allocation method. Mr. Mendick said the election costs are one of those unique opportunities to capture that cost information. He said you can't do that in a lot of other programs because they are ongoing programs. He said this is only the cost for that election day and Board of Elections does have that information.

Councilman Messina mentioned that he would probably go with this, if the Board does anything, it is probably better for the Board to act in unison one way or the other rather than individual Board Members to act and in that regard, he is interested in why the County Executive took the approach that he did and that involves a little further telephone call or questioning. He said the other thing is as he knows, Supervisor Cunningham may have indicated that the County should pick up this cost. He said Mr. Mendick has explained that if they do that, there is going to be a roll down of costs somewhere else that would be an issue. He said he thinks there is some homework to be done here. Mr. Mendick said absolutely and the reason he is in attendance is to provide a little bit of background. He said he has spoken with Supervisor Cunningham about this issue and he has said very forcefully that he wants it at the County level. He said what is missing there is if the County pays for it, it becomes part of the big budget that gets factored into the County tax rate that we all enjoy on our tax bill and they do everything by equalized assessed value. He said this is an opportunity for the towns to take control of such a small portion of what is going on to provide their own accountability and get the benefit for any efficiencies that they might want to bring about.

Deputy Supervisor Plummer said the way to do that to Jack's point and he discussed this with him this morning, he is advocating for the County to take it over because it's been directed to and they are responsible for running the program and one of the things the County to do is conceptually do exactly what Mr. Mendick was saying but do it itself. He said the actual cost to the Town of Bethlehem is \$85,000, then the County would recapture that \$85,000 in its property taxes that it sends out. Mr. Mendick said that was fine. Mr. Plummer continued there is a way of doing the same thing and Jack's view is that the County is responsible for this and we don't have anything to do with that other than the fact they are looking at us to pay for it. He said on a policy basis, he thinks it makes a lot of sense. He said one way to accomplish what Mr. Mendick was saying doing it the same way. Mr. Mendick said that is right and that is the main goal.

Deputy Supervisor Plummer thanked Mr. Mendick. Mrs. Marie Capone asked Mr. Plummer if he realized what a good idea it was to elect this man. Ms. Linda Jasinski said she would like to thank Mr. Mendick for coming up and letting us all know what is going on at the County level. She urged the Board's support of this because we pay for our costs. She said if we trust the County to come up with the way to pay for it, again, I don't think they can charge Bethlehem more than any other place or less than any other place which means it goes back to a tax that goes back to your assessment. She thinks we really have to try and support this proposal.

Ms. Jasinski said she also would like to say that we are probably going to have to spend some more money here with our roof leaking like crazy and she

hoped to finish before it breaks. Deputy Supervisor Plummer said he would not be moving back there if he were her. Ms. Jasinski said as they talked about the storm coming through in Delmar last week, down in Selkirk didn't have really anything which shows how localized storms can be. She said she urges the Board to remember this when the planners come up with that wonderful idea of street trees that they want to plant along the roads to make it look nice and feel great. She said those trees do grow and become a problem when storms come through. She thanked the Board.

Mrs. Capone asked if the Town has enough money to put a new roof, look what is happening in the back. She said it is all over the back. Deputy Supervisor Plummer said he was sure the Town does.

Councilman Messina said one additional thing, mention the fact that maybe since there is such a small group out here we are impacted by this. He said one of the things the Board has been interested in doing is communicating to the most possible and Jack assures us about what is going on in Town – e-newsletter and things like that. He said some other communities might be doing other things to get out board meetings. He said he did some issues with that and talked to MIS Director Dammeyer here and there is an organization called Gratias that contracts with towns and can actually take Board meetings and put them on the website which would compliment what Channel 18 is doing. He said he is going to research that and get a memo to Supervisor Cunningham. He said he does not know what the cost is but it might be a way to provide people that aren't looking at Channel 18, not that he wants to discourage that, the option to just get on the internet and watch Board meetings. He said that will be coming forward.

Ms. Jasinski said she thinks this is a good idea because some of the residents to not get cable network so we can't get on and watch it afterwards.

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: Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: Mr. Cunningham.

The motion was made by Mr. Messina and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 6:25 p.m. The motion was carried by the following vote:

Ayes: Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: Supervisor Cunningham.

Deputy Town Clerk