

TOWN BOARD
SEPTEMBER 10, 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 welcomed everyone to a regular meeting of the Bethlehem Town Board. He asked them to join us in the pledge of allegiance led by Katrina Charland, Youth Court Director, and Richard Hartunian, President of the Board of the Youth Court. The Supervisor thanked them.

Supervisor Cunningham said this month marks Youth Court month and presented a Proclamation to recognize and thank the Youth Court members. He thanked Ms. Charland for all her work.

Ms. Charland thanked the Board for continuing to support the Youth Court. She said since they began back in 1995 there have been at least 280 cases diverted out of criminal court or probation. She said not all have been successful but most have been. She thanked the community for their continued support of the fundraisers also.

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Supervisor Cunningham noted there was a second Proclamation although they do not usually overlap them, there are ones today. He asked the Albany County Medical Reserve Corps to come forward to present a proclamation in honor of September Preparedness month to commemorate this, the Corps is here and being recognized. He introduced those members present and the Senior Public Health Planner for Albany County Department of Health and the Director of Emergency Management for Albany County. He noted there was information provided in the back of the room regarding emergency preparedness. He invited everyone to stop by and get some information at the end of the meeting.

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

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The first item on the agenda was to approve the Town Board minutes of August 13, 2008.

The motion was made by Mr. Hennessey and seconded by Mrs. Dawson to approve the Town Board minutes of August 13, 2008 as submitted. The motion was passed by the following vote:

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

The next item was a request from the Supervisor to appoint Suzanne Traylor as Town Comptroller effective September 11, 2008. The Supervisor noted Judith Kehoe resigned and has been rehired as a part time employee. He said there was an

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

extensive search for a replacement and he was excited, happy and pleased to request the approval of Suzanne Traylor as Comptroller. He noted she has a Master's degree in accounting from the University at Albany, a Bachelor's degree in Business and French from the University of Colorado. He said she is currently professor out at the University and will be joining the Town initially part time through the end of the year and then become a full time Comptroller January 1, 2008.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the appointment of Suzanne Traylor, Glenmont, New York to the position of Comptroller as requested by Supervisor Cunningham, effective September 11, 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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Councilman Messina welcomed Mrs. Traylor and noted he had a chance to speak with her briefly and it is nice to have her as part of the team. He said Judi is leaving big shoes but as they talked about, those are not the shoes she needs to fill. He said hers will be fine and her style and approach will be great here. He said her credentials are outstanding. He thanked her for joining us, as well as, the Supervisor and Mary and Judi and the staff for doing top notch professional outreach and recruitment and evaluation.

Supervisor Cunningham asked if there was any other comments from the Board. He congratulated Mrs. Traylor.

The next item was a request from the Supervisor to appoint Town Engineer, Eric Deyoe, to be the Town's representative on the Board of Directors for the Albany County Stormwater Coalition. Supervisor Cunningham noted a couple months ago the Town joined the Coalition and there is a need to have a representative on the Board of Directors.

The following resolution was presented for adoption:

RESOLUTION NO. 36

RESOLUTION

WHEREAS, the Town of Bethlehem, Town Board adopted a resolution on July 23, 2008 to join the Albany County Stormwater Coalition (Coalition) and enter into an Inter-Municipal Agreement (IMA) with participating municipalities subject to the Municipal Separate Storm Sewer System (MS4) SPDES General Permit administered by the NYS Department of Environmental Conservation; and

WHEREAS, the Town of Bethlehem, Town Board pursuant to the IMA must appoint a representative to the Coalition Board of Directors; and

WHEREAS, the term of office for the representative will begin when the IMA goes into effect; and

WHEREAS, the Board of Directors will be established consisting of one representative of each Member, each such representative being known as a Director; and

WHEREAS, the governing body of each member organization will select its representative for a term of one year or such other period determined by the Town Board; and

WHEREAS, each Director will have one vote and a majority vote of the total number of Directors will be necessary to pass any resolution; and

WHEREAS, a majority of the total number of Directors will constitute a quorum and no business of the Board of Directors will be conducted without a quorum; and

WHEREAS, all meetings of the Board of Directors will be subject to the Open Meetings Law; and

WHEREAS, the Board of Directors will keep and provide minutes of its meetings; and

WHEREAS, approval of the Board of Directors is needed for the following actions by the Coalition:

- a. Adoption of the annual work plan and budget.
- b. All personnel decisions.
- c. Application for grants.
- d. Adoption and amendment of bylaws.
- e. Approval of contract awards.
- f. Authorization to make a contract and purchase payments in excess of \$5,000.
- g. Provision of policy direction and oversight for the Stormwater Program Coordinator.
- h. Permit entities that are not eligible for coalition membership to participate in coalition activities.
- i. Any other action for which this Agreement requires Board of Directors approval.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. The Town of Bethlehem, Town Board appoints the Town Engineer to serve on the Stormwater Coalition of Albany County Board of Directors.
2. This Resolution will take effect immediately.

The foregoing resolution was presented for adoption by Mr. Hennessey, seconded by Mr. Kotary and passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from the Supervisor to expand the membership of the Noise Ordinance Task Force by four to include one additional Town Board member and three (3) Town residents, and direct the Noise Ordinance Task Force to proceed with the drafting of a Noise Ordinance for the Town of Bethlehem for recommendation prior to or at the Town Board meeting of April 8, 2009.

Supervisor Cunningham said this was talked about at the last meeting and there were a couple changes to be made to move forward. He said he put them into a motion and wanted to ask the Board to approve it.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the expansion of the membership of the Noise Ordinance Task Force by four (4) to include one (1) additional Town Board Member and three (3) Town residents and direct the Noise Ordinance Task Force to proceed with the drafting of a Noise Ordinance for the Town of Bethlehem for recommendation prior to or at the Town Board meeting on April 8, 2009.

Councilman Messina said all he wanted to say is that this is consistent with what they talked about and the Task Force will be ramping up and after they get together meeting more frequently to meet the schedule. He also pointed out per the last meeting earlier today he emailed all Board Members a summary of the emails that had been received in terms of public comment and letters and telephone calls. He said the Board has that in their email systems.

Councilman Kotary thanked Councilman Messina and said he looks forward to the reports from the upcoming meeting. He said he thinks this is great to expand the committee to have a few more folks on board. He said this will get some different types of experiences and the time lines and everything. He said he is very supportive of this and looks forward to it.

Supervisor Cunningham thanked everyone.

The motion was passed by the following vote:

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

The following item was a request from the Human Resource Manager to approve the Human Resource Committee (HRC) recommendations.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the Human Resource Committee (HRC) recommendations. The motion was passed by the following vote:

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

The following item was a request from Senior Engineer to award the forceman improvement contracts for Elsmere Avenue and Rockefeller Road to Trinity Construction, Inc.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the award of the Forceman Improvement contracts for Elsmere Avenue and Rockefeller Road to Trinity Construction, Inc., Selkirk, New York as requested by Senior Engineer, Paul Penman. The motion was passed by the following vote:

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

The next item was a request from Administrator of Parks and Recreation to approve seasonal personnel.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the appointment of seasonal personnel as listed on the Memorandum dated September 10, 2008 at the titles and salaries listed 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.

The next item was to acknowledge the receipt of a New York State Education, Local Government Records Management Improvement Fund Grant, in the amount of \$6,294 for Microfilming of Town Records from Town Clerk, Kathleen A. Newkirk, MMC, RMC. Supervisor Cunningham said this is a plus for the Town because there is a need to get rid of some of the paper. He said this will go a long way.

Councilman Kotary thanked Town Clerk Newkirk for finding another grant. He said we should try to do at least one (1) per meeting. Supervisor Cunningham said there are going to be a couple grants tonight.

The next item was to acknowledge receipt of the annual audit of the Town

Justice accounts by the Town Comptroller. Supervisor Cunningham acknowledged the report and Comptroller Kehoe's notification that the required examination and audit had been completed.

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

The Supervisor made the following announcements:

- Quadracentennial Committee is starting up their work towards the celebration which will culminate at the Henry Hudson Park next summer with a number of events. He said the first event is the Quadracentennial dinner which will be September 20th at the Mansion at Cedar Hill. He said reservations are required for it and invited the public to join the Committee. He noted anyone could contact the Town Clerk or the Bethlehem Chamber of Commerce for tickets.
- September 20 is also the Community Clean Up Day at 9 a.m. If interested, please contact Debbie Kitchen and sign up. He said he believed they are cleaning the Cherry Avenue Ext. which his the Timothy Mosier Highway.
- Speaking of Grants, news has been received that the Town was awarded a Safe Route to School Grant. He said there were a series of grants that were awarded yesterday to build sidewalks to encourage students to walk to school. He said the application was for a sidewalk on Orchard Street between Brockley and Union. He said the grant has been received to build that sidewalk. This project will begin in the spring.
- Barbara Ostroff from the Delmar Florist has run a food pantry event. He noted this was the second year and acknowledge the work that has been done. He explained if you brought in some food for the food pantry or made a donation, the person received a dozen roses. He said there was 448 separate food items for the pantry and \$664 worth of donations. He thanked Mrs. Ostroff for her effort and hard work.
- There will be a Holiday Parade again this year. There was a parade last year where a holiday tree was lit. He said they are hoping to expand this parade a little bit. He invited community organizations to participate in this parade. He said on the website, there is an application to be submitted. He said it will be on December 5, 2008 at 6 p.m. from the Town Hall parking lot.
- Tomorrow is September 11 and although no official commemoration of 911 is planned, residents may want to take some time to remember what happened in 2001.

Supervisor Cunningham asked if there were any comments on non-agenda items. Mrs. Marie Capone said she has been hearing a lot of complaints about the system, the telephone system here at Town Hall. She said before it was perfect and you changed it. She said yesterday the one that told him he could not stand it because he said he tried to call a person here and they wanted to know what department, what number and all that. She said the person told her it took so long that he hung up and thought he would never call back. She said something has got to be done. She said the girl at the senior office that was running it was doing it perfect and now look what you got.

Supervisor Cunningham said the phone system was consolidated before he was Supervisor but it has created a lot of efficiencies for the Town and helped to reduce some of the costs to the taxpayers of the Town. He said if a resident is having a problem with the phone system, they can call the office and they will work through it with them. He said it has been a very successful launching of a new system here. Mrs. Capone said that was his opinion.

Mr. Jared King next said he ran his campaign for County Legislator on two enduring principals - long forgotten by most politicians and almost all judges. He said love thy neighbor and treat others as you yourself would like to be treated. He raised an issue regarding a traffic stop and resulting situation. Supervisor Cunningham explained this is a personnel matter and was handled with a response from the Chief of Police. Mr. King submitted his statement to the Town Board. Town Attorney Potter asked if this was the case of his traffic situation. Mr. King said it was.

Town Attorney Potter asked if the officer's standing on the State highway was the issue. Mr. King said that was correct, it was a violation. Mr. King said the Town Board oversee the Police Department and therefore the complaint was brought to the Town Board.

Supervisor Cunningham thanked Mr. King.

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

The motion was made by Mr. Kotary and seconded by Mr. Messina to adjourn the regular Town Board meeting at 6:26 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.

Town Clerk