

TOWN BOARD
NOVEMBER 22, 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: Daniel Plummer, Councilman
Tim Gordon, Councilman
Samuel Messina, Councilman
Kyle Kotary, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney
ABSENT: Theresa Egan, Supervisor

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

Deputy Supervisor Plummer asked if there was any public comment this evening. Mrs. Capone said that in the Spotlight it said Cindy Hill went to Portland Oregon like the members of the IDA went.

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Mr. Jasinski suggested that the meeting be at 7:00 from now on.

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Deputy Supervisor Plummer asked if there were any other comments on agenda items and there were none. The motion was made by Mr. Gordon and seconded by Mr. Messina to close the public comment period. The motion was passed by the following vote:

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

The next item on the agenda was a request from Chief of Police, Louis Corsi, for approval of award of bid for Uniforms for the Bethlehem Police, Telecommunicators and Animal Control Officers.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the award of bid for Uniforms for the Bethlehem Police, Telecommunicators and Animal Control Officers, as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

The next item on the agenda was a request from Chief of Police, Louis Corsi, to authorize acceptance of \$2,500 donation from Walmart.

Deputy Supervisor Plummer stated because of the donation there will be a budget modification to add that to an equipment line. Councilman Gordon questioned the donation. Chief Corsi stated it is an annual grant that is given to offset costs.

The motion was made by Mr. Kotary and seconded by Mr. Gordon to accept the donation of \$2,500 from Walmart as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Mr. Plummer, Mr. Gordon, Mr. Messina, Mr. Kotary.
Noes: None.

Absent: Ms. Egan.

The following item was a request from Highway Superintendent, Gregg Sagendorph, for approval to go to bid for the 2007 Household Hazardous Waste & Agricultural Pesticide Collection and Disposal. Could advertise November 29, 2006 and open bids on December 20, 2006 at 3:00 p.m.

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

WHEREAS, the Town desires to advertise for bids for the 2007 Household Hazardous Waste & Agricultural Pesticide Collection and Disposal, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 29th day of November, 2006 and that bids be received up to 3:00 p.m. on the 20th day of December, 2006 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: Ms. Egan.

The next item on the agenda was a request from Town Engineer, Eric Deyoe for approval of release of letters of credit for Walden Fields Phase 2 Planned Residence District and release of letters of credit for Dowerskill Village Subdivision.

Deputy Supervisor Plummer stated the release of letter of credit for Waldenfields was a surety. The amount that is left is about \$40,000 and would be reduced down to about \$10,000. The second request pertains to Dowerskill Village and the request was for the release of the letters of credit in full.

The motion was made by Mr. Gordon and seconded by Mr. Messina to approve the release of letter of credit for Walden Fields Phase 2 Planned Residence District and release of letters of credit for Dowerskill Village Subdivision. The motion was passed by the following vote:

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

Noes: None.

Absent: Ms. Egan.

Next item on the agenda was to acknowledge receipt of the Quarterly Franchise Fee from Cablevision in the amount of \$108,447.90 for the period July through September 2006.

The next item on the agenda was a request from Highway Superintendent, Gregg Sagendorph, for approval of award of bid for Uniform rental contract for various departments. Councilman Plummer said the recommendation was to go with the second lowest bidder since the lowest bidder did not meet the specifications. The awardee would be Uni First Corporation of Watervliet, New York. Councilman Messina asked if the current vendor has agreed to extend the time period a bit. Mr. Sagendorph said they have agreed.

The motion was made by Mr. Gordon and seconded by Mr. Messina for approval of award of bid for Uniform rental for various departments to UniFirst Corporation, Watervliet, New York.. The motion was passed by the following vote:

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

Noes: None.

Absent: Ms. Egan.

The following item was a request from Human the Resource Committee to consider recommendations based on 2006 appeals. Deputy Supervisor Plummer said this comes from the Executive Session after the last Town Board meeting. He said these recommendations pertain to employees that have either requested a change in title, upgrade, or promotion. He said it is a process that is done each year and the committee is made up of Judith Kehoe, Jeff Dammeyer, Gregg Sagendorph, Dave Leafer and Mary Glassman. He said the recommendations included pertain to a few different areas. He said they are service crews in the Department of Public Works, noting the Albany County Civil Service Department notified the Town in 2005 that it had to reclassify certain utility and technician positions. He said as a result of that, the positions went from non-competitive to competitive and the individuals had to take an examination. He also noted the individuals passed the examinations.

The Human Resource Committee reviewed the grade levels, according to Deputy Supervisor Plummer, and the recommendation was to go from a Grade 10 to a Grade 11 on one position and from Grade 12 to Grade 13 on the other position. He said this was done because the education, experience requirements for those positions are now more than they were previously.

Deputy Supervisor Plummer said the next recommendation was coming from Senior Services Department to promote Jane Sanders to a position of Senior Outreach Worker. Mrs. Pellettier has recommended this promotion and this would be a grade change from Grade 14 to Grade 15 with an examination being required.

The next recommendation was in the Comptroller's office, Deputy Supervisor Plummer said, for a promotion of Mary Glassman regarding the Grade level and recommends the title will be Human Resource and Payroll Manager. The grade would go from Grade 16 to Grade 19 with an examination being required. He said this is a recommendation that goes with additional responsibility.

There are 2 recommendations from the Department of Economic Development and Planning, Deputy Supervisor Plummer noted. He said the first is for Nancy Moquin indicating her current grade is Grade 10, Administrative Aide, and that would be changed to Administrative Assistant at a Grade 12. He noted this also requires an examination. The second position would be a promotion for Deb Kitchen who is at a Grade 8 and would be advanced to a Grade 10 and an examination would be required.

Deputy Supervisor Plummer said the last recommendation was an issue of vacation time for the Director of Economic Development and Planning, George Leveille, who was first hired with an inappropriate time for vacation. He will now have 3 weeks vacation as other recent hires.

Deputy Supervisor Plummer said these changes will not affect the budget, noting they were already included in the budget. He said these were the topic of discussion at the previous Executive Session. He congratulated the employees on their promotions and asked if there was any discussion. Councilman Messina said he supports the recommendations of the Committee. Councilman Kotary agreed with Deputy Supervisor Plummer and wished everyone luck on their exam.

The motion was made by Mr. Kotary and seconded by Mr. Gordon to approve the requested recommendations and changes requested by the Human Resource Committee. The motion was passed by the following vote:

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

Noes: None.

Absent: Ms. Egan.

The next item was a request from Town Planner, Jeffrey Lipnicky, for adoption of a resolution regarding VISTA DEIS deficiencies and transmittal to project sponsor.

Deputy Supervisor Plummer said VISTA is the applicant and the Board had copies of the draft environmental impact statements. He said they are in the process of a 45 day review that will end next week. He said the consultant, Barton and Loguidice, has been reviewing the draft statement and have some questions and concerns so the request is to extend the review period for another 30 days. He said this will allow the consultant and representatives of VISTA to sit down and address these concerns. He said ultimately it will come before the Board and the Board will make a determination of completeness. He said he understands there is a meeting next week. Town Attorney Potter said he believed that was correct and noted the applicant concurs with the request for the extension.

Deputy Supervisor Plummer asked if there were any questions or discussion. There was none.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the extension of 30 days to complete the review of the draft environmental impact statement pertaining to the proposed VISTA project. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Deputy Supervisor Plummer asked if there was any public comment on non-agenda items. Resident Valerie Newell stated she does the administrative work for the Bethlehem Cemetery. She said she and Mrs. Egan were going back and forth with Mr. Potter over a matter of the graves that the Town owns at the cemetery. She said one of the requests that had been made was that there be an established procedure for the use of the graves. She said she understands they were originally done as pauper interments back in the '30's during the depression.

Mrs. Newell said she and Town Clerk Newkirk are working on determining exactly how many graves are actually left. She said at this point it looks as though there are 23 on the Town's original purchase and she would like to thank Supervisor Egan for looking into that. She said they do need some sort of established protocol for the use of those graves. She said there was a woman who has no funds and there was no way for her to have a grave at the cemetery unless a lot of people did a lot of things. She said finally somebody stepped forward to purchase the grave but it appears there may be a violation of the Department of Social Services allowed amount for this.

Mrs. Newell said they would like to know how, in the future, they could approach the Town when someone makes a request to the cemetery. She wishes to have some direction on how this could be handled. Town Attorney Potter said as it currently stands, it is the responsibility of the County Department of Social Services to arrange for an indigent's burial. He said as he understands it, they contact local funeral directors and in turn contact local cemeteries and there is a limited amount of money that's been allocated by the County for each burial. Mr. Potter asked if this was correct. Mrs. Newell indicated she is meeting with them next week to go over that. She said the staff person informed her that they will usually reimburse the full cost of the grave. She said she does not know if that is over and above the general allocated amount or whether there is just like a \$1500-1700 amount.

Mrs. Newell said the problem is that you are looking at close to usually almost \$6,000 worth of services for a full casket interment. She said these people do not usually get cremated because people are afraid to do that because if the

person was of a faith that didn't believe in cremation and couldn't speak for themselves so they err on the side of safety. She said that is where they are a little concerned about setting something up within the cemetery. She asked if these graves were set up as pauper graves. She asked how they can be utilized for a Town of Bethlehem resident that has no income.

Town Attorney Potter asked how many requests there been for pauper graves over the course of the last few years. Mrs. Newell said the cemetery has usually handled them internally and never really went to the Town because she did not think anyone knew that the Town had the graves. She said the Town did not know that they had the graves. She said in 1961 there was an additional interment where the Town purchased a grave. She said she would say maybe 2 to 3 in a period of maybe 5 or 10 years. She said there is not a lot of them. She said if someone comes and they have an infant, the Cemetery Board will usually try to gift what they can which is usually a space.

Mrs. Newell noted in this situation, the individual has no family. She said she knows there are other residents in Town that do have that situation and that's where as the Administrator, she is trying to figure out a way that the cemetery can do this and work with the Town as well. She said she thought the Supervisor's concern was what if more bones are dug up. She said in 40 years, there have been 2 sets of bones at issue. She said she does not think there will be a rush on this nor do they have to have a separate casket for each set of bones.

Mrs. Newell said she thinks they can be a little generous with the graves that the Town owns and what is done with them. She said she would like to know because everybody seems to think it is somebody else's job. She said the Department of Social Services thinks it's the cemetery's responsibility. The cemetery is saying, if the Town has purchased those graves, can they be used and how do they use them. She they wonder what the right protocol is.

Town Attorney Potter asked Mrs. Newell who makes the determination of who is qualified for a pauper burial. Mrs. Newell said usually the funeral director will get some kind of a financial disclosure but she said when she meets with the Department she wants to be able to have that clarified for her as well. She said in this instance, she did see a financial disclosure that this person does not have enough money in their burial account.

Mrs. Newell said once they come up with an established cemetery protocol, she wants to be able to include whatever the Town's protocol is going to be. She said obviously there is not a lot of time when they have these situations. She said she will look forward to hearing something from the Board in terms of what is done and how it is done. She said she does not know if there is a way to do this.

Town Attorney Potter said he talked to the County and his understanding is, it is a County Department of Social Services responsibility. He said the Town does have the graves purchased in the '30s and at minimum the Town will need to assess the Town's needs and that was what prompted the questions about the numbers. He further noted the Town needs to do some more investigation at this point before any concrete recommendations are made to the Board. He said this information is very helpful.

Mrs. Newell said certainly she thinks if everyone keeps in mind in 50 years we have had 2 sets of bones, she thinks more could be found certainly but she thinks in view of the relationship the cemetery has with the Town, if the graves were used up the cemetery would step forward. She said they have enough acreage to be able to accommodate those kinds of needs to get that forward.

Mrs. Newell noted she is available if anyone has further questions. Councilman Gordon asked how many available plots or spaces are the Town owns. Mrs. Newell said there are 23 and a cremation could be placed at the foot of each full casket which would actually double it. She said there could be up to 48 interments but most are done as full casket interments.

Town Clerk Newkirk indicated she thought they should talk due to records being found and research being done. She said she has minutes from the '30s and other information. She said the first instance was in the last few years and that was a case of bones being located on Elsmere Avenue at a former cemetery site. She said the minutes indicate something about the same cemetery years ago when it was first moved and these bones were found in addition. Another situation, according to Town Clerk Newkirk was a case where Albany Medical Center came to the Town regarding bones interred with them. She said she has pulled out the information from the '30s.

Town Clerk Newkirk indicated Mrs. Newell came back with information about the '60s and she is researching this also. She said from the '30s information, it appears the land that was purchased was when they moved the Bender cemetery from Elsmere but it does not mention pauper, it says indigent. Town Attorney Potter thanked Town Clerk Newkirk and indicated that would be very helpful.

Deputy Supervisor Plummer asked if anyone else wished to address the Board. Mrs. Capone said Councilman Plummer does very good as a Supervisor and said if he could just stay 20 more years.

Deputy Supervisor Plummer thanked everyone and wished them a Happy Thanksgiving.

The motion was made by Mr. Messina and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 5:55 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.

Town Clerk