

TOWN BOARD
JULY 26, 2006

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 5:30 p.m.

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

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Supervisor Egan welcomed everyone to a regular meeting of the Bethlehem Town Board. She invited everyone to join in the pledge of allegiance.

The Supervisor said the first item on the agenda was for public comment.

Mr. Robert Jasinski had a question regarding Police Officer Training, if the amount of training time could be cut down. The Supervisor stated the Police Officers are transfers not new Police Officers. She said they hope to get them up and running on their own within 10-12 weeks instead of the 6 months.

The Supervisor asked if anyone else had any other comments on agenda items. There were none.

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The next item on the agenda was to approve the Town Board minutes of June 28, 2006 and July 12, 2006.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve Town Board minutes of June 28, 2006. The motion was passed by the following vote:

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

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The motion was made by Mr. Plummer and seconded by Mr. Messina to approve Town Board minutes of July 12, 2006. The motion was passed by the following vote:

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

The next item was a request from the Assistant Director of Economic Development and Planning, Michael Morelli and a letter from Mark Platel, Acting Building Inspector, to appoint Gil Boucher as Acting Building Inspector. Supervisor Egan explained the situation of Mr. Platel stepping up as Acting Building Inspector since the loss of Kevin Shea. She noted he has served but would prefer reverting to his position of Building Inspector. She thanked him for all of his efforts over the last 2 years. Following discussion, the decision was made to request approval of Gil Boucher. Mr. Morelli, Assistant Director of Economic Development and Planning, echoed the Supervisor's comments regarding Mr. Platel and his job, noting Mr. Platel prefers getting out in the field as an inspector. Mr. Morelli said he and George Leveille, Director of Economic Development and Planning wished to thank Mr. Platel.

Mr. Morelli said Mr. Boucher has been recognized with supervisory experience and was in the private sector working for a development firm that controlled over 3 ½ million square feet of office space. He said they think Mr. Boucher could do a great job for the Town as Acting

Building Inspector and recommended the Board consider the request. Supervisor Egan said Mr. Boucher was brought forth by Mr. Shea and appointed him after the loss of Mr. Shea.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the appointment of Gil Boucher to the position of Acting Building Inspector. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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Supervisor Egan welcomed Mr. Boucher in the new role and noted they have high hopes for him. She congratulated him.

The next item was a request from Director, Karen Pellettier, Senior Services Department for approval of appointment for the position of Outreach Worker.

Mrs. Pellettier introduced Mr. Vail, the candidate for Outreach Worker which was vacated when Caroline Wirth, Slingerlands, NY who was with the department for almost 20 years retired at the end of March. She said they have searched for the last 3 months, noting there were 71 applications received. She noted Mr. Vail has a license as Clinical Social Worker and had quite a few years of experience working with Hospice of Schenectady, many years working with the elderly and families. She said the department not only works with the elderly but with families as well. She said they think he is very qualified and are pleased to have him. With the vote, Mrs. Pellettier said she would say thank you and have him on board on Monday.

Supervisor Egan noted Mr. Vail will have to take a Civil Service exam.

The motion was made by Mr. Messina and seconded by Mr. Plummer for approval of appointment of William Vail, Delmar, New York to the position of Outreach Worker at a salary of \$44,743, effective July 31, 2006. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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Supervisor Egan welcomed Mr. Vail and said we would see him soon.

The next item on the agenda was a request from Michael Smith, Esq. for a waiver of potential conflict of interest between his firm and the Town of Bethlehem. Supervisor Egan said Mr. Smith is the Town's labor attorney.

Discussion took place regarding to a waiver of potential conflict of interest. Town Attorney Potter explained Mr. Smith serves as labor counsel for the Town. He said he has served for several years and has significant experience with the Civil Service system and his firm has represented Niagara Mohawk for property in the Town. He said periodically they wish to grieve and challenge their assessments and it presents a technical conflict of interest. Mr. Smith has asked the Board to waive that conflict, according to Town Attorney Potter, so that his partners, not Mr. Smith, can represent Niagara Mohawk should they wish to challenge their assessments by the Town. Mr. Smith said he would not be involved in this process. Town Attorney Potter said while technically a conflict, he does not think Mr. Smith's limited role with the Town would have any influence on the Town in any decision making that the Board would have with respect to any litigation that Niagara Mohawk might choose to bring through Hiscock and Barclay. He said this is why Mr. Smith asked for the waiver and with that he would recommend that the waiver be extended.

Supervisor Egan asked if there were any questions. Councilman Plummer said out of curiosity, he knows they do not have any facilities here any more, what does the Town assess – the transmission lines, rights-of-way. Town Attorney Potter said he thinks that is it, noting there is litigation that Pat Seeley represented the Town through the Court of Appeals. He said that

litigation has been ongoing for several years predating Supervisor Egan's arrival to the Town Board and his service as Town Attorney. He said Mr. Seeley handled it and took it to the State's highest court and prevailed on it. He said he is not aware of any additional issues but certainly Mr. Smith's letter suggests that might be the focus of future challenges. Councilman Plummer said when PSEG acquired the property, there was an arrangement agreed upon.

Supervisor Egan said Mr. Smith refers to it as Niagara Mohawk but she is wondering if it is National Grid.

The motion was made by Mr. Gordon and seconded by Mr. Kotary to agree to a waiver of the conflict of interest with the law firm of Hiscock Barclay, firm of Mr. Michael Smith. The motion was passed by the following vote:

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

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Supervisor Egan said with the Board's permission, she moved the next two (2) items to the end of the Agenda.

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The next item on the agenda was request from Commissioner of Public Works, Oliver Holmes, for approval to go to bid for a Wide Format Scanner, advertise August 2, 2006 and open bids on August 15, 2006 at 3:00 PM.

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

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) Wide Format Scanner, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 2nd day of August, 2006 and that bids be received up to 3:00 p.m. on the 15th day of August, 2006 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The next item on the agenda was a request from Oliver Holmes, Commissioner of Public Works, for approval of Fisher Boulevard Valve Rehab and then to authorize the expenditure of the reserve money to fund this project for a maximum amount of \$36,000.00.

Councilman Messina asked about the amount of money. Town Engineer Deyoe said the difference is just the maximum amount to allow for some contingency. He said it is an additional amount in the event a contingency is needed.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve Valve Rehab work for Fisher Boulevard as requested by Commissioner of Public Works, Oliver Holmes. The motion was passed by the following vote:

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

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The following resolution was presented for adoption with regard to the expenditure of Capital Reserve Funds:

RESOLUTION NO. 31

RESOLUTION AND PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 26th day of July 2006, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to fund the repair of the pressure reducing valves at Fisher Boulevard and

WHEREAS, it is estimated that the costs of said work will not exceed \$36,000.00; and

WHEREAS, in recognition of these needs, funds for such purpose are in the Water Fund Capital Reserve Fund; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the repair of the pressure reducing valves at Fisher Avenue as described above; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$36,000.00 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the water Fund Capital Reserve Fund the funds necessary up to \$36,000.00 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Mr. Plummer, was seconded by Mr. Kotary and duly adopted by the following vote:

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

NOES: None

ABSENT: Absent

The next item was a request from Commissioner of Public Works to authorize the expenditure of Capital Reserve Water Fund for the Vly Creek Boundary Survey. Supervisor Egan noted previously the Board approved the work and this action will approve the expenditure from Capital Reserve funds.

RESOLUTION NO. 32

RESOLUTION AND PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 26th day of July 2006, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to fund the Boundary Survey of the Vly Creek Reservoir, and

WHEREAS, it is estimated that the costs of said work will not exceed \$65,000.00; and

WHEREAS, in recognition of these needs, funds for such purpose are in the Water Fund Capital Reserve Fund; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the Boundary Survey of the Vly Creek Reservoir as described above; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$65,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Water Fund Capital Reserve Fund the funds necessary up to \$65,000 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Mr. Plummer, was seconded by Mr. Messina and duly adopted by the following vote:

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

NOES: None.

ABSENT: None

The next item on the agenda was a request from Louis Corsi, Chief of Police, for acceptance of Officer Joseph M. Mosca Jr.'s retirement.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to accept the resignation of Officer Joseph M. Mosca Jr. for the purpose of retirement, effective July 14, 2006, as requested by the Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was to acknowledge receipt of a donation to the DARE Program from Nancy Farr in the amount of \$5.00.

Next item was a request from Louis Corsi, Chief of Police, to approve the appointment of Jeffrey M. Gallagher as Police Officer of the Bethlehem Police Department at an annual salary of \$43,855.00, effective July 30, 2006. Supervisor Egan noted the Board authorized the Police Department to make three (3) new hires. She said 2 are ready and the third will be appointed at a later date, noting there are some Civil Service issues.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the appointment of Jeffrey M. Gallagher, East Greenbush, New York as Police Officer at annual salary of \$43,855, effective July 30, 2006. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from the Chief of Police, Louis Corsi, to appoint Chad A. Ferraro as a Police Officer at an annual salary of \$43,855.00.

The motion was made by Mr. Kotary and seconded by Mr. Plummer to approve the appointment of Chad A. Ferraro, Coxsackie, New York, to the position of Police Officer at an annual salary of \$43,855, effective July 30, 2006 as requested by Police Chief, Louis Corsi. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Egan noted she would now return to the 2 items that had been skipped. She said a couple meetings ago on the agenda there was an item to discuss having information Town Board meetings in different areas around the Town. She said Councilman Plummer was not in attendance and the Board wanted to put it back on the agenda to have a full discussion on it. She said there was some concern about having a full Board meeting other than at Town Hall. She said this is the designated spot, times and people are used to this. She said it was a discussion logistics of informational Town Board meetings in areas around town.

The Supervisor said the discussion was going maybe it was not an official Board meeting but at least moving some things around to be available to the public and various other things. It was not resolved, according the Supervisor Egan, and they wished to bring it back to the Board.

Councilman Kotary said he things it is a good idea where feasible and appropriate and he thinks that may be when there are hearings that are on a subject particular to a certain part of Town. He said for example if it is the Route 9W corridor, it may make sense to have a hearing in Glenmont or if an issue with Route 85, maybe doing it in Slingerlands. He said he thinks there are specific issues when they discuss hamlet development where it would make sense to have special hearings. He said he agreed that, as far as, the actual 2 monthly Board meetings should be held at Town Hall and keeping consistency is important.

Supervisor Egan added that subsequent to the meeting where it was initially talked about, she said they received a letter from Mr. Mathusa by where the Grange has offered as a location for one of the meetings. She thanked Mr. Mathusa for his offer; contribution and they would certainly consider that. She asked for other comments.

Councilman Messina commented that he initially brought this up and the reason was, his belief, that government should try to try some innovative things and services should be brought

to the people rather than having an expectation that everything comes to Town hall. He said he worked in a State government environment where unfortunately the State has a perspective that Albany was the capital and sometimes forgot to get out there. He said that is why he originally brought this up – to hear from the public in their community and he thinks the Board would hear different things and the setting would be different. He said also when he was out there not too long ago walking around the community, he heard comments about bringing our government closer to the people. He said he also thought it would give the Board an opportunity to try different things. He said he has heard comments and some others about meeting at different times to see if there would be more attendance. He said that would give the Board an opportunity to test that truth by doing something at 7 o'clock or 7:30.

Councilman Messina said government moves incrementally and he is not trying to jam this through and if they start as Councilman Kotary had suggested where they got something of a particular interest in Selkirk or North Bethlehem, he is fine going in that direction but he wants to get out there while he was thinking about this. He said he did not think the structure makes governance, he thinks communication with the people does.

Supervisor Egan thanked Councilman Messina. She said again she thinks the thought would be certainly there are a lot of initiatives happening between the LWRP, the Slingerlands hamlet starting, discussions about the bypass that is going to happen in the southern part of Town and she thinks as these processes are gone through with the advisory committees, maybe the Board can start there. She said certainly to the extent that any Board Member would like to put something together and set up a meeting some place else, again, if they keep under the 3 there is not an open meetings law situation and certainly they can go from there.

Supervisor Egan asked if there was consensus on this. The Board agreed.

The next item on the agenda was a discussion of the Comprehensive Plan Oversight Committee. Supervisor Egan apologized that the original agenda said IMAC Plan oversight committee or something. She said it is the Comprehensive Plan Oversight Committee and this was something that had been talked about a couple meetings ago. She said they agreed it is an internal group and there was just the issue of what Board Member was going to serve. She asked Councilman Kotary if he offered to sit on this committee. Councilman Kotary said he did. She wanted to confirm that.

Supervisor Egan said they talked internally with the internal folks that would be part of the committee and the thought process is that the zoning ordinance update is floating out there which will probably come to vote in August and they would like to put this off until the process is completed. She said probably address this issue either quarterly or semi-annual reports back to the Board. She said that would result in an end of September report for a third quarter report. She said if that is okay with everyone that is how this will proceed.

The last item was public comment on non-agenda items. Mrs. Carol Claren, resident of Selkirk said she has a few items that she would like to talk about briefly. She said they are all about Route 9W between Creble Road and the Stewart's shop. She said she feels there needs to be center turning lane in that vicinity so that the school buses can get out of that school a little bit easier. She said they seem to be having a hard time getting in and out of the area especially during the school year. She said the speed limit is too high in that area and thinks it is way to high for all the development that is happening in that area. She said maybe the speed limit could be lowered to 40 or thereabouts.

Mrs. Claren said perhaps repaving of the wash boarded out area of the Route 9W. She asked if the Board was familiar with that area. She said trucks are bad news over there.

Mrs. Claren asked if use of the jake break could be banned. Supervisor Egan said they do not have any authority to do that but they will certainly note the request. Mrs. Claren said it is bad in that area because the truck traffic is so high. She said the noise is just brutal there.

Mrs. Claren said the final thing is just to enforce the speed limit on Lasher Road, which is where she lives. She said it is only 30 miles per hour and most of the people who seem to drive up and down drive about 40 to 50 miles per hour. She said she thinks there is a need for more law enforcement in that area.

Supervisor Egan said the enforcement issue will be passed onto the traffic control division by the Chief or Deputy Chief of Police to look at and see what it is. They put it on their watch list and noted consider that one already communicated. She said in regard to 1 through 4 that you had before, unfortunately Route 9W is a State highway and the Town does not have the ability to do turn lanes, paving or speed limits. She suggested calling and a contact person can be given at the NYS Department of Transportation. She said one of the other things that is ongoing is the Route 9W corridor study. She said there has been 2 meetings but there will be public meetings for the public to come and express just these kinds of things. Mrs. Claren thanked everyone. Supervisor Egan said she could call into her office to obtain information on the meetings in the next couple weeks. She said members of DOT are part of the committees and are taking note of what is happening with the study.

Mrs. Claren said she was not sure if there was any pull or clout from the Town Board Members working with DOT to make things better for people living in the Route 9W corridor. She said it is pretty bad over there. She thanked the Supervisor and Board.

Councilman Plummer said as a result of the Route 9W study, there would be a number of initiatives that he would assume and noted if that is one of them, they can go forward and advocate it to the State DOT. Mr. Leveille said it could have recommendations as far as alignment of the road and introduction of turning lanes all based on different scenarios. He said that is the right forum. Councilman Plummer again noted the Board can help encourage that. Mrs. Claren said that was what she was hoping; noting more people going to DOT would be better than just her alone.

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The Supervisor asked if there was any other public comment. Mr. Robert Jasinski said he carries a coin in his pocket and read it to the Board – God grant me the serenity to accept the things I cannot change, courage to change the things I can and wisdom to know the difference. He said Bender Lane – he feels like either he does not have the wisdom or he does not have the courage or it is something he cannot change. He said that road is terrible. He said they have already shot down the sewer as the Town Engineer can tell the Board because of the cost. He said they are not going to get it. He said Mr. Sagendorph has promised to do something but unfortunately I do not see any wheels moving, anything going. Bender Lane is getting dangerous, according to Mr. Jasinski, and the road is deteriorating. He said someone is going to get killed on it and if there are accidents on it, the Town is going to be liable for some of it.

Mr. Jasinski asked, please, you will only have a small section, come up with something. He said the Board has got a couple turns, indicating no one has started to try to get the landowners to either sell or get a portion of the curve so it can be straightened out. He said the pump station is still down on the end which is a problem and the one way is on the end going out by Walmart. He said they have done everything else, noting Oakwood was done just recently indicating there are not even 10 cars. He said he thinks Mr. Leveille can tell the Board how many cars go over Oakwood because he lives near there. He said it has been blacktopped and fixed and fixed all the small roads. He said he thinks every road in the Town of Bethlehem has been fixed. He asked if they are discriminating against him personally. Supervisor Egan said that would never happen. Mr. Jasinski said he did not think so either but something has to be done.

Supervisor Egan agreed and said again taking the wisdom of a certain speaker in front of her that has harped for the last 2 ½ years since she has been Supervisor, do not foolishly spend money and i.e. do not pave only to rip it up 6 months later when something is done. She said they had to resolve the sewer issue before they could resolve the highway issue. She said it appears, based on the response or lack of response that they got back that the sewer issue seems to have resolved itself. The Supervisor said the Town Engineer and the Highway Superintendent have been discussing as to what is the best action to be taken since a full sewer will not be put in at this point in time. She said it is working but it is underway and, hopefully, in the next week or two they should be able to notify Mr. Jasinski of what is going to happen.

Mr. Jasinski said he hoped so because snow flies in December. He thanked the Supervisor.

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Supervisor Egan asked if there were any other comments. There were none.

The motion was made by Mr. Plummer 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. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.

Noes: None.

Absent: None.

Deputy Town Clerk