

TOWN BOARD  
OCTOBER 8, 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 Supervisor at 6:00 p.m.

PRESENT: John H. Cunningham, Supervisor  
Samuel Messina, Councilman  
Kyle Kotary, Councilman  
Joann V. Dawson, Councilman  
Mark Hennessey, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Cunningham said for those that are not aware, this week is Fire Prevention Week and the beginning of this week the Delmar Fire Department had an open house and burn down a replica of a house in the parking lot. He noted this coming weekend, the Elsmere Fire Department will be celebrating with an open house over at their fire house on Sunday.

The Supervisor said yesterday he had the opportunity to go to the Fallen Firefighters Memorial at the Empire State Plaza. He said the event was very moving. He noted it recognizes all those individuals who take time to protect us from fire and first responders and put their lives at risk and those people who have lost their lives. It was an appreciation for the families and members who put their lives on the line everyday and a celebration of the fact that we have these dedicated people.

Supervisor Cunningham said first Bill Webb is Chief of the Elsmere Fire Department will receive a Proclamation regarding Fire Prevention Week. The plaque was presented to Chief Webb. The Supervisor said also this year Chief Webb was recognized as the Firefighter of the Year. He said they wanted to honor him also. Chief Webb has been a member of Elsmere since 1985. The Supervisor noted Chief Webb received a commendation for his quick response on December 17, 2007 when called out to a 3 a.m. fire at Good Samaritan Nursing Home and his brave actions resulted in the removal of an elderly resident who had been seriously burned. He congratulated Chief Webb from the Board and community for receiving the Firefighter of the Year award.

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The Supervisor next introduced Mike Walsh who on August 21, 2008 heard a radio call for assistance for a man down unknown in the vicinity of his neighborhood. He said thanks to his training and education of helping others, Firefighter Walsh immediately went to the aid of his patient and able to administer CPR which was credited with saving the gentleman's life. The Supervisor noted on behalf of the Town of Bethlehem, they wanted to recognize the selfless actions of Firefighter Walsh in taking measures to save lives. Firefighter Walsh was presented with a Humanitarian award. He congratulated Firefighter Walsh.

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Supervisor Cunningham said oddly enough there were 2 individuals from Elsmere Fire Department that did acts of heroism this year. He said the next individual was Ned Costigan. He said on August 12, 2008 while on vacation at Saranac Lake, Firefighter Costigan took quick action by using his skills as a firefighter to assist a victim of a serious motor vehicle accident and to revive 1 elderly patient using CPR. He said thanks to his training and dedication to helping others, Firefighter Costigan was able to save the lives of all those involved. He congratulated Firefighter Costigan.

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Supervisor Cunningham said now the Board can get to work. The first item on the agenda is public comments on agenda items.

Mrs. Marie Capone said on the bottom there is something about Kenwood Avenue. She said Kenwood Avenue goes from the Little League to the Toll Gate, asking if there couldn't be a number so they have an idea of what the Board is talking about. Supervisor Cunningham said he will explain the location, noting it was over near the old Bridge Street came into Kenwood Avenue. Mrs. Capone thanked the Supervisor.

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Mr. Robert Jasinski, Bender Lane, said there was a 1 liner on the agenda but he takes it – presentation by the Commissioner of Public Works on the Creble Road property for future consideration by the Board. Is this is a building, Mr. Jasinski noted which he thought it was and which he is a little familiar with, he would like when the presentation is done that he presents the asking price. Supervisor Cunningham said they did not have that information tonight. Mr. Jasinski said this property is being looked at without a price then. Supervisor Cunningham said it was just to give the Board an update as to what they are considering doing. He said they are not asking the Board to take any action this evening, it is just an update.

Mr. Jasinski said this concerns him because if it is the place he is aware of, it is over a million dollars. He thanked the Supervisor.

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Supervisor Cunningham asked if there were other comments on agenda items. There were none.

HEARING BEGAN: 6:15 P.M.

SUPERVISOR CUNNINGHAM: The first item I have tonight unfortunately did not get on the agenda and I apologize for that. We scheduled a public hearing for this evening and I didn't put it on the agenda but we do have a public hearing for the Section 8 Housing Choice Voucher Program which we do every year. He said he needs to get a motion to waive the reading of the call of the hearing and indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting into the minutes.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve indenting the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting into the minutes. The motion was passed by the following vote:

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

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TOWN CLERK NEWKIRK:

**TOWN OF BETHLEHEM PUBLIC HEARING  
ANNUAL PLAN FOR 2009  
TOWN OF BETHLEHEM  
SECTION 8 HOUSING CHOICE VOUCHER PROGRAM  
OCTOBER 8, 2008 – 6:00 P.M.**

The Town Board of the Town of Bethlehem will hold a public hearing on Wednesday, October 8, 2008 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York 12054 for the purpose of receiving comments from the public on the Town's proposed Agency Plan for 2009 for the Section 8 Housing Choice Voucher Program.

Copies of the Agency Plan and all supporting documentation are available for review by the public at the following locations:

Town of Bethlehem	Joseph E. Mastrianni, Inc.
445 Delaware Avenue	242 Union Street
Delmar, NY 12054	Schenectady, NY 12305

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**For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.**

(518) 439-4955

(518) 372-4739 Ext. 26.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, Ext. 1183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk, MMC, RMC  
TOWN CLERK

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**STATE OF NEW YORK) SS:**  
**COUNTY OF ALBANY)**

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and the attached Legal Notice was published in the Town's legal newspaper, The Spotlight, on 8/20/08 and that I posted the Notice of Public Hearing on August 20, 2008 on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk  
Town Clerk

Sworn to before me this

20th day of October, 2008.

/s/ Julie S. McNeil

Notary Public

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SUPERVISOR CUNNINGHAM: Want to take the microphone.

MR. MASTRIANNI: Thank you. I am Jim Mastrianni. I'm from Joseph Mastrianni Inc. We have been administering your Section 9 Housing Choice Voucher Program since 1985. This is my second time visiting you. I came last year at this time. So, thank you for holding this hearing.

HUD required that we have it annually to allow for public comment on our discretionary policies and procedures and that is contained in our agency plan. Our agency plan has not changed from last year. It is exactly the same agency plan except updated with the new dates.

In addition, we'd like to take this time to present some summary statistics and you should have a copy of that in front of you and I will give you a brief background on the program. So, the Section 8 program is HUD's program for less fortunate members of the community, the elderly and the disabled to have access to safe, sanitary and decent housing on the public market. And, this is done by providing a subsidy directly to their landlord based on the income of the participant. It is available only to low income participants and a good rule of thumb of how the subsidy is calculated is that the tenant pays no more than 30 percent of their income towards the rent up to a fair market rent which is set up by HUD.

Additionally, we also offer on a voluntary basis the Family Self-sufficiency Program. This program works with participants to help them move out of welfare and assistance and into self-sufficiency. We do this by entering into a 5 year contract with each participant assessing their needs and barriers to self-sufficiency and giving them referrals and training to the appropriate agencies. A component of that program is the escrow account and as the participant starts doing better in life and their income increases, their subsidy is naturally decreased because it is an income based program. So, the decreases are placed into an escrow account for them and at the end of the contract if they successfully complete it, then they are able to access that money, sometimes it is significant on the order of \$4,000 or

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\$5,000.

So, moving on to the handout you can see that this program is Federally funded at \$257,000, a little more than that and that is complete Federal funding, there are no municipal funds that are used for that. That includes all the funding for the subsidy, as well as, that includes the fees that we receive. HUD sets this number, we have no ability to change that number.

This allows us to help, right now we are targeting 54 is the number of slots that we are saying. In the past that number has been higher. We just recently voluntarily decreased that number and I'm going to talk a little more about that when we do the financial review. So, we have 8 people participating in the FSS program I talked about. Three of them have that escrow account, that means they are making positive strides to move off of assistance. There is a waiting list for this program and currently we have 65 people on that waiting list and the list is lasting about 2 years. You can see that this program, unlike our other programs, is majority elderly and disables. So, there are 56 people... 56 families participating, 51 of them are folks who are either elderly or disabled.

We have to do an inspection before any rental unit can be subsidized. We do a... what is known as a housing quality standard inspection. That inspection is not as restrictive as building code but it is a good set of regulations that over time improve the housing quality stock and reduce safety dangers. We did have 1 lead based inspection, I am surprised to see that in this municipality. The lead paint inspections... they only kick in if a house is built before 1976 and there is a... oh, excuse me, 1978, built before 1978 and there is a child is under 6 years old. And, at that point, we have to do a more thorough inspection to assess lead paint dangers -- very rare that we have to do them in this municipality because the majority of the participants are elderly or disabled.

And, just at the bottom, you can see some more summary statistics just showing that the average gross monthly income of our participants is a little more than \$1300 and the average subsidy, and this is important I am going to come back to this, is \$371. So, if we flip to the backside, we have 2 spread sheets for the funding and the expenditures that we've made over the past year and the year prior.

The one thing I would like to point out to you is that in September of 2008 we saw a dramatic increase in the amount of HAP funding, well HAP expense. So, what happened there, we only had 2 people increase but yet we had a more than \$2,000 increase in our expenditures and we would go back to that average HAP, so you would think it would only increased by around \$800 but we saw \$2,000 increase.

We saw a larger increase in October, it is not reported on this report yet but it was even larger. So, at this time, we have stopped issuing new vouchers and we are holding. And, what is happening is because of the economy, our participants are getting squeezed on their income and especially because we have an elderly population their income is decreasing. And, when their income decreases the HAP subsidy goes up. So, we're a little concerned about being able to control this cost. This is the largest swing we've seen. So, we said we're going to play very conservative and we're going to hold and we're not going to put in any new people for a couple months. So, the downside of this is that our waiting list is going to grow and the amount of time to get onto the program is going to take longer.

We're in a decent position because we do have a reserve. We started the year with a \$51,000 reserve but as you can see in that HAP variance column, all the numbers in parenthesis are indicating a negative number so we're spending more money than we've been allocated by the Federal Government on a monthly basis. We have the reserve but we don't want to spend too deeply into the reserve. So, we are in a good position not in any type of crisis mode but it's something that we've identified now and we're taking conservative actions to make sure that we don't get into a troubled situation.

So that completes my presentation. I can take any questions from the Board or the public at this moment.

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SUPERVISOR CUNNINGHAM: Any questions from the Board?

COUNCILMAN KOTARY: I just have 1 question. From 2007 the positive balance, the balance of \$23,259, that goes into the HAP reserve.

MR. MASTRIANNI: Yes.

COUNCILMAN KOTARY: So...

MR. MASTRIANNI: That was carried forward into the HAP reserve and combined with previous years reserve.

COUNCILMAN KOTARY: Gotcha, thank you.

TOWN ATTORNEY POTTER: Jim, one question, do you need the Board to take any action tonight?

MR. MASTRIANNI: No. Well, I would be... I do need a resolution adopting the plan.

TOWN ATTORNEY POTTER: Okay.

COUNCILMAN HENNESSEY: What happens if one of these people that participates in the escrow program, starts the program, doesn't complete it, what happens to the escrow account in that case?

MR. MASTRIANNI: It is recaptured and actually you can see on the top part of the spreadsheet, we've had \$97 of that happen so far this year. So that was someone who started and didn't want to continue or either was terminated from the program or left into better circumstances. And so, they did not complete their contract of participation and then we recapture that money and we can then use it for subsidy.

COUNCILMAN MESSINA: I noticed that on your inspections and this happens from time-to-time there were a couple of issues raised there, is there follow-up to ensure that any issues that are identified are corrected?

MR. MASTRIANNI: Absolutely. So the way this works is if it is a new unit inspection, someone who has not participated in the program before or a tenant is moving into... a first time tenant moving in, we inspect it. Until it passes the inspection we cannot subsidize that unit. Then on an annual basis the subsidy continues but if there are any issues, the landlord has 60 days to complete them. Most of the time... and I was talking to my head of inspections today about this. We don't keep statistics on... we don't keep the data if it failed, failed, failed, and then we terminated it, we don't make a check mark anywhere in any of our systems to track that. But, anecdotally we know it is very rare that a unit doesn't come into compliance.

COUNCILMAN MESSINA: Thank you.

COUNCILMAN DAWSON: Just following on Sam's point, so would this failure on the lead base paint be an example of that where it failed the first inspection but then passed the second. So, this is probably the same unit we are talking about.

MR. MASTRIANNI: Yes, it is.

COUNCILMAN DAWSON: And then there was assistance available to the landlord to correct the problem.

MR. MASTRIANNI: Well, we do not provide any funding to correct the problems that would be something that is required by the landlord to do. So, if they want to participate in this program they have to bring it up to housing quality standards compliance at their expense.

COUNCILMAN KOTARY: Two questions for you. Two quick ones – one waiting list, okay, is that kept simply based on timing or would you also look at need? So, somebody who perhaps hasn't been on as long but needs it more than somebody who has been on it longer.

MR. MASTRIANNI: Sure. There are very strict regulations that HUD has surrounded waiting list procedures. Our waiting list and the way we do it is in 2 ways. We do it first by preference and date, is what we always say. So, it's a first-come-first-serve basis and if you live or work within the municipality you are given a preference. It is unlikely if you are not given a preference that we will ever see you. Do you see what I am saying? So, the preference 1 people who live or work they are on their own waiting list which is sorted by date and time. Then, preference 2 people are sorted by date and time. It is very rare that we get to that second group.

COUNCILMAN KOTARY: Gotcha. Second question, just curious about the gross monthly income, okay, average gross monthly income \$13,000...

MR. MASTRIANNI: \$1300.

COUNCILMAN KOTARY: Excuse me, \$1327 - average subsidy \$371 so it's roughly 25 percent give or take, has that percent... I am just curious if that's something that HUD tracks, is that consistent with other areas – in other words or are people in our community getting roughly the same percentage as subsidy relative to their monthly income?

MR. MASTRIANNI: I can't comment on that but I can tell you that I was actually just looking today at average... you know, average subsidy across all of our programs and we administer 2200 units in the Capital District and down in Orange County. So and that were all of them -- except for the one in Orange County which the rents are very, very high there -- the \$300 to \$400 range is where they are falling in. Does that answer your question?

COUNCILMAN KOTARY: Okay, yeah and their average monthly income is roughly the same too so...

MR. MASTRIANNI: Well, yeah, it would be about the same.

COUNCILMAN KOTARY: Percentage wise.

MR. MASTRIANNI: Yes.

COUNCILMAN KOTARY: Great, thanks.

COUNCILMAN HENNESSEY: And, just understanding how much it costs to administer the program, that is the difference between the 221 and the 257 on the first sheet?

MR. MASTRIANNI: Yes. We maintain a staff of 20 and, as I said, we do this for over 30 communities in the area and 2200 units.

SUPERVISOR CUNNINGHAM: Any other questions from the Board? Are there questions from the public? This is a public hearing so if there are questions or comments on our Section 8 Housing Program.

Okay, could I have a motion to close the public hearing?

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to close the public hearing at 6:25 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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Town Clerk

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Supervisor Cunningham asked if the Board was prepared to adopt the plan.

The following resolution was presented for adoption:

**RESOLUTION NO. 38**

**Resolution Adopting an Annual Plan for 2009**

For the Town of Bethlehem Section 8 Housing Choice Voucher Program

WHEREAS, the Town of Bethlehem operates a Section 8 Housing Choice Voucher Program funded by the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town of Bethlehem is required by the U.S. Department of Housing and Urban Development to prepare and adopt a written Annual Plan that establishes local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Bethlehem has caused a written Annual Plan for 2009 to be prepared establishing local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and has reviewed such written plan,

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem hereby adopts the Annual Plan for 2009 for operation of the Town of Bethlehem Section 8 Housing Choice Voucher Program.

The foregoing resolution was presented for adoption by Mr. Messina, seconded by Mr. Kotary and duly adopted by the following vote:

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

Noes: None.

Absent: None.

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The next item was to approve the Town Board minutes of September 10, 2008.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the Town Board minutes of September 10, 2008. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was a presentation from George Leveille, Director or Economic Development and Planning, Bethlehem 20/20 Advisory Committee Status Report. Supervisor Cunningham noted anyone who has attended the meeting or watched this on television, usually every month or every meeting he announces when the next meeting is scheduled. He said they are trying to communicate better with the community about what this 20/20 program is about.

Director Leveille said he provided a written report and noted periodically they are coming in every quarter to bring the Town Board up to speed and what the public knows and some of the things 20/20 is working on.

Mr. Leveille said to just quickly summarize, the Committee has met 8 times since it was formed in January. He said it has adopted a mission statement and action plan which the Board has copies of. He noted there is a copy of this on the website as well. He said they have all the meeting agendas, presentations and

meeting records are up-to-date on the website with the exception of last month's which will be approved at this month's meeting.

Mr. Leveille said they have formed 3 subcommittees – 1 is focusing on a community survey that they intend to do in early 2009 to gauge public opinion about some of the ideas coming from the committee; 2<sup>nd</sup> is for communications subcommittee that will be working to help communicate the message from 20/20 and some of the issues and topics that it is considering so there is greater public awareness of some of these issues; and the 3<sup>rd</sup> committee is a financial modeling subcommittee obviously looking at the future and looking at the Town's finances down the road and they are looking at this as if looking at the Town government and the Town institution as a municipal corporation. He said like any other corporation, they are looking down the road from a strategic point of view to see where they'll be, what the revenues and expenses look like and be part of the discussion at 20/20.

Mr. Leveille said they are also looking at alternative growth scenarios – what type of growth will produce what type of revenue and expense stream for the community to try to package this all together so the Town Board, as the elected body, can help make decisions to ensure that they can achieve the community vision for 2020.

Mr. Leveille said the financial modeling is moving from what he considers to be discovery. He said they have taken this leadership group of about 30 residents, presented all the major programs and services of the Town to them for their information. He said they are really now moving into the financial side. He said he thinks they will be moving quickly into recommendations on where we go from here. He said they are hopeful that by January they will have draft recommendations that will be the subject of the community survey. He said they are going to do a statistically correct survey that will get a random sample of Town residents and let them tell us what they think about some of the ideas coming from the committee. He said their experience with a community survey through the Comprehensive Plan was that 40 percent of those who receive one responded which is an extraordinarily high response rate. He said it told a lot about community perceptions and viewpoints on key issues. He said they are looking forward to doing that survey in early 2009.

Basically, Mr. Leveille said, the schedule as he mentioned as they move toward recommendations they will be moving toward public hearings... public meetings to let the public chime in. He said they are thinking about doing small group meetings, presentations to key community organizations. He said maybe a rotating Town Hall type meeting to move around the community and exchange ideas and information with the community about some of the topics that 2020 will cover.

Mr. Leveille said this is currently where they are and offered to answer any questions. Supervisor Cunningham commented that they talked about a general public meeting for 2020 noting that all the meetings that they have of the committee are open to the public. He said they are at 7:30 a.m. at the Elsmere Fire Department on the 3<sup>rd</sup> Friday of each month and again invited anyone who is interested in coming. He said they do notify and advertise them on the website. He said the Town Board Members have been there and a lot of people that are in attendance at this meeting.

Supervisor Cunningham asked if there were any questions. There were none and the Supervisor thanked Mr. Leveille.

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The next item was a brief update, Supervisor Cunningham said the Public Works Department has identified a property on Creble Road that may be looked at for possible purchase. He said this is just an update to the Board to make them aware of where they are in the process and to assure the public that any contract that will be negotiated will be fully disclosed publicly and that any dollar transactions regarding this project will go through the Board before anything

happens. He said as Mr. Jasinski pointed out, the property value – if it is the same property – there may be a question about the value. He said they will be working very closely on that. He said they do not have that information at this point.

Commissioner of Public Works, Josh Cansler, said the first thing he talked about are the facilities that they have now and where they are located. He said then he would like to talk about this property. Mr. Cansler said the facilities that they are primarily looking to replace down the road are the field operations facilities and some of the other divisions within DPW to see how they would fit in if they go this route.

Mr. Cansler said right now the field operations division which is the division that you see out on the road most of the time – they are the ones that replace all the pipes and put in new pipes, run all the pump stations, maintain those – right now they are spread out in 3 locations. He said they are headquartered he thought at 308 Kenwood Avenue which is an older concrete block facility, rather small. He said a lot of their vehicles and equipment is stored at the Adams Street garage which the Town owns and they share with the Highway Department and Police Department. He said they store a lot of their materials out at a site along Route 32 which is an open field, per se. He said the field operations division is spread out in 3 different areas. He said if they have to go out and get equipment or materials, a lot of time they have to go all 3 locations just to get what they need to go out and complete whatever task they have at that time.

Mr. Cansler said they also have throughout here at the Route 32 facility some security issues, as well because again, it is an open field but it does have a gate. He said it is exposed.

Mr. Cansler said the site they are going to talk about is down at 435 Creble Road, known as the Swift building. He said it was owned by Swift Transportation and it has been empty for about a year and a half now. He said the other place where they have a lot of DPW people is at the Town Hall – the engineering staff, the call center and the utilities billing people. One of the things they are going to look at and talk about, according to Mr. Cansler, is the possibility of moving some of those down there as well.

Mr. Cansler said this is what the facility looks like on the next slide. He said it is a railway, Kenwood Avenue as you can see is pretty tight. He said this was a picture taken in the middle of the day. He said there is not a lot of room to move around there, noting they have to double park equipment. He said the main building is a concrete block building and an old hut which is not secure. He said there is also a couple containers with a room between them where stuff is stored out of the elements. He said the facility has 3700 square feet and about 700 is office space. He said they are pretty pack into the office space and have only a couple maintenance bays to store stuff. He said in the winter there is a big issue because it is hard to get everything in the building when they need to work on it.

Mr. Cansler said at the Adams Street garage they also have about 3700 square feet on the DPW. He said this is shared with the Highway Department. He said you can see it is jam packed and nothing else could fit in there. He said the sewer section of the field operations stores equipment here with a shop to work on the pumps and things like that.

Mr. Cansler said one of the biggest problems they have with both of these facilities is that both are over due for maintenance. One building needs a new roof with maintenance being deferred on 308 Kenwood, according to Mr. Cansler, and a decision needs to be made whether money should be spent on them or should they move out. He said there was a facility needs analysis that was done in 2006. He said one of the recommendations of that was that the DPW consolidate the field operations division out with the Highway Department on Elm Avenue East. He said it was a good idea but it faces obstacles and would be very expensive and it would be extremely tight at that location.

Mr. Cansler said they looked at other options and have not eliminated the

idea of consolidating with the Highway Department. He said this facility on Creble Road did come available this year and they did an initial look at it earlier in the year. He said before they could make a decision on it, someone else bought it. He said the deal fell through and believes the original asking price was over \$1 million as Mr. Jasinski said but his understanding is that it is well below that now. He said they do not have a price from the owners who are in the process of coming up with an offer or price quote and they will go from there if it is reasonable.

Mr. Cansler said the building has suffered some damage by vandals over the past year which will drastically reduce the price. He said it will cost some money to get it fixed back up which probably would have been needed anyway. He said one of the big advantages of this site would be that it has a huge paved area and they would be able to store all their vehicles plus some out there and be able to store all the materials out on Route 32 now.

Mr. Cansler said this is a view of the facility as it stands now. He said it was built in the '70s and has 4 large maintenance bays. He said it has some office space on the side and all of that would have to be renovated to make it useable at this time. He said they are not sure how much work needs to be done on the maintenance bays. He said the total is 14,500 square feet.

Mr. Cansler said looking across the pavement, one of the huge advantages is that it has a large paved area that we could use. He said they would not have to go in and do any paving or anything like that and has a lot of indoor maintenance space. He said they have been talking to Town designated engineers, Clough Harbour, about doing a study. He said couple things they would like to look at would be a complete analysis of this building structurally, environmentally to make sure what they are getting is worth the price and also what they need. He said they want them to compare the Town's needs versus this building and versus the facility needs analysis that was done.

Mr. Cansler said at this meeting he was just presenting information on this facility so the Board is aware of what is being done. He said they do not have a price with Clough Harbour yet on the study but noted they are still working on the scope of this work. He said their goal is either the next meeting or the one after that to have some kind of proposal before the Board. He asked if there were any questions.

Councilman Kotary said not so much a question as a comment. He said it seems like 3 of the areas that you identified – consolidation, cost savings, security you are looking at – and one of the questions was it looked from the photos that there is fencing around the area. Mr. Cansler said there is. Mr. Kotary asked if there was some fencing around it. Mr. Cansler said the whole facility and he should have mentioned that.

Councilman Kotary said obviously it would provide a lot more security than on Route 32 and also would, he assumed, without pictures of the inside, even though as was indicated some work would be need, he said certainly a lot less than perhaps some of the other facilities currently owned by the Town that he has been in. He said he has been in Adams Street which he has been in and needs a considerable amount of work.

Councilman Kotary asked if the Board would have an opportunity to take a look at this facility. Supervisor Cunningham said at some point if we are going to move forward with this, the Board will be brought in. Mr. Kotary said if in fact they continue down the road, do a little tour. Mr. Cansler said right now they are just in the stage where they are looking at this as a possibility. He said they are certainly not racing forward. He said they want to do a complete analysis of whether this is the right thing for the Town and they certainly will set up a tour if it looks like we are going to proceed down this road farther.

Councilman Kotary said just out of curiosity, he asked if there are any other buildings or any other infrastructure out there similar to this that either is or would potentially be in the open market soon. Mr. Cansler said when this building first

became available, they went out and looked around to see if there was anything else similar out there. He said there was nothing else remotely close to this and admitted it has been a couple months since they looked but they do not know of anything that has become available since then. Councilman Kotary said more than likely this could be one of few if not the only opportunity other than building something new from scratch. Mr. Cansler said that was correct and the way they look at it is if they do not go this route, then they probably would have to build something new somewhere.

Supervisor Cunningham asked if there were any other questions. Councilman Hennessey said just a point of clarification. He said in terms of consolidating, this would be bringing those facilities together and shutting down current facilities. He asked what the anticipation was, just opening up space. Mr. Cansler said that is what they would look at during the study. He said they have not really decided yet and want Clough Harbour along with them to study that and see what they want to do with the other locations if they did take over the facility. He said there are other Town needs as well and they would have to analyze whether they want to get rid of the other facilities – such as Adams Street garage or 308 Kenwood or the land out on Route 32 – as part of that study. He said certainly it would open up a lot more options for them. Mr. Cansler said the other thing they would look at in the study is how much the land is worth and the building worth to see if it is even reasonable to get rid of it. He asked if there were other questions.

Supervisor Cunningham thanked Public Works Commissioner, Josh Cansler.

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The Supervisor noted the next 2 items were related to the public hearing at the last meeting regarding the zoning updates. The first is a request from Town Planner, Jeff Lipnicky, to adopt the following resolution regarding SEQR:

**RESOLUTION NO. 37**

**TOWN BOARD  
TOWN OF BETHLEHEM**

**SEQR RESOLUTION**

**NOTICE OF DETERMINATION OF NON-SIGNIFICANCE / NEGATIVE  
DECLARATION**

**LOCAL LAW NO. 3 OF 2008**

**AMENDING SECTIONS OF THE TOWN ZONING LAW, SUBDIVISION  
REGULATIONS  
AND ZONING MAP**

**WHEREAS**, the Town Board of the Town of Bethlehem is considering the adoption of Local Law No. 3 of 2008, which would amend certain sections of the Town Zoning Law, the Subdivision Regulations and the Zoning Map; and,

**WHEREAS**, provisions of the Local Law would make technical corrections to the Zoning Law, Trailer and Trailer Park Regulations and Subdivision Regulations, and amend portions of the Zoning Map; and,

**WHEREAS**, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency may undertake, fund or approve an action until it has complied with the requirements of SEQR; and,

**WHEREAS**, the SEQR regulations at 6 NYCRR Part 617.6(a) require that as soon as possible in an agency's formulation of an action it proposes to undertake it shall: (a) determine whether the action is subject SEQR; (b) determine whether the action involves a federal agency; (c) determine whether other agencies are involved; (d) make a preliminary classification of the action; (e) determine whether a full or short form Environmental Assessment Form (EAF) will be used; and (f) determine whether the action is located in an agricultural district and complies with Subdivision (4) of Section 305 of Article 25-AA of the Agriculture and Markets Law; and,

**WHEREAS**, 6 NYCRR 617.6(b) indicates that when a single agency is involved with respect to an action, that agency shall be the lead agency and determine the significance of the action; and,

**WHEREAS,** the Town Board has received a long form EAF Parts 1 and 2 that analyzes the potential environmental effects of the proposed action, and said document indicates that (a) the proposed action is subject to SEQR and is properly classified a Type I action; (b) there are no other federal, regional or local agencies that could qualify as an involved agency; (c) the provisions of Subdivision (4) of Section 305 of Article 25-AA of the Agriculture and Markets Law do not apply to the action; and,

**WHEREAS,** after examination of the EAF the Town Board has considered the potential environmental impacts of the proposed action, applying the criteria for determining significance found at 6 NYCRR 617.7(c);

**NOW, THEREFORE, BE IT RESOLVED,**

that the Town Board of the Town of Bethlehem hereby determines that adoption of Local Law No. 3 of 2008 constitutes a Type I action that is subject to SEQR and that there are no other involved agencies with respect to this action; and,

**BE IT FURTHER RESOLVED,**

that the Town Board hereby declares itself to be the lead agency with respect to this action and that a full EAF was used to determine the significance of the action; and,

**BE IT FURTHER RESOLVED,**

that the Town Board hereby determines that the provisions of subdivision (4) of section 305 of article 25-AA of the Agriculture and Markets Law do not apply; and,

**BE IT FURTHER RESOLVED,**

based upon its review of Local Law No. 3 of 2008, the full EAF, public comments concerning the proposal, its own independent analysis of the proposed action, and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7, the Town Board, as lead agency, has determined that adoption of Local Law No. 3 of 2008 will **not** have a significant environmental impact and that a Draft Environmental Impact Statement **will not** be prepared; and,

**BE IT FURTHER RESOLVED,**

the Town Board hereby issues this Negative Declaration pursuant to Article 8 of the Environmental Conservation Law; and,

**BE IT FURTHER RESOLVED,**

that the Town Department of Economic Development and Planning is hereby authorized and directed to file any and all appropriate notices of this determination so that the intent of this Resolution is carried out; and,

**BE IT FURTHER RESOLVED,**

that this determination is based on the following facts and conclusions:

1. Adoption of the Local Law would not result in any direct action or physical change to the environment.
2. Any changes to the environment that may occur from adoption of the Local Law would be indirect and result from future undertakings that would be permitted by the Local Law.
3. Adoption of the Local Law does not include any proposal to undertake such activities at this time.

On a motion by Mr. Messina seconded by Mr. Hennessey, and a vote of, 5 in favor, 0 against, 0 abstention and 0 absent, this RESOLUTION was adopted by the Town Board on October 8, 2008.

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The next item was a request from Jeff Lipnicky, Town Planner, to adopt Local Law 3 of 2008 amending the Code of the Town of Bethlehem, zoning law, subdivision regulations and zoning map.

The motion was made by Mr. Hennessey and seconded by Mr. Messina to adopt Local Law No. 3 of 2008 amending the Code of the Town of Bethlehem, Zoning Law, Subdivision Regulations and Zoning Map as requested by Town Planner, Jeff Lipnicky. The motion was passed by the following vote:

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

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The next item was a request from the Supervisor to move the second Town Board Meeting in November, scheduled for Wednesday, November 26, 2008 to Tuesday, November 25, 2008 and cancel the December 24, 2008 meeting.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to to move the second Town Board Meeting in November, scheduled for Wednesday, November 26, 2008 to Tuesday, November 25, 2008 and cancel the December 24, 2008 meeting as requested by Supervisor Cunningham. The motion was passed by the following vote:

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

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The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department to authorize the Supervisor to sign a grant agreement with Scenic Hudson. Supervisor Cunningham indicated this item and the next go together. He said he thought he announced a couple weeks back that Scenic Hudson which is a non-profit organization has awarded a matching grant for \$125,000. He said \$100,000 is to purchase some property along the Hudson River and \$25,000 of it is to do planning for the upgrade of the Simmons Road property.

The Supervisor noted the Simmons Road property was deeded over to the Town back in the 1990s from the Federal Government. He said part of the agreement in taking control of that land would be that the Town would open it for public access. He said to date that has not happened and the Department of the Interior has notified the Town that if there is not active measures to open the land up, they will take the land back. He said it is the Town's desire to keep that land for the residents of the Town of Bethlehem to increase the access to the river.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve authorizing the Supervisor to sign a grant agreement with Scenic Hudson as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

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The following item was a request from Administrator, Nan Lanahan, Parks and Recreation Department to authorize the Supervisor to sign a proposal for \$22,000 with Clough Harbour and Associates for engineering services to develop Master Plan for the Simmons Road property. Supervisor Cunningham said this is the start of the planning with the consulting engineers which will be paid in part by the matching grant from Scenic Hudson.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to authorize the Supervisor to sign a proposal for \$22,000 with Clough Harbour and Associates for engineering services to develop Master Plan for the Simmons Road property as requested by Nan Lanahan, Administrator, Parks and Recreation Department.

Councilman Hennessey asked for a little bit of explanation of the Simmons Road property and how that came to be. Supervisor Cunningham said the property was deeded over to the Town from the Federal Government went Job Corps went in. He said it is a property to the left of Job Corps and runs from Route 144 down to the river. He noted Simmons Road borders it on the north side and Job Corps on

the south side and he was not sure of the number of acres, asking Mrs. Lanahan. Administrator Lanahan noted it was about 55 acres. Supervisor Cunningham said currently it is just all treed from basically from 144 all the way down to the river. He said they are proposing to have Clough Harbour design a plan that will create public access, some picnic areas, some paths and then also look at the beachfront to see how we can open that up for public use. Councilman Hennessey thanked the Supervisor.

Councilman Kotary commented that he was glad to see another grant opportunity and thinks this is one certainly supporting several aspects of major agenda items that the Board has supported over the last couple of years. He said one is support through the Comprehensive Plan land conservation and ensuring that they have additional green space, 55 acres again and throw that in with Colonial Acres and some of the acres that have been set aside at VISTA and it really starts to add up. He, personally, wanted to note that, commend everyone working on this effort and also in terms of the parks and recreational program, this is an opportunity to be another jewel in the crown in what he thinks is a tremendous array of parks facilities.

Councilman Kotary asked Mrs. Lanahan about the Master Plan for this property, noting they have just come off the Comprehensive Master Planning process for the Henry Hudson Park and asked at some point if there would be a way to connect these 2 properties. He said connecting the 2 plans also will work together for the Town. Mrs. Lanahan said Simmons Road property is not expected to have a lot of development, basically a trail network and some cleared areas for picnicking and benches. She said it is a passive area. She said as far as the connectivity goes, a lot will depend on the future with Job Corps, noting it would be a great opportunity. She said that is part of what they want Clough Harbour to look and the Master Plan is how they might be able to do that in the future.

Councilman Kotary said along those lines, connecting somehow if the opportunity should arise that both of the parks are connected along with the other Parks and Recreation facilities, like Colonial Acres, with many of the trails, rail trail potentially and hopefully that is going to continue, new sidewalks, other new potential trails. He said also there is the Mohawk Land Conservancy and other groups that have lands available that the dots could be connected. He said also from a programmatic standpoint, looking at one of the things he was just thinking was the fishing platform and looking at water access at Henry Hudson through the Master Plan and now there is a potential second access how it might all come together. He said he thinks it is very early but he thinks if this can be thought about and as they are winding down the Henry Hudson planning, utilize that to give us a kick start for the Simmons Road property. Administrator Lanahan said she thinks the LWRP as a whole addresses a lot of this and a lot will come out of that. She said the whole area and connectivity, not just parks will be looked at and how there might be a network of connectivity. Councilman Kotary asked if the LWRP will also take a look at this as part of the Master Plan. Mrs. Lanahan said it has and does address it. Supervisor Cunningham said that is at the Department of State and is being looked at and we are awaiting comments back from them. Mrs. Lanahan said once it is adopted, that will give other opportunities for other grants or other initiatives or other studies to continue that effort.

Town Engineer Deyoe said the direction that was give Clough Harbour and Associates when they met with them was to not look at this park in a vacuum. He said it needs to be looked at in the context of the other planning studies that the Town has already completed with the Comprehensive Plan and LWRP. He said, as well as, an early planning study that was done by the Town Planning Department when the property was acquired in the mid '90s. He said they are directed to look at it in context with the other planning efforts. Councilman Kotary said this was great and thanked Mrs. Lanahan and Mr. Deyoe.

Supervisor Cunningham asked if there were any other questions from the Board.

The motion was passed by the following vote:

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

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The next item was a request from Gregg Sagendorph, Superintendent of Highways, to sell a parcel of land on Kenwood Avenue to William E. and Diane Laraway for \$3,000. Supervisor Cunningham noted this is a piece of property that Mrs. Capone pointed out was not identified on Kenwood Avenue for location. He said the property does not have an address that he knows of. He said if anyone is familiar with Kenwood Avenue where Bridge Street once crossed over the old railroad tracks that no longer exist, if you go down past Cherry Avenue and Kenwood Avenue starts to take an 's' curve, there are several houses, the last house down on the right hand side is the Laraway's house. He said the property adjacent to that is a piece of land that was deeded over to the Town when Bridge Street was closed down. He said that parcel is not buildable so the Town has no use for it really so the Laraways have requested to purchase a portion of that. He said they have already done a lot of work to landscape it so it looks like it is their land already. He said they have agreed to purchase it from the Town at \$3,000.

The Supervisor said if anyone is familiar with that area, there is an area where cars have a little around and they park in there. He said that part will remain part of the Town's. He said it is the area just in between the Laraways property and that turn around.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the sale of a parcel of land on Kenwood Avenue to William E. and Diane Laraway, Kenwood Avenue, Delmar, NY for \$3,000 as requested by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

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

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The following item was a request from the Supervisor to appoint Jeremy Martelle to the Noise Ordinance Task Force. Supervisor Cunningham said the Task Force is continuing and met yesterday.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the appointment of Jeremy Martelle to the Noise Ordinance Task Force as requested by Supervisor Cunningham. The motion was passed by the following vote:

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

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Supervisor Cunningham asked if there was any new business from the Board. There was none.

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Supervisor Cunningham made the following announcements:

- Monday, October 13, 2008 Town Hall will be closed for the Columbus Day holiday.
- Final Community Clean-up day will be October 18, 2008 at 9 a.m. Location to be announced. If available to help you can sign up on the website or contact Debbie Kitchen at Town Hall.
- There will be a Blood Mobile at the Elsmere Fire Department on Friday,

- October 10, 2008. Contact the Fire Department for details.
- The second annual holiday parade will be on December 5, 2008. Organizations can sign up on the website or contact Kim Ryan at Town Hall.
  - Elsmere Fire Department will be hosting their open house for Fire Prevention week on October 12, 2008, 1:30 to 4:30 p.m.
  - 20/20 Committee will hold their next meeting on October 17, 2008 at 7:30 a.m. at the Elsmere Fire Department.
  - There will be a Halloween Hayride at the Town Park on October 19, 2008. For information check the website or contact the Parks and Recreation Department.

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The Supervisor asked if there were any comments on non-agenda items. Mrs. Audrey Watson said she was a neighbor of the Merrified sidewalk project and happy to say the paving is done, the plantings are in and it looks great. She said it is being used. She thanked and commended everybody that worked so hard on it. Supervisor Cunningham thanked Mrs. Watson.

The Supervisor said that was a unique opportunity to address a lot of issues, address the neighbors issues, emergency issues and make sure the development was not impacted. He said it came out to be a real nice project and complimented the Bethlehem Garden Club for their work in going over. He said they have put some flowers and trees in and decorated it nicely. He said he believe Highway Superintendent Sagendorph is going to put a park bench in. Mr. Sagendorph said they were delivered today.

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Supervisor Cunningham asked if there were other comments on non-agenda items? Administrator Lanahan said while she has a captive student audience, she thought in conjunction with Halloween Hayday, they could really use volunteers that day to help with the kids games and on the hayrides. She said they have often had students use PIG hours so if anyone was interested, could spare 4 hours on October 19, she can credit the PIG time for 4 hours. She suggested the students contact her or Assistant Administrator Gallo at the Parks office it would be great. Supervisor Cunningham asked Mrs. Lanahan if that was a rain or shine event. Mrs. Lanahan said it is.

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The Supervisor asked for a motion to adjourn to Executive Session to discuss contract negotiations.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve adjourning to Executive Session to discuss contract negotiations. The motion was passed by the following vote:

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

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The motion was made by Mr. Kotary and seconded by Mrs. Dawson to adjourn the regular Town Board meeting at 6:55 p.m. The motion was carried by the following vote:

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

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Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.