

TOWN BOARD  
JUNE 24, 2009

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 welcomed everyone to a regular meeting of the Bethlehem Town Board. He asked former Supervisors Ringler and Egan to lead the pledge of allegiance. He thanked them and proceed to ask if there was any public comments on agenda items. There were none.

Supervisor Cunningham said next item was a presentation of the Bethlehem 20/20 Advisory Committee Final Report. He announced Terry Egan and Ken Ringler were co-chairs on the committee and George Leveille who is going to present the report. He wanted to give some background noting 18 months ago they started a process to look primarily at the Town's capital needs for the Town. He said they are trying to work on a capital plan but as time went on, things changed and the committee saw other issues they wanted to address and over 18 months they have done a great job of putting together some recommendations for the Town Board for budgeting and governing.

Mr. George Leveille gave a quick overview of the Executive Summary of the report which was delivered to the Town and can be posted tomorrow or this evening on the Town's website for the public. He said there is a full report.

Mr. Leveille said it was incredible foresight by the Town Board to know that we were heading into unprecedented economic demise and really the mission was to look at the strategic direction of the Town government, its programs, services and its fiscal sustainability. He said it is not about land use noting the Comp Plan adopted in 2005 was land use based. He said this was more about the Town government as an institution. He said it was also a way to help cultivate community leadership, to identify issues and opportunities that the Town would be facing through the eyes of citizens and to try and build concensus, focus efforts and get guide decision making by the Town and the Town Board.

Mr. Leveille introduced the Committee members. He mentioned former Comptroller Judi Kehoe played a very important role throughout the first 12 or 14 months. He said she followed through with Suzanne Traylor. He said the 20/20 committee formed 3 sub-committees -- the communications, community survey and the financial modeling committee. He said each one had a specific purpose to get more depth in a highly focused way into the report.

Mr. Leveille noted the mission statement is provided and he highlighted key things. He said the committee was to create a vehicle that could involve key community stakeholders in discussing the long term strategic direction of the Town and to provide the Town Board with recommendations and as mentioned, the process itself was designed to cultivate leadership, to identify issues, focus efforts, build concensus etc. He noted the mission statement was adopted by the Committee more than a year ago.

Mr. Leveille said the vision statement was an effort to articulate what would the vision of the town government be -- not as a physical place but as an organization. He said the statement included things like being a model municipality; a dynamic organization that could evolve to meet changing

community needs; maximizing utilities of its resources; being efficient, effective, and responsive; using sustainable practices; green design; cutting edge technology; and sound financial planning. He said they are talking about a highly, flexible, fluid responsive organization that finds efficiencies and highlighted by the fact that from their viewpoint, the Town government conducts its business in open and participatory manner.

Mr. Leveille said probably several months into the process after they had 5 or 6 big presentations of department programs and presentations from key town employees, the committee started to grapple with the issue of how much level of detail they could get into reasonably to make meaningful recommendations. He said the consensus was that they could not be at the ground level, way too much detail and too much complexity, but they could be at the tree tops and start to be general about the types of things they saw for the town to look at in trying to cope with the changing fiscal scenery. He said they focused on key values that the group felt should be considered by the town as it faced the challenges. He said in this vein they created guiding principles, key values, not very dissimilar to the key values that were created as part of the Comp Plan. He said they relate to adaptability, being flexible, sustainability, making the numbers work and keeping systems up-to-date, being cooperative with all the taxing jurisdictions that provide services to town residents. He said communicating and involving citizens in processes, being fiscally responsible and embracing the notion of a diverse community.

Mr. Leveille said there is more elaboration on these guiding principles in the report. He showed an example of a key value and said it is not a specific recommendation but as decisions are made, the idea of being adaptable and thinking about being fluid and flexible as an organization to meet changing needs. He noted looking ahead at the changing community, demographics, growth changes, etc.

Mr. Leveille said there were 18 meetings held and dozens of sub-committee meetings starting in February of 2008. He said they were hosted by the Elsmere Fire Department at the Poplar station and noted they appreciated that very much. He said the committee was provided with overviews of town programs and services, infrastructure, facilities needs, etc. He said all meeting agendas and meeting records have been published on the town's website and the full record is there and available.

Mr. Leveille noted they conducted a financial analysis because at the core of this is the fiscal sustainability of the town. He said they brought in an outside consultant to do a very small and narrow analysis of the tax base. He said they looked at alternative growth scenarios. He said the key findings from the overall analysis was that the town's tax base is primarily residential but certainly clear that the town is depending on residential property owners to carry the burden. He said the recognized that the town revenues are growing at a lower rate than expenditures. The first finding, according to Mr. Leveille, that was enlightening to many of the citizen representatives was the town share of the tax dollar at about 12 cents or 12 percent of the total tax bill that a homeowner would pay seemed relatively modest given the key services that the town provides. He noted there is a pie chart included because every meeting he was asked about the chart.

Mr. Leveille said 65 percent or 65 cents on the dollar is going toward education, 5 cents toward the library, county 13 percent and all the town services bundled up equate to about 12 cents or 12 percent of an individual home's tax burden.

Mr. Leveille said they also conducted a community survey to get input from the residents. He said the last one was done in 2004 as part of the Comp Plan and was very enlightening. He said in this case Pam Robbins and Policy Research Associate volunteered to spearhead the survey, to prepare the instrument, to circulate it and develop the analysis. He said they are very appreciative to Pam and her firm. He said the sample was carefully selected because the issues being discussed-- sharing services, consolidation-- things of that will involve multiple

taxing jurisdictions and people that are in tune with what is going on, they wanted to really focus on people who vote. He said they felt that would be important in telling them would they vote for a consolidation with another community if that was required.

Mr. Leveille said they sampled residents who had voted in recent local elections and people who are in tune with issues and concerned about what happened at the local level. He said 1500 residents was the full sample and they received a response rate of 22 percent which is an acceptable response rate. He said the profile of respondents says a lot about the type of people who vote in local elections. He said 74 percent were older than 50, 57 percent lived in Elsmere or Delmar which is a little bit more than the population which is probably around 49 or 50 percent and 92 percent owned their home and lived in the town an average of 26 years. He said these were residents who have been in the community a long time, are engaged in the community and their opinion was important on issues that could change the way they understood things for the last 20 or 30 years by changing the way services were delivered and so forth. He said that was the community survey.

Mr. Leveille showed a slide with some of the highlights of the results and they are documented in the report. He said generally the respondents felt that programs and services were at an appropriate levels and should be maintained at those levels. He noted they were not saying expand this, grow that, grow this. He said they were not indicated cut this or that either. He said the idea that the levels were appropriate today was important.

Mr. Leveille noted new economic development and outside funding were greatly preferred over tax increases. He said the idea of that were important as a way of trying to improve sustainability of the town. Town water and sewer systems were clearly identified, according to Mr. Leveille, priorities for new investment. He said there is a clear message here that they need to keep their basic infrastructure up-to-date. He said consolidation and sharing of services is supported by the respondents when there is a clear benefit - either improved service or financial benefit. He said the willingness to give up control of a program or service so long as there is clear benefit to the taxpayers.

Mr. Leveille said those were the real highlights and there is obviously a lot more in the report but the purpose of the survey was to test ideas, see what the public had to say and thus they felt it was a very useful exercise and not putting too much weight on the results.

Mr. Leveille said the recommendations basically fall into fiscal sustainability, ensuring responsible non-residential growth; suggestion that the town develop a comprehensive financial strategy, capital plan, to begin prioritizing and setting in place the financing mechanism for infrastructure; maintaining sound fiscal controls with performance goals. He said these are really highlights but it really points to having a strategy and a plan, trying to develop new revenues from non-residential developments and obviously maintaining sound fiscal controls and operating under performance measurements.

Mr. Leveille said on the economic development side, very straight forward, a town-wide strategy is needed. He said there was support for the initiatives that are currently underway for the VISTA and the Selkirk yards Industrial District. He said there is a very strong indication in this report of the need for expanded economic development.

Mr. Leveille said with regard to modernizing town government, these are some of the recommendations -- the first is a non-partisan evaluation of opportunities to modernize the town's organization and operations. He said non-partisan because the idea would be to objectively look at issues without the interference of political agendas. He said this is meant to be a fact that there are some tough issue that need to be addressed. He said term of office of a supervisor was discussed, whether certain offices that are elected should be professionalized

and made non-elected. He said these are emotional and will be highly charged and in order to add credibility to that kind of evaluation, the committee felt it needed to be a non-partisan approach.

Mr. Leveille said developing a plan to improve the Town's basic infrastructure, common theme that goes through and throughout this entire effort. He said they need a plan and need it to be in place and find funding mechanisms to get the infrastructure to the levels they should be at. He said investing in technology, green practices and providing the modern and safe facilities and buildings. He said the facilities and buildings had great emphasis on those that are related to infrastructure, less emphasis that are not seen as being related to infrastructure -- like a new town hall.

Mr. Leveille said cooperation among taxing jurisdictions may be the area where they became most profound. He said the citizens that participated in this recognized the distinction between the different jurisdictions that they receive services from. He said that picture is not really clear to the average resident of the community. He said the clear message from this group of residents who really support all the taxing jurisdictions is cooperate. He said the group felt the way to cooperate was to get an inter-governmental working group going and look for opportunities to integrate financial and capitol planning. He said to look for and improve inter-governmental relations to attract more resources to the community. He noted he has lived in Bethlehem about 25 years, the town has never received a lot of external dollars. He said maybe there are opportunities to go out and find more resources to supplement town resource.

Mr. Leveille said the big one that emerged at the end of the process was the notion of joint participation in the burdens and benefits of economic development. Common theme is economic development is critical to the community, Mr. Leveille noted, but when one looks at the benefits and burdens of performing that it is clear that all the taxing jurisdictions have a major stake in this. He said in the case of the taxpayer pie with 65 percent going to one jurisdiction, the committee felt that jurisdiction should be participating in generating the revenues. He said the recommendation is to get this group going and put right on the table the motion of a joint approach to economic development where the burdens and benefits are shared by all the jurisdictions.

Mr. Leveille said finally the committee concluded with a statement and probably tried to reflect their experiences through the process and basically a conclusion that relates to the responsibility of citizens to be engaged and involved and participate in decision making. It concludes that engaged citizens provide tremendous value, Mr. Leveille commented. He said there is a clear need to strengthen volunteerism in our community and we want other taxing jurisdictions to engage the citizens in the same way the town has to understand better the programs, services and issues.

Mr. Leveille said finally the committee at the end decided they needed to clarify this into a message about implementation. He said they developed a 3 point approach to implementation. He said the first was to develop and implement a town-wide economic development strategy. Second was to work together with the other taxing jurisdictions to improve productivity, integrate financial and capital planning and economic development efforts, he said. Number 3 assess opportunities for improving the town's organization and operations according to Mr. Leveille. He said these are very general in nature but they do suggest that working groups be put in place immediately or as soon as practicable to begin implementing this message.

Mr. Leveille said that was an overview of the Executive Summary and he thought it could be opened up to questions or turn over to the co-chairs. Co-chair Ringler thanked Mr. Leveille. He said it was great to be back at a Town Board meeting briefly. He said he realized it was 16 years since he was last at one of the meetings and the point was well taken when he walked into the building and the first person he ran into was Marie Capone and she thought he was Kyle Kotary. He said he would like to attribute that to the fact that perhaps he has not aged as he

probably should have but most likely, once you are gone, you are forgotten. He said it has been good for both himself and Co-chair Egan to be back in the game at least on a temporary basis and to facilitate. He said they did not control the agenda and there was an extraordinary group of people who worked on this project that brought all kinds of expertise to this group. He said they were not shy in sharing their thoughts. He said as this town has always done, people stand up to the plate and will continue doing that.

Mr. Ringler said there is a key message here and it is very simple, the town is not sustainable going the way we are going. He said revenues are going one direction and expenses are going another. He said that is not unique to this town. He noted if you look at any government agency in this State and this country, you probably will find the same thing. He said at least in Bethlehem the process has been started before the crisis when everyone else was thinking about it. He said shortly after that crisis he was invited down to New York City because of one of his other jobs to be on a panel to talk about infrastructure needs and so forth. He said they asked some questions and it is the same theme that applies here -- what will happen was their question. He said his remarks at that time were very simple. He said out of crisis comes opportunity and as he pointed out, New York government structure was designed in the horse and buggy days. He said now would be the time that people would have the political will to stand up and make changes that are necessary. He said he thought New York State might want to do that but unfortunately everyone has seen how that functions in Albany so the changes of that happening are probably nil. He said on the other hand maybe the way to do this is from the bottom up. He said he thinks what is being done is a way of doing this. He said Bethlehem should be bold, take a leadership position on looking at how government should function in the future.

Mr. Ringler said quite honestly if this report moves forward and implement it, he thinks there will be a wonderful town. He said the gauntlet has been laid down for the Board and the challenge but that is what they get paid the big bucks for. He said he envision, personally, down the road that if this moves forward we will have a town that has less government jurisdictions, taxing jurisdictions, more efficient services and a town that's tax structure allows senior citizens to stay in this town and not be forced out because they can't afford their property taxes. He said in conclusion he thanked everybody involved in this. He noted it has been great working with town hall staff again, many who were here when he was here but some great new additions. He said Mr. Leveille has been fantastic, a jewel and the town is very fortunate to have him. He noted Mr. Leveille held everyone together when they would stray. He thanked the committee again and said they have had a good time doing this but they are glad it is done.

Co-chair Egan commented the Senate should take some advice from Co-chair Ringler. She said she wanted to echo what Mr. Ringler said. She thanked the Town Board and Supervisor for letting them do this. She said they laughed about the process and the need for the end but in hind sight, it was a wonderful opportunity to work with Mr. Ringler again. She said the group that assembled she could not speak highly enough of the level of expertise and professionalism that was brought to the table. She said she is very encouraged by the fact that in an era where it is very hard to get people to come out and volunteer and get involved, they had one of the most phenomenal groups and challenged everyone as this moves forward to find a group equally as charged as this one. She said it was a wonderful opportunity and a couple things to highlight what Mr. Leveille said -- this is the fly that stayed on. She said one thing in talking to the committee members and as they were finishing up, the thing that they continue to harbor and probably at the top of their list is now that this work has been done, what happens next. She said they are not volunteering for any one of the other 3 groups but the interest that they have as to where this goes from here since a lot of time has been spent and many good recommendations in this but what happens. She encouraged the Board to look at the recommendations, take this frame work of an implementation schedule and get it working as soon as possible. She said she thinks the unanimous concensus was the time to act is now.

Co-chair Egan said the comp plan was completed and they knew they needed

to move into this and knew there were budget issues. She said that complicated by the fiscal crisis that we are in, the time is not there. She said this needs to move forward. She said the crisis and the fiscal situation that everyone is in to allow the difficult decisions to be made. She again thanked everyone for the opportunity.

Ms. Susan Hagar said she was very proud to serve on the committee and to serve with this very distinguished group. She said unequivocally that given the events that are taking place half way around the world and not so far away up the street that this process elevated the cause of democracy for this community and for the whole entire Capital region. She said it is an important process to engage citizens and facing the critical issues that face us in the years ahead. She said for 18 months her colleagues on the committee used their time, talent and the treasure that is their knowledge and experience to address the very critical issues that face the town and the community. She said they did so in sterling fashion with spirited debates after presentations, debates among them, between them and some that are good friends found themselves arguing over things they had long since agreed to but it was a very healthy dialogue. She said that was extremely important in this day and age.

Ms. Hagar said the value add to her thinking was it was a process that demonstrates that you can recruit and inform pretty ordinary citizens and then empower them to make recommendations to you about the difficult choices that are ahead. She said none of them are fooled, there are difficult choices that are ahead. She said the entire community will have to be involved in assisting the Board in making those choices. She said she does not think the Board should be asked to make those decisions alone.

Ms. Hagar said going forward she hopes the Board will use the many organizations that exist in this town to continue the dialogue and even to empower ordinary citizens to invite people into their homes to have coffees and discussions not only about this report but, perhaps, about others. She said certainly about the issues that the report raises. She said it is a good way to engage the citizens and keep the dialogue going about these critical issues.

Ms. Hagar called the Board's attention to the swat analysis which is in Appendix 1 noting they spent a lot of time in committee talking about the strengths, weaknesses, opportunities and threats that confront the Town and our community. She said we should all be justifiably proud of the strengths that are reflected in the list. She said those are really job one, noting all of us have to do everything we can -- all of the taxing jurisdictions -- to preserve those strengths because without them we lack the foundation to take on some of the critical issues that have been talked about in the report.

Ms. Hagar said next we need to take advantage of the opportunities but it would be a huge mistake, as you have heard other say, for us to overlook the threats and the weaknesses simply because they are uncomfortable subjects for us to tackle. She said they are concerned about them but do not want to alarm people or because they cause controversy. She said if we do not tackle those subjects and address those issues, we will really have failed in their task.

Ms. Hagar closed by saying she has enjoyed the process enormously and she does hope she will be asked to serve again. She thanked the Board.

Mr. Steve Baboulis said he is usually last and limited in what he will say because he did not want to repeat himself. He said he would talk about impressions that he has had in serving. He said they would often go into conversations that were tough and difficult during the meetings and he felt they were stepping on the edge of going into areas that they probably were stepping over their bounds into. He said he thinks everybody was very respectful first of all of the fact they were just advising and citizens who are stepping up and doing a little bit more understanding that the Board is elected and there for a reason doing what they do. He said he thinks everybody would step back then and make sure they stayed within the path and mission statement of making some recommendations stronger as controversial as they might be but understanding that they were just having a full

open discussion of things.

Mr. Baboulis said the second impression he had was that the people in this town, sitting in the audience being represented here, should understand how high quality of a town government we have here. He said he did not want to cast aspersions on any other neighboring towns but he will say he thinks it would be virtually impossible, for instance, for this town to have an 18 million dollar surprise deficit. He said he thinks the reason is because everybody in this town that he has come in contact with has shown and indicated an understanding for the need of transparency, an understanding of the need for full and open disclosure, an understanding for sharing information as you see on the website or wherever else you might go. He said any citizen who wants information can get it and it is not true in all places or everywhere you go. He said he thinks we should be very proud of the Board and everyone else's job that is done.

Mr. Baboulis also said he thinks 20/20 almost became a misnomer because he thinks from the charts and pie graphs he saw that 2014 or 2015 is really where we face some turning points. He said everybody who cares about this town needs to understand that unless things change dramatically, the charts of expenditures and revenue kind of come together at about 2014 or 2015 and those tipping points are going to be vital moments in this town's history. He said the current Board or the successors are going to be having some incredibly difficult judgments to make.

Mr. Baboulis said finally that he thinks everybody he has talked to and had contact with have been very, very open. He said he wanted to say especially that Jack Cunningham did a fabulous job in getting this organization together and Kyle and Sam were there at a lot of the meetings especially that he took special note of. He said you know you hear it late at night with other things to do and you are also there at 7:30 in the morning on these meetings. He wanted to make special note of that in a public way. He said he was honored to be asked to serve and honored to have served. He said he is honored to live in this town, noting it is a great town to live in. He said he thinks we all need to understand that and deal with the future in an honest and responsible way.

Mr. Jim Lidal said he was also a member and also proud to have served. He said he was asked by Judi Kehoe to join the group. He said he is in his final week as President of the Bethlehem School Board and he realized soon thereafter his job was to make sure that neither George or Jack or anyone else got too ambitious about stealing that pieced of the pie chart that was just evidenced up there. He said he did make the point a few times that funding for the schools is not the most reliable source of funding, again witness events in Albany recently but it is his view and he believes the view of his fellow board members and he knows the view of the Superintendent that developing a greater degree of cooperation and collaboration with the town is in their interest and he presumed in the interest of Ravena and Guilderland school districts who he must point out must be responsible for most of that piece of the pie chart. He said it is not easy and he thinks there is a view that there is a lot of low hanging fruit in the development of consolidation efforts and cooperation between taxing jurisdictions. He said it will require some real imagination and creativity and thoughtfulness to be able to identify how that can best work but he does believe there is a real commitment and a recognition by the school district that there is one taxpayer at the end of the mail shoot when that tax bill comes. He said it is just one set of taxpayers who are supporting the full range of government services and they have tried in the past years to keep that responsibility in mind. He said as school board members, he knows, that the Board does the same thing from their perspective.

Mr. Lydal said the other lasting impression he has of all of this is after serving on the school board for seven years, he is very happy he has served in that capacity and not the Town Board capacity. He said he thinks some of the challenges facing the Town are really quite daunting and he certainly welcomes any other opportunity he might have to participate in those efforts and help work through the issues. He said he really gives the Board credit for being the people on the ground trying to address them. He thanked the Board very much.

Co-chair Ringler asked if any other committee members wished to say anything. There were none. He said that ends their presentation and entertained any questions.

Supervisor Cunningham said he wanted to personally, publicly, thanked not only Co-chairs Ringler and Egan for their leadership but the whole committee because as Mr. Ringler pointed out, it was really a leadership effort of everybody on the committee. He said there were thousands of hours put into this project and he wanted to mention the Elsmere Fire Company who allowed the use of their facility which was a great example of not only community participation but taxing jurisdictions working together to get something accomplished. He thanked everyone on the committee for their work. He said it was a lot of work and hard to do and obviously there are a lot of challenges ahead with a lot of work. He thanked everyone.

Councilman Kotary stated that he wanted to thank everyone as well and both Co-chairs and Mr. Leveille for their dedication and leadership. He said he thinks for those in the audience and those who follow on Channel 18, you just heard a few of the many jewels of our community, wonderful resources who spoke tonight and he thinks it was great. He said when he listened to some of the recommendations, a lot of the things that we hope they do as a Town government and community, the members already did through the 20/20 committee. He said with the forum that was used there was an incredible tap of resources and what everybody does in their day jobs, and the incredible leaders in this community, it always amazes him that when he runs into someone in Albany, around Town or in Washington, find out that they live in Bethlehem. He said it is unbelievable the amount of quality individuals who care about the community and are very busy. He said there are hundreds of thousands of hours that have been put into this.

Mr. Kotary said one of the things he walked away especially the last couple of meetings were the discussions about implementation. He said one of the things that he was so excited for this opportunity to tell everyone publicly and share with the community is not only are we excited and all approve this 20/20 committee and look forward to the results but they got a head start at some of these things. He said he looks down at fiscal sustainability. He said they are working on a Capital plan, economic development and the meetings on Vista and Selkirk Rail yards, modernizing the government green practices, passing climate smart communities -- one of the first communities in NYS to jump on board with that and talk about the leadership and continuing along that path. He said as well as working along with other governmental groups and again, there has been a lot of cooperation.

Mr. Kotary said he wanted to take a minute to thank every very much on an individual basis as a group. He said there is a lot in the report and he said the only question he has is, where are the magic answers. He said the answer is there aren't any but seriously what the committee has given the Town Board is a great roadmap and he thinks this isn't something that is 2020 but issues because of the economic conditions.

Councilman Messina said he thought Supervisor Cunningham expressed the thanks of the Board eloquently and fully. He said he will standby his thank you and thought it was complete and meaningful. He said he will tell everyone that his observations getting there as often as he could was that demonstration of true leadership and balance and team building was done. He said that is why things worked so well from his perspective. He said from this second forward from him, there is a commitment to implement the recommendations that have been made. He said to build relationships with other jurisdictional entities, to look at costs more completely, to look at alternative revenue sources and get the job done. He said this is the year and next year deal that really has to have forward progress.

Mr. Messina asked about a couple terms that are key and one of them is with respect to looking at services to distinguish between essential and non-essential services. He said he raises this because he likes the concept but one person's essential service is another person's non-essential services. He thought maybe someone on the committee would like to respond to that. Mr. Leveille said the

issue again, when the committee understood the breath of services provided by town and recognized that there has been a history of a fairly efficient organization here, the notion of what are the basic essential services. He said what comes to mind is that most people can agree on water, sewer, roads, public safety. He said of course then what it takes to administer that. He said when you get into other things, parks and recreation well the notion of a passive park may be an essential public service. He said the notion of specialized programs for specialized groups might not be an essential service. He said the idea, as tested in the survey as well, and as difficult as it is to explain, what does the public think about those services that are essential or seen as essential and those that are seen as discretionary and not necessary to be paid for by all the citizens. He said there is definite traction from the respondents from the survey that we should try to address this issue. He said as difficult as it may be to determine if there are certain things that we pay for that really are not essential to the purpose of the town government. He said the same conversation extends to other taxing jurisdictions. Mr. Leveille noted the question of whether all tax payers should pay for certain services or should they be supported by those persons who use the services.

Mr. Messina thanked Mr. Leveille and said the other one is a term that has been talked about in the past by the IDA and other places. He said that is a community betterment compact. He said he was wondering if Mr. Leveille or one of the other committee members could elaborate on that. He said the concept has been out there a while but he thinks it is a toughy. Mr. Leveille said the idea there and it really ties to the notion of this cooperation of taxing jurisdictions and the idea of jointly participating in economic development has an inherent understanding that it is all the same community -- the roads that are used by one taxing jurisdiction are the same roads that we use and everybody uses and there is a recognition that the agenda for improving the town belongs to everybody not just the town government, not the school district alone, not the fire company alone -- these are town-wide issues and that somehow through this interaction it can be agreed on the overall improvements to the community whether or not it affected each individual jurisdiction or not. He noted the idea there is that through this discussion, looking at economic development, is the one way that you have an ability to really control your revenue stream by encouraging responsible community growth and there are going to be new resources available that do not demand public services. He said they want to try and look at those proceeds with a notion of tax sharing. He said it is the idea that if we could find cooperation to identify an agenda where the sharing of revenues that come from economic development are directed toward those improvements to the community that everybody agrees need to be made -- water, sewers, safety, whatever it might be. He said the idea is that through this inter-governmental cooperation is to transcend the individual silos of each jurisdiction to have an agenda for improving a community that everybody agrees on that would have elements from all the different jurisdictions.

Councilman Hennessey said he thinks everyone has done enough thanking so he would bypass that to a certain extent. He said it is a remarkable piece of work that the committee has put together. He said the amazing thing in the flat world that we live in today, the most important opinion polls take place between 2 people. He said he has spent a lot of time recently talking to town residents and one couple said that the husband is a dentist, the wife works at the office and the most difficult thing they found in their business over the past 9 to 12 months is that they wanted to purchase a piece of equipment and they could not find anyone to finance it because all the financing had dried up. He asked them if they had reached out to the town IDA, have they done this or that and they thought about the idea that they have not accessed these other potential capital markets that may be out there. He said the thing is that through the idea of creating an overall economic strategy for the Town, what can be done is to help people to know the resources that are out there that we are not utilizing right now. He said in that way try to foster the kind of economic development that we need. He said the truth is that we can bet everything we can on the big tickets but it is the small tickets that really are the growth sector in the current economy. He thanked everyone for what has been put together and crystallized what a lot of people are thinking about.

Councilman Dawson said there was one thing she wanted to add. She said

she shares everyone's appreciation for the committee's work and as the recipient of this challenge or the gauntlet as Mr. Ringler mentioned, it is a challenge but it provides the Board with some direction that they are going to start on right away. She said this summer the 2010 budget will be prepared and they are going to work these concepts in. She said they do not have all the details yet but they will be worked out. She said they are ready to go and appreciate the continued involvement of the 20/20 group to make sure they stay on track. She said the committee is not getting off that easily.

Supervisor Cunningham thanked the committee again.

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The next item was a request from the Deputy Commissioner of Public Works, Erik Deyoe, to authorize the Supervisor to sign a proposal for additional mercury investigation work at the New Salem Water Treatment Plant from Malcolm Pirnie, Inc. Supervisor Cunningham said contrary to the Spotlight headline, they did not call off the investigation on mercury. He said they suspended any criminal investigation regarding the mercury that was found at the plant. He said they continue to do a thorough investigation of mercury at the plant to determine where there is any mercury and make sure that all of it gets cleaned up. He said this item on the agenda is a formalization of work that has already started based on the mercury that was found several weeks ago. He said it is just to have Malcolm Pirnie do the work and asked for a motion.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to authorize the Supervisor to sign a proposal for additional mercury investigation work at the New Salem Water Treatment Plant from Malcolm Pirnie, Inc. as requested by Deputy Commissioner of Public Works, Erik Deyoe.

Supervisor Cunningham asked if there were any questions. Councilman Messina said this is a mandated thing because of DEC's consent order or whatever action they took. He said this is the second part of this and there may be a third. He asked how much was the expenditure on Part I noting this is \$37,000 for Part 2. Commissioner of Public Works, Josh Cansler, said he did not have the figures with him but he believes the first part was around \$40,000 or \$50,000. He said he would have to check on that. Supervisor Cunningham said they do not have those numbers yet but actually they were just Foiled today and they will have those numbers. He said for clarification there is no third issue coming across according to his knowledge. Commissioner Cansler said there will be the lagoon investigation and that will be bid out. He said that did not have to be expedited. Supervisor Cunningham noted that might be what Councilman Messina was referring to.

Councilman Messina said the 3rd he was talking about is the scope of services. He said this proposed scope does not include the development of the remediation plan. He asked if a remediation plan had to be done. Commissioner Cansler said it did. Supervisor Cunningham said he did not understand that. Councilman Messina thanked Commissioner Cansler and noted he would support this one.

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 Erik Deyoe, Deputy Commissioner of Public Works to accept easement documents for 321 Elsmere Avenue. Supervisor Cunningham noted this goes along with the whole sidewalk initiative on Elsmere Avenue.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the accept of a easement deed document for 321 Elsmere Avenue, Delmar

as requested by Erik Deyoe, Deputy Commissioner of Public Works. 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 thanked Mr. and Mrs. Bowman for their cooperation in giving the town the property.

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The next item was a request from Director Michael Morelli, Economic Development and Planning to approve a pergola at 9 Claire Common in the Terramere Planned Residential District.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve a pergola at 9 Claire Common, Slingerlands, as requested by Director, Michael Morelli, Economic Development and Planning. Councilman Kotary asked about whether this was similar to a previous one approved in June of 2008. Supervisor Cunningham said that was correct.

Councilman Kotary asked if it had approval of the homeowners association as well. Supervisor Cunningham said both the homeowners association and the residents.

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 Karen Pellettier, Director, Senior Services Department to accept a donation from Delmar Place Assistive Living in the amount of \$75 for the purchase of music for the Bethlehem Senior Chorus. Supervisor Cunningham noted he gets to listen to the chorus every Tuesday.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the acceptance of a \$75 donation for the purchase of music for the Bethlehem Senior Chorus from Delmar Place Assistive Living as requested by Karen Pellettier, Director of Senior Services 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 Nan Lanahan, Administrator of Parks and Recreation Department for approval of seasonal personnel.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the request of Nan Lanahan, Administrator of Parks and Recreation Department for approval of seasonal personnel as listed at the titles and salaries noted in the Memorandum dated June 24, 2009. 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.

The Supervisor made the following announcements:

- ❖ Three farmers markets are here in Town - Tuesday at the Methodist Church on Kenwood Avenue; Thursday is the Bethlehem Grange, Route 396; and Saturday is at the Bethlehem Middle School.
- ❖ July 1, 2009 at 7:00 p.m. the Citizens Advisory Committee for Conservation will be holding a public meeting on the draft recommendation on the Open Space Needs and Opportunities.
- ❖ July 3, 2009 the Town will recognize the 4<sup>th</sup> of July.
- ❖ July 4, 2009 the Declaration of Independence will be read at 11 a.m. on the Town Hall steps or in the event of rain it will be done inside with Congressman Paul Tonko and Assemblyman Tim Gordon will be in attendance. Ice cream will be served following the reading.
- ❖ Family Day at Elm Avenue Park begins at 12 on July 4, 2009 and continues until 4 p.m. Geurtze barbequed chicken will also be available.
- ❖ There is a vintage baseball game at field 5 at 2 p.m.
- ❖ July 18, 2009 is the Community Clean-up Day. June was postponed. Contact Deb Kitchen or check the website to sign up.

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Supervisor Cunningham asked if there was any public comment on non-agenda items. Mrs. Marie Capone said the second item on the agenda said to sign a proposal for additional mercury investigation. She said in today's paper the Supervisor said it is over and the investigation has been completed. She noted the article mentions that this is something that has not happened in 7 years. She said that was when the Democrats took over. She said Bruce Secor checked that constantly and it was on top. She asked what is happening with the mercury. Supervisor Cunningham noted it was not his mercury and has been here for 2 years. He said the headline in the Spotlight is referring to a criminal investigation that they were looking into because they could not determine the source of the mercury that was found. He said Malcolm Pirnie is not doing a criminal investigation, they are doing an investigation of the plant to determine where mercury actually is within the plant or within the pipes. He said they are working to clean that out. He said that is continuing on and has not stopped.

Mrs. Capone said they should have hired Bruce Secor, he knows it all. Supervisor Cunningham said opportunity lost. Mrs. Capone said he was an RPI graduate that was there all his life. She thanked the Supervisor.

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The Supervisor asked if there were any other comments. Patrolman Chris Hughes of the Bethlehem Police Department presented some items to the Board. Patrolman Hughes explained the items include a letter addressed to the Town Board with several attachments and proceeded to read the letter for the Board's information.

Patrolman Hughes said the outline included in the information forces him to raise questions -- did Jack Cunningham initiate an investigation based on credible information from a reliable source or was Jack Cunningham, himself, the source deeming something he had heard through the roomer mill was an opportunity to terminate him under a very strict workplace violence policy? He asked if everyone remembered Dick Hummel, stating that was prior to the policy taking effect. He said he would like to know why Jack will not allow him to face his accuser. He said what kind of disciplinary actions are Jack Cunningham and/or his source subject to under the Town's workplace violence policy for false reports? Who are the civil authorities they should be referred to, he asked.

Patrolman Hughes said the date of the alleged violation was May 16, 2008 and asked why it was not investigated until December 18, 2008. He said the biggest question he has is why has he never been interviewed, questioned or interrogated regarding this alleged incident. He asked if all workplace violence incidents investigated as thoroughly as the one he was allegedly involved in. He said absolutely not, indicating just ask Lt. Berben about CR 064167.

Patrolman Hughes asked what exactly Mary Tremblay-Glassman's role as Human Resource liaison for the town. In late December 2008, he said he went to her about a complaint about Chief Corsi making threatening comments to his brother, Sgt. Brian Hughes, of the same department regarding his chances for consideration for future promotions. He said after asking what his union was doing for him, she advised this was a matter he needed to address myself. She failed to perform her duties then but jumped in with both feet when the complaint was made against him. He asked why Mary Tremblay-Glassman is continuing the witch hunt by calling members of the Bethlehem Police Department more than a month after Chief Corsi advised the investigation was closed and the allegations were baseless. He asked if she was directed to make those inquiries or was she freelancing.

Patrolman Hughes noted when Kathleen Newkirk responded to Tom Jordan's initial FOIL request on April 14, 2009, why did she not indicate that there was no New York State incident report generated in reference to CR 0824845. He asked why they have not heard anything back on their appeal. He asked why Sgt. Helligrass indicated to him on June 8, 2009 that he could not release the requested NYS incident report because the matter was in appeal and amazingly on June 9, 2009, the very next day, Deputy Chief Beebe, indicates that no such NYS incident report was generated or exists.

Patrolman Hughes said considering an investigation was initiated, a case number was generated, the second, third and fourth highest ranking officials in the Police Department were assigned as investigating officers, hour plus interrogations were conducted, and Human Resource is involved, do you honestly expect him to believe that no NYS incident report was generated. He said considering Chief Corsi thinks nothing of asking one of his staff members to destroy evidence highlighting his racist mentality, can anyone honestly expect him to believe he would hesitate to order such incident report destroyed.

Patrolman Hughes said if you take a good look at the copies of the department computer screens Kathleen Newkirk released under FOIL, pages 1, 3 and 4 out of the 6 pages supplied all indicate that a report was, in fact, required. He asked where the report was. He said he hoped it was not hidden someplace in Chief Corsi's wood pile.

Patrolman Hughes said he fully expects answers to these questions, the Town's workplace violence policy needs to work both ways to protect its employees. He said an investigation was conducted and closed because the allegations were baseless. He said that part of the policy worked fine, however, the policy is not worth the paper it is written on if Jack Cunningham and his police puppets stonewall his efforts to address the false accusations made against me. As this Town's elected officials, he said he hopes they call for an independent investigation into this matter. He said he looks forward to hearing from the Board soon. Supervisor Cunningham thanked Patrolman Hughes.

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Supervisor Cunningham asked if there were any other comments. Mrs. Capone said the community is very pleased with Lou. She said there is nothing wrong with him and he is always there on time and he is always there but when you want to start a union, well, you have to knit pick. Supervisor Cunningham thanked Mrs. Capone.

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Supervisor Cunningham asked if there were other comments. There were none.

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The Supervisor asked for a motion to adjourn to Executive Session to discuss a certiorari matter.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve adjourning to Executive Session to discuss a certiorari matter. 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 7:16 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

The motion was made by Mr. Hennessey and seconded by Mrs. Dawson to approve the certiorari with Logibio Albany Terminal, LLC. 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 Mr. Messina to approve the certiorari with Wal-Mart. The motion was passed by the following vote:

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