

TOWN BOARD
MARCH 28, 2007

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
Samuel Messina, Councilman
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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

The Supervisor asked if there was any public comment on agenda items. Mrs. Marie Capone said last year you bought a phone for \$750,000 that did not work. She commented can you imagine how many cops we would have if you put the money into Lou's office. Maybe yesterday we would not have had a robbery.

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The Supervisor asked for other comments on agenda items. Mr. Kleinhanz thanked the Board for postponing any decision on Living Resources. He said they met with Living Resources and the parents with regard to the home going in on Orchard Street. He said they worked out all their differences and it should be a nice addition to the neighborhood. The Supervisor thanked Mr. Kleinhanz.

Mr. Kleinhanz also asked that the Board consider a project for a sidewalk down Orchard Street. Supervisor Egan said okay and noted Mr. Kelinhanz had contacted her about this and she encouraged him to put it in writing to be passed on. She thanked Mr. Kleinhanz.

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Mr. Robert Jasinski asked about the discussion of creation of the comprehensive plan implementation committee, wondering if the Board was going to explain this as the Board votes on it. Supervisor Egan said they will and noted they talked about it last fall. She said it is in the comp plan recommendations that there be an oversight committee to see how they are doing implementing it. Mr. Jasinski thanked the Supervisor and congratulated her on her new position.

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Mr. Chris Lyons of Orchard Street said he would also like to thank the Board for giving them a time to meet with Living Resources people. He said they had a chance to meet with some of the families also. He said it was very eye opening and well worth the time to postpone it and have this discussion. He said he thinks they will be good neighbors. He congratulated the Supervisor also.

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Supervisor Egan asked if there were any other comments on agenda items. Mrs. Carolyn Schimanski said she is the mother of Maggie and the originator of the project that Living Resources is bringing to 61 Orchard Street. She said at the last meeting she chose not to speak and she was happy to meet with the neighbors and that went very positively but she still felt like she had some things she wished she had said the last time.

Mrs. Schimanski said she has known Fred Erlich many years. She noted she was the Director of the State-wide Disability Advocacy Organization and Fred and she shared many committees, task forces and often the lone voice really on those committees looking for services that are sort of outside the box, outside the typical things that we do for people with disabilities. She said that is really the reason that

she chose to work with Living Resources when they wanted this opportunity for Maggie.

Mrs. Schimanski said they really embody the whole notion of person center planning. She said they make it real, noting one of her ongoing concerns in her advocacy role is that sometimes we hold people with disabilities to a higher standard than we hold everyone else. She said some of the concerns she heard expressed at the last meeting, although she thinks they have been rectified in meeting with the neighbors was fine, but it felt sort of like that for me. She said they don't have any control over who moves next door to us, who lives in our neighborhoods and that's because we live in a free country where that is important to all of us.

Mrs. Schimanski said that is what this proposal for Maggie is all about. She said there have been a couple people who told her not to take this personally but it feels really personal for her. She said she has lived in Delmar for 40 something years and Maggie has lived here all of her life. She said Maggie is a gentle person, developmentally about 5 or 6, has gone through Bethlehem schools as her other children have attending Slingerlands Elementary school, the Middle School and is now finishing up at the High School. She said both sets of grandparents live here along with aunts and uncles and has a large network of people she knows from the multiple volunteer work sites she has been in, as well as, being an intimate part of the neighborhood that she grew up in. She said many of the people are in attendance to support her. She noted Maggie has been riding the bus with everyone else's kids and serving bagels at Bruegger's, setting up a birthday party at Del Lanes. She said the staff at the Library knows Maggie also.

Mrs. Schimanski said all these things mean that the only place that it makes sense for Maggie to live is right here in the place where she grew up. She said living here keeps her safe. She said real safety for people like Maggie happens when many people are watching out for her. She said that actually has happened when people who know her have seen her very occasionally out in the community with the groups that she participates in. She said the people have called her because they saw things that they weren't quite comfortable with. She said with the recent events at O.D. Heck, she thinks everyone should think about what really does create safety for people with disabilities.

Mrs. Schimanski said she wants for Maggie what her other 2 children to have, that they live independently in a place where they feel comfortable, have something meaningful to do during the day, surrounded by the people who love them. She wants them to live in a clean, pleasant environment. She said the proposed neighborhood actually has more guarantees right now that the house will be kept up and that the girls will be good neighbors than they will have with anybody else who buys a house and moves into your neighborhood.

Mrs. Schimanski said this proposal is rather unique, noting she has worked in lots of group homes and this is not like a traditional group home where a setting is created and they tried to kind of cram all those square pegs into really smoothly round holes. She said it is really generated from the people who are going to live there.

Mrs. Schimanski said they started the process in September of 2004. She said it takes a really long time and it may not have seemed very long, the 2 weeks, to you but to them it is like another 2 weeks in this very, very long process that they have been engaged in. She said parents have been involved every step of the way and will continue to be. She noted these particular girls do not have mental health or behavioral problems. She said she wants Maggie to live with people who are like her and that's what the community wants as well.

Mrs. Schimanski said in closing, she guesses she tries to understand the fear as early as the 1900s for people with developmental disabilities that were put away in institutions because people thought they were dangerous and bringing people back into the community has been a long haul. She said she thinks it is really only fear of change. She said fear is only changed when people have connections with

people with disabilities and learn more about what that is about. She said she thinks that's what the neighborhood will experience. She said their life is going to be enriched because they know some people they would not have known.

Mrs. Schimanski said she spent many years in dozens of cities across New York giving speeches like this, trying to advocate for people with disabilities and the people who love them. She noted she would rather not be here, spilling her guts to people she does not know trying to help them understand what this is like for her, but she wants Maggie to have the same rights that the rest of us have and enjoy.

Mrs. Schimanski said that said, she wished she did not have to put her family under the magnifying glass, you can call me, come to my house but she wished she didn't have to do that. She said it always feels like you have to be so public about what is really a private thing right now. She said she wished that Katie and Tristen didn't have to kind of find out again that people aren't really as accepting of their sister and that may continue as a reality for them throughout their lives. She said she heard someone once say that we judge a civilized society on how we treat our most vulnerable members and Maggie, truly is one of our most vulnerable members. She thinks that everyone can kind of sleep well tonight knowing that this is a good thing, not just for her but for the community. She thanked the Board for hearing her out. Supervisor Egan thanked Mrs. Schimanski.

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Supervisor Egan asked if there were any other comments. Ms. Terry Pillitere said she was not going to come up after hearing some of the neighbors from Orchard Street but I wanted to say also that I have a son, Jonathan, who lives in the Longmeadow home and he can't be here tonight because he is with his brother for an evening out with him. She said she stands before the Board for a positive consideration for the proposed Orchard Street residence offered by Living Resources Developmental Disability agency. She said more than 5 years ago, another compassionate Board composed of some of the same faces, but many of you who look quite different, heard the cries of 3 local families – the Mooneys, the Fruitermans and the Pilliteres – for a similar residential proposal for Longmeadow Drive. She said the concerns that arose from surrounding neighbors were met with quick response from Living Resources and the Board followed with a unanimous aye.

Mrs. Pillitere said 2 weeks ago, the concerned citizens asked for guarantees that residential occupants will remain the same and that there will be special attention for aggressive or wandering behaviors and no cause contract. She said after the Board tabled the item, Living Resources staff, concerned neighbors and involved parents addressed the various matters privately. She said if her son, Jonathan, could expressed his internal anxieties as a result of the situations that were previously befallen at the hands of another developmental disability agency, he would affirm that not all agencies are created equal and life does not come with guarantees. She said only through the continued advocacy can parents, guardians and concerned contacts sustain an expected high level of care. She said in their experience, Living Resources under the guidance and understanding of the loving staff, coupled with strong advocacy partners, they have got it right. She said let's allow them to serve our community through its quality programs that enrich our citizens and enhance the lives of its residents. She thanked the Board. Supervisor Egan thanked Mrs. Pillitere.

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Supervisor Egan asked if there were any other comments. Hearing none, Mr. Plummer made the motion to close the public comment period. Mr. Kotary seconded the motion and it passed by the following vote:

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

Supervisor Egan said the first agenda item was to remove from table and discussion of Living Resources proposal to establish an Individual Residential Alternative at 61 Orchard Street, Delmar.

The motion was made by Mr. Messina and seconded by Mr. Kotary to remove from table and discuss the proposal of Living Resources. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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The Supervisor said for the record, she received a letter from a neighbor requesting the Town to get involved in some design elements of the home -- parking and the driveway situation. She said she also received a call from Lynn Lenhardt on behalf of herself and her husband expressing their support for the group home on Orchard Street.

Councilman Messina mentioned that in the intervening 2 weeks, he reached out to a neighbor and friend who was here 2 weeks and did not speak, to assure that Town Board was willing to listen and that he felt that Living Resources would do as they have in the past, get out into the community. He said he is sorry it took 2 additional weeks but when he looks at the process, he thinks when Councilman Plummer recommended taking the time, it was a good thing for the community. He said there was some misinformation out there. He said he is pleased how this has happened and thanked everyone involved.

Councilman Kotary said he also wanted to add on that and also add on what Councilman Messina just said. He said he was very happy to hear that during the 2 weeks, there was the time to have discussions between Living Resources and the neighbors. He said he thinks the response from some of the neighbors was clear and thanked everyone for waiting the extra 2 weeks. He said as he said before and he believed everyone said – this is something that they support and he supports and it is wonderful that they can bring the kids back or keep them in the community so they can appreciate what Mrs. Schimanski and Mrs. Pillitere both said. He said as far as he is concerned, he thinks it was a positive experience to have the extra 2 weeks and at the end of that he thinks they are in a position where they can move forward and certainly support this planned residence.

Supervisor Egan thanked Councilman Messina and Councilman Kotary. She asked for a motion to consent to the establishment of the planned residence.

The motion was made by Mr. Plummer and seconded by Mr. Messina to approve the establishment of an Individual Residential Alternative at 61 Orchard Street, Delmar, New York as proposed by Living Resources. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

Noes: None.

Absent: None.

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Supervisor Egan thanked Living Resources and the neighbors for coming to support this proposal.

The next item was a request from Chief of Police, Louis Corsi, to appoint Stephen Kraz to the position of Police Officer at salary of \$45,170 effective April 1, 2007. Supervisor Egan noted they are in attendance and mentioned months ago they went through an approval where there were 3 slots for officers and they had filled 2, waiting for the 3rd.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the appointment of Stephen Kraz, Troy, New York, to the position of Police Officer at a salary of \$45,170 effective April 1, 2007 as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

Chief Corsi introduced Mr. Kraz indicating he comes with some experience and they are happy to have him. Supervisor Egan and the Board welcomed Mr. Kraz.

The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of appointment of seasonal personnel.

The motion was made by Mr. Kotary and seconded by Mr. Plummer to approve the appointment of seasonal personnel as listed in the Memorandum dated March 28, 2007 at the titles and salaries indicated and submitted by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

The following item was to approve the issuance of the 2007 Trailer Camp Permit for Garden Homes Management Corp. for Shady Grove West and Breckenridge Village, Selkirk. Supervisor Egan noted this is an annual renewal.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the issuance of the 2007 Trailer Camp Permit for Garden Homes Management Corporation for Shady Grove West and Breckenridge Village, Selkirk, Town of Bethlehem. The motion was passed by the following vote:

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

The next item was to acknowledge receipt of the 2006 Annual Report from Town Clerk, Kathleen Newkirk. Supervisor Egan and the Town Board thanked Town Clerk Newkirk and acknowledged receipt thereof.

The next item was a request from Town Engineer, Erik Deyoe, for approval of Design of New Salem Well Improvements and adoption of resolution for permissive referendum. Supervisor Egan noted Town Engineer Deyoe and Commissioner of Public Works Holmes were both in attendance if there were any questions. The following resolution was presented for adoption:

RESOLUTION NO. 12

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 28th day of March 2007, 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 development and design of water system improvements at the New Salem Wells and

WHEREAS, it is estimated that the costs of said work will not exceed \$150,000; 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 development and design of water system improvements at the New Salem Wells 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 \$150,000 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 \$150,000 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. Kotary and duly adopted by the following vote:

AYES: Ms. Egan, Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.

NOES: None.

ABSENT: None.

The following item was a discussion of creation of Comprehensive Plan Implementation Committee. Supervisor Egan said this was a recommendation in the Comp Plan to establish a Committee mostly of internal folks. She said they talked about this in the fall and we could not find where any formal action was taken. She said Councilman Messina has sent some reminders to put this back on the agenda. She said the recollection is that Councilman Kotary was the other Board Member who volunteered. Councilman Kotary said he would still volunteer. Supervisor Egan said she could not recall if any of the other departments had been done or not.

Councilman Messina said he did not think any others were indicated. He said the direction was primarily the development of an internal committee composed of people in various positions within the Town and the statutory Boards that would follow generally the guidance and implementation and action plan in the comp plan to make sure that the Board follows through, be sure the things that should be done are done and suggest any changes. He said one caveat would be that although this is primarily an internal committee, his personal feeling is that it ought to have the authority to reach out to the citizenry, reach out to Boards and commissions as it deems necessary to do the job and make recommendations to the Town Board. He said it was a commitment in the plan that they follow through as a Board on many things and this would be a good monitoring oversight.

Supervisor Egan asked for other thoughts on members. She said if Councilman Kotary said they could have another representative of the Board which would be the Supervisor without violating any open meetings law situations. She said with the discussion with somebody from DPW, Planning and Highway. She said this was her first quick thought. Councilman Messina agreed with the Planning Board representative indicating that might be useful on this committee.

Councilman Plummer said maybe this would be a good idea to have staff take a look at this and made some recommendations and they be considered. He said maybe there might be some interest from the participants that were really actively involved. He said maybe the Board could take a look at that and at the next Board meeting have a discussion.

Supervisor Egan recommended this be tabled until the April 11 meeting.

Councilman Messina suggested that in addition to the creation and membership issues, others such as scope of activities, frequency of meetings and recording as typically Mr. Leveille's staff has done in Board recommendations in

the past that would be useful. Supervisor Egan said they can check the comp plan also.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the tabling of the creation of the Comprehensive Plan Implementation Committee until the Town Board meeting of April 11, 2007. The motion was passed by the following vote:

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

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval of rate increase for Town's Composting Facility. Supervisor Egan said Mr. Sagendorph sent out information and she thought everyone had reached out and chatted with him. She asked if there were any further questions.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to approve the rate increase as suggested by Highway Superintendent, Gregg Sagendorph, in his information dated March 23, 2007. The motion was passed by the following vote:

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

The next item was a request from Highway Superintendent, Gregg Sagendorph, for approval to set a public hearing for installation of Stop Signs in the Woodhill Estates Subdivision, Glenmont. Could advertised April 11, 2007 and hold public hearing April 25, 2007 at 5:45 p.m. Supervisor Egan said there are several different intersections with in this proposed local law. She said there is a report from Creighton Manning with regard to the proposed locations. She said there will be a presentation at the hearing by Creighton Manning.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve setting a public hearing on April 25, 2007 at 5:45 p.m. to consider a proposed local law amending the Code or the Town of Bethlehem, Vehicle and Traffic, to permit stop sign installation in the Woodhill Estates Subdivision, Glenmont – Patterson Drive at Timber Lane; Timber Lane at Patterson Drive; Henderson Road at Patterson Drive; Domenico Drive at Henderson Road; Henderson Road at Timber Lane; Timber Lane at Henderson Road; Murray Drive at Timber Lane and Tice Lane at Patterson Drive. The motion was passed by the following vote:

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

Supervisor Egan noted that was all there was for the agenda. She said she needed to raise one thing. She asked Parks and Recreation Department, Administrator, Nan Lanahan to forgive her because she forgot to put it on the agenda. She said there was the establishment of a Pesticide Review Committee several weeks ago. She said in the local law there is a notice provision and it is who is on the committee if there is to be a change to the policy considered. She said they have met a couple times with the representatives to consider a possible change to the pesticide policy as a result of a lot of public land being eaten up. She said there have been several complaints over the last few years in regard to conditions of fields, dealing with weeds, poison ivy, sumac and different things. She said the committee is ready to make a recommendation with regard to some

changes and setting some thresholds if a certain point is reached, some synthetic pesticides could be used.

Supervisor Egan said because it is a local law, there must be a public hearing held to amend the law and move forward from there. She said because of everything that has been going on and they just met last week and got some approved language from the members late on Sunday, she has not been able to put the local law together. She asked the Board if the public hearing date could be set without having the substance of the law right now. She asked how soon the public hearing could be set explaining that some of the material has to be put down sooner than later. Town Attorney Potter said he could not recall. Supervisor Egan said she believes the language has to be set before the hearing is set. She said it will be coming and the substance of the language will be put together.

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Supervisor Egan said on April 6, 2007 at the Selkirk Fire Hall, Maple Avenue, Selkirk there is a meeting with notification to the resident to have a discussion in regard to the Maple Avenue sidewalk project. She said after review, they are proposing to do only one phase of the project. She noted they thought they would do 2 phases of it but for various reasons, they will do Phase 1 only.

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Supervisor Egan asked if there were any other public meetings scheduled. Director of Economic Development and Planning, George Leveille, noted there is a meeting of CACC on April 9, 2007 at 7:30 p.m. at the Town Hall.

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The Supervisor thanked everyone who attended the Route 9W meeting last week, indicating it was very well attended with good input particularly in regard to the Selkirk Bypass issue. She said those findings will be put together.

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Supervisor Egan asked if there was any other business this evening. Councilman Plummer indicated with the reality of dealing with a transition, he noted they have already said their congratulations but will pay our respects in a lot more congratulations for Supervisor Egan at the appropriate time. He said they have to prepare for the transition and he thinks one of the things he would like to do is put forth a motion.

Councilman Plummer said if things go according to plan and the time frame works that has been reported as to Supervisor Egan's last day on April 11, if that is the case, he thinks there should be a special meeting called for April 12, 2007 at 6:30 p.m. to discuss the transition and to consider possibly voting on an interim supervisor. He said as Deputy Supervisor, the way he understands from Town Attorney Jim Potter is that he will assume the duties of the Supervisor, not become the Supervisor. He said he is in a position where he cannot devote full time to being even the acting Supervisor. He said he has a commitment to his business partners and clients and cannot change that. He said it is his preference and his view that the Town needs a full time Supervisor and he thinks what he would like to do is put forward a motion.

Councilman Plummer made a motion to hold a Special Meeting at 6:30 p.m. on April 12, 2007 here at Town Hall to discuss the transition and consider appointing an interim Supervisor.

Supervisor Egan said the only thing she will add, because she is going to abstain obviously for obvious reasons here is that again, as Councilman Plummer pointed out, the time frames are a little sketchy noting again there has been an offer and an acceptance but there are certain administrative hoops that need to go through on that but recognizing the business needs to continue. She said she is abstaining from the rest of the discussion so it is Councilman Plummer's meeting. Councilman Plummer said that is understood. He said whatever works out for the Supervisor will be worked around. Councilman Plummer said they would take whatever measures they had to to make sure that it is worked with.

Councilman Messina seconded the motion. The motion was passed by the following vote:

Ayes: Mr. Plummer, Mr. Messina, Mr. Kotary, Mrs. Dawson.
Noes: None.
Absent: None.
Abstaining: Ms. Egan.

Supervisor Egan asked if there was any other business from the Board. Hearing none. She asked if there was any public comment from the public on non-agenda items. Mr. Robert Jasinski said he did not introduce himself previously and apologized for that. He said he is a sticker as far as people getting up and saying things and not introducing themselves. He said he knows the Board knows who he is but some of the people may not and it's nice to introduce one's self.

Mr. Jasinski said seeing as there is a change in the seasons, he would like to still recommend as he has done in the past and has been battered back and forth and everything, the meeting time as Councilman Plummer said 6:30 seems nice. Supervisor Egan noted this would be a great topic to bring up to whoever is sitting in the seat next. Mr. Jasinski said as he says it is a change of season, a change of time and everything else and maybe it is something we can consider.

Mr. Jasinski said the other thing he would ask, as in the past, he did not get any prices on the Town compost increases that would take place. He said he knows people can find out by going down there and everything but a lot of people do watch the tv and it would pay to tell now what the changes in rates are going to be. He asked that the Supervisor do that at this time. Supervisor Egan said the proposed new rates for compost and/or woodchips loaded by the Town would be \$8 up to 4 yards, if shoveled by resident it's \$4 under 1 yard is free. She said under yard waste drop off is free up to 4 yards. She said for commercial or non-resident woodchips is \$8, unscreened compost is \$12, screened compost is \$20 and yard waste drop off is \$10. Mr. Jasinski thanked the Supervisor and wished her good luck. The Supervisor thanked Mr. Jasinski.

Supervisor Egan asked for a motion to adjourn.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 6:05 p.m. The motion was carried by the following vote:

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

Town Clerk