

TOWN BOARD  
SEPTEMBER 24, 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

- - -

Supervisor Cunningham invited Mr. Hannigan, Mr. Crow and Mr. Scoons to lead the Town Board in the pledge of allegiance. He thanked them.

The Supervisor welcomed everyone to the regular meeting. The first item was to receive public comments on agenda items. There were none.

-----

HEARING BEGAN: 6:05 P.M.

SUPERVISOR CUNNINGHAM: We will begin the public hearing on the proposed amendments to the Town Zoning Law. To start out, I need 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 on the minutes of the meeting.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to waive the reading of the call of the hearing and indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

- - -

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

TOWN OF BETHLEHEM, ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on September 24, 2008 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider a proposed local law amending the Code of the Town of Bethlehem, Chapter 128 Zoning, Zoning Map and Subdivision Regulations.

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

- - -

**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 September 3, 2008 and that I posted the Notice of Public Hearing on September 3, 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

23<sup>rd</sup> day of September, 2008.

/s/ Julie S. McNeil

Notary Public

- - -

SUPERVISOR CUNNINGHAM: Jeff, did you want to make a presentation on the...?

MR. LIPNICKY: This one?

SUPERVISOR CUNNINGHAM: Yes, please, make sure it is turned on, Jeff.

MR. LIPNICKY: Okay. This involves some amendments to the Zoning Code. It's not only the Zoning Code that we're talking about amending here. It is also the Trailer and Trailer Camp regulations, the subdivision regulations and the Town Zoning Map.

Basically, these amendments really come out of an ongoing process of looking at, reviewing and updating the Land Use regulations on a continuing basis. And, what we are looking at tonight really are amendments that have been based on our experience with implementing the Code over the last 2 to 4 years. The Code was last updated in 2006.

Basically the process that we went through to do these amendments is we solicited comments from those individuals who are involved in implementation of the zoning regulations and the subdivision regulations. That would be the Planning Division, Building Department staff, engineering staff, Planning Board and Zoning Board of Appeals. So, what we did is, we solicited comments on some issues that anybody had while they were administering the code over the last 2 years. We collected them, summarized them, analyzed them and basically developed draft amendments. Those draft amendments were then sent to the Town Planning Board and the Planning Board at its last meeting made a recommendation for adoption of the proposed amendments.

Scope of the amendments essentially most of these amendments that we have involve either a clarification of language in the code so that it's more understandable, corrections and typos in the code. There are some minor procedural changes really to reflect the actual way we are doing things in some instances. Previous omissions to the code, a couple of examples of those would include for example -- the code used to contain an amendment or a provision that exempted structures at the Four Corners from the parking regulations because a number of years ago we experienced difficulty in rehabbing those buildings because they had to meet all the parking requirements. So, that is one of the types of omissions we looked at inserting back into the code. Inconsistencies between different sections of the code were also corrected.

Just real quickly, some of the highlights, subdivision amendments they are proposed revisions to the provisions regarding performance surety, bonding of subdivision improvements and again this is one of those things to reflect actual practice and how we do it. We are now going to require digital copies of plans -- doing that will allow us to update on a continuous basis the GIS system. Easements, there are inconsistencies in the subdivision regulations regarding the

requirement of easement widths. We've made them consistent and also some changes regarding how we calculate maximum density. Previously if a developer were granting an easement to the Town, for example, he could not include that as part of the land area that he could calculate density off of. So, we are changing that to allow stuff like that.

In terms of the trailer and trailer camp amendments, these are very simple. The last time the zoning code was amended, the citations to the old zoning code were not changed. So, this simply changes those citations to the current zoning code.

Regarding the zoning law amendments, we've added a number of new definitions or amended about 20 of them. Again, to make the code more understandable -- there is a recommended change in the time frame that the Planning Board has to report back on a SEQR recommendation to the Town Board for planned development districts. It's now 60 days, the recommendation is for 120 days and actually it is just not realistic to have a 60 day reporting period for a developer to undertake all the types of studies he may have to do over that time frame usually isn't feasible.

Some changes in variances to allow an extension of time and how long a person has between the time that they get a variance and have to start construction. Site plan review -- in terms of accessory apartments limiting the site plan review of accessory apartments only to issues relating to the accessory apartments. PDD regulations -- would allow the Board a little more flexibility in terms of the required yard dimensions. Kennel -- minimum lot size change from 10 acres to 5 acres. We've added outdoor drive-ins in the hamlet district. For example, the Jericho Drive-in right now is not a permitted use. This would allow the Jericho Drive-in to be a permitted use. The hamlet district parking -- I previously spoke about in terms of parking at the 4 corners. Basically, what would happen in the hamlet district, existing structures would be exempted from the parking requirements in terms of providing new spaces for existing buildings.

Some other things, amateur radio tower provisions were amended. MED district we amended that to allow expansion of existing businesses without the need to come back to the Board for a master plan for the district. In the Heavy Industrial district, we legitimized existing single family homes as a permitted use allowing people who have existing single family homes to expand. And in the Rural and Rural Light Industrial districts the minimum lot size in those districts for lots that have access to water and sewer was changed to the same minimum lot size as the C district, 8500 square feet.

That must be the end. So, if there are any questions, I will be happy to take them.

**SUPERVISOR CUNNINGHAM:** Does the Board have any questions regarding the zoning changes?

**MR. LIPNICKY:** I guess I wasn't done, I should have known. The map amendments, I missed the map amendments. Basically we have 4 areas of Town where there are zoning map amendments proposed. One is the northern River Road area... inaudible. Basically, Wemple Road... inaudible. Northern corridor, 15 lots involved that are currently zoned Heavy Industrial. The proposal is to change that to Rural Light Industrial. Primary reason or issue here is that these lots are very small. For example, the Heavy Industrial district requires a 5 acre minimum lot size. It requires a 100 foot front yard set back. Most of these lots can't meet those requirements, okay. So, the proposal is to change that to Rural Light Industrial.

The Bender Lane area, this would be on the southern side of Bender Lane and 9W across from Walmart. We have 6 lots here, again very small lots, the existing zoning is General Commercial, General Commercial zoning requires for example a 1 acre minimum lot size and also again 100 foot set back, front yard set back. Again, these lots are really too small to meet those requirements and would require variances in order to develop. Here we're proposing to change to Commercial

Hamlet zoning.

This is in the area of Creble Road/ Route 9W, currently zoned Mixed Economic Development, there is 12 lots involved. We had a petition from land owners in this area requesting that this be zoned to a district that allows the existing uses that are currently on these parcels which are basically single family homes, vacant land and agricultural type of uses. So, the proposal here is to rezone to Rural District.

And, lastly at the southern, south west corner of Wemple and River Road, there is 9 lots involved here. Again, there is a number of lots in this area here, 3 of them that were made non-conforming when the code was changed from its previous designation of Light Industrial to Mixed Economic Development. So, again we are looking at changing this back to Rural Light Industrial which basically would legitimize those 3 uses that previously existed there as conforming uses. So, it would change them from a non-conforming use to a conforming use.

And, with that, now I believe I am done.

SUPERVISOR CUNNINGHAM: Mark, you had a question for Jeff?

COUNCILMAN HENNESSEY: The changes to the code regarding amateur radio licenses, why was that done? What are the changes? Towers, sorry, not licenses but towers.

MR. LIPNICKY: That was actually done by Keith Silliman, the Planning Board attorney who has some expertise in this area and also is, I guess, an amateur radio user also. A lot of it had to do with how to apply for it and stuff of that nature. Is it a real substantive differences, I don't think so.

SUPERVISOR CUNNINGHAM: Just to add to that, I've been contacted... we have a very active ham radio group in Town and there was some concerns regarding the towers on their property and the size of those towers. Apparently, the towers were not... we weren't allow them to reach a certain height requirement which was kind of a minimum that they needed. And, we did work with them on that recognizing that these are kind of our secondary support if there was ever an emergency and we can't have power. That was one of the things.

COUNCILMAN HENNESSEY: Was one of the changes to raise it to 95 feet? I mean that was the...

SUPERVISOR CUNNINGHAM: I don't know the exact footage, I can get that number for you but... it was... I worked with the guy that lives near you, what's his name?

COUNCILMAN HENNESSEY: Which one, there's 2 of them?

SUPERVISOR CUNNINGHAM: The jeweler.

COUNCILMAN HENNESSEY: Oh, okay.

COUNCILMAN MESSINA: Jeff, I just have 1 comment or question and it relates to the proposed time change for State Environmental Quality Review Act, SEQR, on PDD proposals. Going from current 60 days after referral to the Town Board to 120 days as it currently is with the agreement of the developers, submitter and the Town to automatically 120 days. And, the reason I raise this issue is it's kind of a living experience that the more you put time out there the more you surely use up that full length of time and I am wondering if having it 90 days as a standard going to 120 might not be a better approach.

The reason I raise that is that we have a comp plan now, we have a community that has demonstrated through it's planned development review work and other matters that it wants to be pro business and pro development in the right areas, in the right way. And, I am thinking that maybe going right to 120 days could not be

necessary. You would know better because of the volume of work and what's been happening with the Planning Board but I am suggesting a bit of an alternative to that.

MR. LIPNICKY: I can tell you it's been my experience over 20 years here that if you can get SEQR done in 6 months, you know, you are doing good. Because essentially, you know, the issue is somebody comes in, they make an application, okay and what happens at that point is the Board lays on the table what are the issues. What needs to be addressed in terms of SEQR. So, at that point, somebody has to go out and do a traffic study perhaps, an archeological study perhaps, whatever other studies are involved and to really hire somebody to do that and turn it around within 6 months is optimistic.

COUNCILMAN MESSINA: So you are saying 120 might be short too.

MR. LIPNICKY: I think in most cases it will be because if we're talking about it – unless it is a very minor PDD but most PDDs are usually pretty big projects and in order... we've never pushed the idea of doing environmental impact statements on everything but if you are not going to do an environmental impact statement, you still have to build a record that, you know, that you looked at the potential environmental effects. So, generally if you are doing a PDD, you are talking about doing traffic studies. In this Town, almost the whole Town, is located within an archeologically sensitive area so you are talking about an archeological study, most developers these days are doing wetlands studies upfront but still if you have to do that that adds time to it. You know, 120 days to me is optimistic to turn it around.

COUNCILMAN MESSINA: Sold me, I'm fine.

COUNCILMAN KOTARY: Jeff, actually just one question on that. Are there time frames restrictions within SEQR law? In other words, is it... let me rephrase that. What is the range that we would have to make our own adjustment with regards to the time?

MR. LIPNICKY: You are up against the... up against it at that point, absolutely. I am trying to think off the top of my head but it is not coming to me. Jim, do you know the time frame off the top of your head?

TOWN ATTORNEY POTTER: I don't know off the top of my head either but the time frames can be extended by mutual agreement.

MR. LIPNICKY: You know, the funny thing about SEQR and I'm not suggesting this is the way for stalling anything, but the funny thing about SEQR is, you know there are all these time frames in SEQR but there is no penalty for not making them. So, you know, that's not to say we should be inconsistent with it but...

COUNCILMAN KOTARY: Right, okay. I've another question – the amendment to the density unit calculation, could you just explain that again for some clarity.

MR. LIPNICKY: Yes, there is 2 types of density requirements in our code, okay. One is a simple lot size density that basically says depending on what zoning district you're in, you may require 15,000 square foot lot. Okay, so that is one kind of density restriction. The other density restriction is a restriction on units per acre. Okay, a maximum unit per acre. And, there is a formula in the code in terms of how you calculate what that maximum density is so what the formula basically says is that you look at the parcel, okay, and in calculating a developer's density, you cannot include environmentally constrained land which would be wetlands, steep slope areas, flood plains, so that land area is taken off the top. Okay. Also included in that are areas that are going to be deeded to the Town for easements that are going to be granted to the Town so they may have legal restrictions on them. Okay. So, he can't include that in calculating his density.

The difficulty with that is when the Town is looking for easements, Town is looking for additional right-of-way or whatever the case may be, a developer is

going to look at it and say, why should I give you that when it's hurting me to give you that. Okay. So, what we are trying to do is eliminate that disincentive. But, nevertheless, the amount of density is still going to be controlled at least in terms of single family subdivisions for example by the minimum lot size requirements.

SUPERVISOR CUNNINGHAM: Okay, any other questions from the Board on the zoning changes? Any questions from the public on the zoning changes, comments? Did you have questions for Jeff or just comments?

MS. JASINSKI: Both.

SUPERVISOR CUNNINGHAM: Okay, good.

MS. JASINSKI: Linda Jasinski. My first comment is we set up this hearing 6 weeks ago I think or something and I know the Planning Board was looking at some of this for comments, however, as of today, there was still nothing on the web for me to look at to see exactly what was being proposed. And, there are like 30 pages of stuff over 60 changes. I would think if this is a public hearing you would want to make that available to the public to look at.

SUPERVISOR CUNNINGHAM: It's always available to the public. All you need to do is ask if it's not on the web give us a call and we'll get it to you.

MS. JASINSKI: Well, I did. I did get it and I appreciate that, however, since it is part of being out on the agenda which was out on Friday, I would think there would be a link to it or something that the public can quickly, easily look at it without having to try to call here.

Number 14 deals with food processing and defines that. I wonder where a home business that might do some, you know, canning their own hot sauce falls and whether it is home businesses or the food processing. Somebody who does like wedding cakes on the side or something like that. I'm not sure where that falls into on this thing.

Number 21 deals with outdoor theater... outdoor drive-in theaters to accommodate the Jericho Road Drive-in, however, number 60 you define a theater outdoor having artsy type stuff but not including moving pictures as you do in the indoor theaters. And, I just want to make sure that is not an oversight that they are 2 different things.

MR. LIPNICKY: Yes.

MS. JASINSKI: The lot density that is the same as C. I was not able to look it up. I know you said 85,000 square feet.

MR. LIPNICKY: 8500 square feet.

MS. JASINSKI: Okay, so that is less than an acre.

MR. LIPNICKY: Oh, yes.

MS. JASINSKI: My numbers are... okay, that's fine because I know one of the things in the Rural district that we did want was that you are able to just accommodate what you need so you don't have to break off 10 acres, 5 acres.

MR. LIPNICKY: ...essentially if you have access to water and sewer, you obviously have the opportunity to develop a large...

MS. JASINSKI: 42 prohibits temporary advertising banners. I would like to speak against that. As a consumer, I would like to know that something special is going on whether it is a special price or a special promotion or something like that and a lot of times, on my way to work and back, the places I drive past, I like to be able to use them and certainly if I know something special is going on, I might think

about hey I was going to do that next month but I will do that this month. I think it does the consumer a disservice and I think it does the businesses a disservice especially the small businesses. They can't always afford to put a big ad in the paper or send out coupons or something like that. To just be able to... even if you put a time frame on it, that a temporary banner can only be out for 30 days or something. I think they should be allowed to put temporary banners out. I don't think we should prohibit them completely.

On number 44 a laundry is defined pretty much as dropping off, whether it is a dry cleaner or your laundry, it's where you drop off items whether they are cleaned at that place or not. What defines the place where they are cleaned? In other words, if you had somebody that was cleaning linens from a restaurant or something like that, they are not necessarily dropped off at that place. They might be picked up at the restaurant and then taken to a facility to be cleaned. Do we accommodate that in our listings?

There is a problem on 51 with the enforcement of approval such as and it actually lists plantings and maintaining those plantings. One of the things about planting things is you may decide roses look absolutely wonderful there but they are not going to grow because of some little microclimate and if they are not growing, they shouldn't have to keep replacing with roses every year. They should be able to replace with something else that would go. And a lot of times the only way you find that out is by planting things and anybody who has done a garden knows that. You know, you plant something that looks good and then all of a sudden you find out it's not growing there. So, I think, we should some how accommodate that without having to go to the Planning Board they can change the plantings if they are dying or not working out.

And, those are my comments. Thank you.

SUPERVISOR CUNNINGHAM: Thank you, Linda.

MR. LIPNICKY: ...last one ... that site vegetation for plantings that were originally required and not replace them with anything. Okay. In terms of stuff like roses, I mean, we never got down to that much detail.

MS. JASINSKI: Actually I've seen a few that do actually list the exact plantings that are going in.

MR. LIPNICKY: Well, yes, in terms of shrubs or street trees and things like that.

MS. JASINSKI: But, I just mean... I want to make sure that it's not going to be to the point where you know the Bradford pear gets a disease going through because we love to plant Bradford pears...you know, there's some disease that goes through and wipes it out and you can plant it with something else that will do so.

MR. JARED KING: Jared King, 22 Paxwood Road. I have not looked at this zoning changes it is all new to me. I do have a question for you, Jeff, but I did want to share some of the... I agree with what Linda said for a lot basically, very good points not only about temporary banners, she was also dead on right about dry cleaners today because of all the additional regulations associated with hazard waste disposal. Many dry cleaners that you thought did do the work there are no longer being done there. If it is true then, in fact, plantings are being specified, I think that is a huge mistake for the exact reason. I also have planted and some times you have to experiment depending on location and the amount of sun and moisture and things like that.

And, lastly, certainly if anyone is familiar with the Dutch Elm disease and of course, the city of New Haven, Connecticut is known as the Elm city and that the entire say within about 30 years have lost all their elms. So, you don't want to have... lose a lot of mature trees all at once and it is generally good forestry practices to plant many trees and I also share the concern of the Town just in the way it focuses on Bradford pears as if it is the only tree available. There are many

trees that are flowering trees and, in fact, there are many trees that offer beautiful foliage in the fall and things like that. I would hope that we could think about some more creativity in that area.

Jeff, my question was in your presentation you said something about variance and then like a delay in the amount of time to construct if I understood that correctly. Could you explain that a little bit? In other words, if a person is supposed to apply for a variance up front before they start construction and then you are giving them now more time to start it. Is that correct?

MR. LIPNICKY: Yes. Basically the code... under the code right now, okay, from the time that you are granted a variance you have a year to commence construction. Okay. Often what will happen is that somebody will be granted a variance and then will have to go – and this is more for commercial property – to the Planning Board for site plan approval, okay. So, they have to get all this done – site plan approval, construction plans, putting together the financing and everything else within a year's time. Okay. So, basically what we are saying is if you have to go to the Planning Board after you get your variance you have another year in order to commence construction. Okay. And, there is also another provision that was put in there that says you can now go to the Zoning Board of Appeals and ask for an extension of time on when you have to begin construction where as that was not previously in the code.

So, there are lots of factors that could get involved here where somebody can't start within the year.

MR. KING: Okay. My concern, however, is about a specific situation that I believe Supervisor Cunningham is aware of in which a variance was ordered after the fact because the construction had already been started when it wasn't, in fact, granted a variance. And, it is very troubling for individuals who are complying with our zoning code, etc. and others that aren't. And, then the zoning codes aren't being enforced. So, but if I understand you correctly, then obviously then I would certainly understand and agree with what you are talking....

MR. LIPNICKY: In order to get the extension.... Inaudible.

MR. KING: Right. Okay, fair enough. Thank you.

SUPERVISOR CUNNINGHAM: Thanks, Jared. Are there other public comments on the proposed zoning law amendments? Okay.

Can I have a motion to close the public hearing?

COUNCILMAN KOTARY: Excuse me. I just wanted to make 4 quick general points on these as a whole. The first is that I believe this is the second time that we've gone through this and this is something coming out of the comp plan said we were going to do and we are doing. We didn't get everything right the first time, got a lot right the first time, we got more right the second time, getting more right the 3<sup>rd</sup> time and we will get even more right the 4<sup>th</sup> time. Some of the changes can... you know, some of the changes can be categorized by changing definitions and laying rich clarifications which is always good. Makes it easier for all of us to understand and certainly 4<sup>th</sup> to better enforce the flexibility is another area that helps us to stay within the provisions and intent of the comp plan which is always important. The timing adjustments, you know, we talked about balancing that between doing things expeditiously but also allowing the time to get it right the first time. And also in several cases, we've changed the zoning to reflect actual practices which is something that we've had discussions on in other areas recently.

All of which, I think again, will lead to not only better implementation and enforcement but also will ensure that the zoning code stays within the, again the provisions, but also the intent of the comp plan. So, and I also just wanted to thank all of the staff that worked really hard because there are a lot of changes in here that have been accumulated over the last year, year and half, two years. So, I just

wanted to thank you know, Jeff, George, Mike and everybody else who spent a lot of time, Planning Board, Zoning Board and others who have contributed to this. So, thanks.

SUPERVISOR CUNNINGHAM: Okay, thanks, Kyle. Any other comments, questions, statements? Okay, could I have a motion to close the public hearing?

The motion was made by Mr. Messina and seconded by Mr. Kotary to close the public hearing at 6:35 p.m.

- - -

SUPERVISOR CUNNINGHAM: Thanks, Jeff.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

---

Town Clerk

-----

The next item was a presentation by the Delmar Ambulance and Bethlehem Ambulance on changes to billing for ambulance service. Supervisor Cunningham said he talked about this probably 6 months ago just at a high level with the ambulance services were planning to do and we are doing it or about to start doing it. He said so there are representatives from Delmar Ambulance and Bethlehem Ambulance that are just here to talk about the Board about how it will impact or not impact our residents and make people aware of it. He introduced Steven Kroll from Delmar Ambulance and with him is David Scoons and Wenda Raynor from Bethlehem Volunteer Ambulance and Terry Haggerman who is the legal counsel.

Mr. Kroll thanked the Supervisor for inviting them to present to the Town Board. He noted together Delmar Ambulance and Bethlehem Ambulance answer about 3,500 calls for medical assistance in the Town each year. He said he was here to update the Board on the ambulance financing changes that will be implemented this fall. He said with the growth of the Town and changes in the population, the number of ambulance calls has been increasing by 10 to 15 percent each year. He said to keep up with the increasing needs, both Delmar and Bethlehem Ambulance have begun hiring paid EMTs to ensure we can put enough ambulances on the road during the hours when many of the volunteers are at work. With the demands of careers and family and the extensive training required, Mr. Kroll explained, to be an emergency medical technician, even though there is a very large group of volunteers, they do not have enough volunteers to keep up with the rising call volume.

Delmar EMS is now paying EMTs to staff 2 ambulances during the day from 6 a.m. to 6 p.m. according to Mr. Kroll. He said from 6 p.m. to 6 a.m. they are 100 percent volunteer. Bethlehem Ambulance pays 1 EMT to supplement their volunteer staffing 24 hours a day, he said. Mr. Kroll said while adding the pay staff costs money, these employees along with their many dedicated volunteers can continue to deliver the professional services that our community expects.

Mr. Kroll said currently the ambulance services are funded by an ambulance tax which is seen by people as part of their property tax bill. To make these changes, he said, rather than relying on increasing the ambulance tax, the ambulance services are accessing the health insurance benefits that are available to many Town residents. And, this concept was first reviewed with the Town Board according to Mr. Kroll and a presentation made by the Town Comptroller in December 2007. He said the ambulance services will need several hundred thousand dollars per year to cover the paid EMTs. Without billing the ambulance

tax would need to be increased significantly to get us to the necessary level of staffing, he said. Mr. Kroll said beginning in October both Delmar EMS and Bethlehem EMS will begin accepting payment from insurance companies to pay for this and the other enhancements without raising the cost to the taxpayers.

Mr. Kroll said first he wanted to thank the Town Board and the Town Comptroller's office and the Town Supervisor for supporting and helping them with the transition that will keep the ambulance system on a sound financial footing and facilitate faster responses to meet the needs of the community. He said the community is still going to be served by the many volunteer EMTs, ambulance drivers and firefighters of Delmar and Bethlehem who dedicate literally thousands of unpaid hours each year to respond to the emergency needs, as well as, our partners from the Albany County Sheriff's Department. Mr. Kroll said, however, the billing will allow the services to hire the extra EMTs.

Mr. Kroll said under the new system, if you are transported to the hospital by ambulance, the ambulance crews will ask you to sign a billing authorization form that will give them permission to bill the insurance. After the individual is at the hospital, Mr. Kroll said they may ask the hospital to help them collect health insurance information. He said if there is no health insurance available, that is fine. He said they can ask about it another time and obviously if the individual is seriously ill, this is the last thing in their concern. He said it can all be dealt with at another time. It is also important, Mr. Kroll said, to make sure that the community knows that no one will ever be denied access to emergency ambulance under any circumstances no matter what their insurance status is. He said after the individual gets home from the hospital, there may be an invoice received at home, a questionnaire about billing or it may be sent directly to the insurance company if you are on Medicare or Medicaid or some other insurer that they have a relationship with.

Mr. Kroll said important to note that by the direction of the Town Board to a law that was passed in February if you are a resident of the Town of Bethlehem, you will not be asked to pay any out-of-pocket costs, noting that means that you will not be asked to pay any insurance copayments or deductibles. He said because the ambulance services receive funding from the taxpayers, that funding will be used to cover any out-of-pocket costs and the ambulance companies will accept whatever the health insurance pays as payment in full. The ambulance squads will not ask anyone to pay the cost even if the costs are in excess of the coverage provided by the insurer, Mr. Kroll said.

Mr. Kroll said this is just a brief overview of what they are doing. He said there will be a public meeting at the Town Hall on October 1, 2008 at 7 p.m. where they invite the public and everyone in attendance to come and ask questions about this. He said that meeting has been advertised in the Spotlight with a quarter page ad and there is information on the Town's website, as well as, a frequently asked questions document that is linked to the announcement of the meeting so that persons can read about some of the things that have been presented. He said he presented a document to the Town Board for review. Mr. Kroll thanked everyone for their help in this endeavor and they would be happy to answer any questions.

Supervisor Cunningham thanked Mr. Kroll and noted he appreciates all the hard work that was done to get this accomplished. He also thanked the volunteers noting they put in an enormous amount of hours and the ongoing support is very much appreciated by the community. He said he was sure they hear that from time-to-time but this is an official we really appreciate your support. Mr. Kroll said thank you on behalf of all the volunteers.

Councilman Kotary said he thinks this is a great idea given the fiscal constraints that all services are facing and all levels of government. He said he thinks finding a way where you can bring in more revenue and continue to enhance already great quality services without increasing the tax burden is a great idea and certainly be appreciated. He said he also thanked Mr. Kroll for answering in advance his question with regard to people without insurance or limited insurance.

He said along those lines, to ensure that the insurance companies don't continue to send bills to residents who will not be asked to pay will there be contact with the insurance carriers.

Mr. Kroll said both Delmar and Bethlehem are jointly contracting with the billing company that will send the bills. He said they have set a common set of parameters for those bills and they can be changed at any time. He said the current parameters are that 2 bills will be sent, period. He said you will get a bill, you get a reminder and then it is over. He they can change that at any time. He said if someone gets a bill there will be information saying if you need financial assistance, please call and calls and says they do not have insurance, they can call and talk and they will have a financial assistance policy that can help those people. He said the insurance companies are not going to be the ones that bill the participants, it will be the billing company. He said they work for them and they set the parameters under which they bill. He said for example they will tell them that if you are a resident of the Town of Bethlehem you will not be asked to pay a co-payment or deductible. He said that will be part of their rules for conducting business. Mr. Kroll said they will be monitoring that with oversights to be sure they are done correctly.

Councilman Kotary thanked Mr. Kroll for bringing up the third party billing vendor. He asked about the experience that they have had in this process. He thought it was Syracuse or some where else where this has worked extremely well. Mr. Kroll said the company they are using is Medex. He said they went through a competitive bidding process where they accepted proposals from companies from all over the northeast. He said they selected Medex, noting they are out of Rochester, because of their experience in dealing with companies like them. He said because they also work off a flat fee and not off of a contingency basis. He said they were uncomfortable hiring somebody who gets a percentage of what they recover. He said they pay a flat fee so that their incentive is not to collect extra. Their incentive is simply to do the job and do it well, according to Mr. Kroll. He said they have about 85 clients in New York State. He said they also focused on them because they are familiar with the laws and regulations in New York State. He said they have many volunteer squads and smaller communities like us so they have experience in dealing with the type of population that is representative of our community.

Councilman Messina noted it was mentioned .... Collected would enable an application of additional resources to the MS service, more people to get out there. He asked if they know what they look like yet in terms of expected billings versus what it will add to the resource base. Mr. Kroll said they have been conservative in their forecasting in the initial years because they do not know how well they will do. He said what they do know is that the billing proceeds will cover the expenses that they have now committed to Delmar having the 2 ambulances staffed during the day, as well as, Bethlehem adding the 1 person, 24 hours a day. He said their work with the Town the way this has been developed is that they will as an agency that is contracted by the ambulance district, they submit a budget to the Town each year as the officers of the ambulance district for the Board's approval. He said those budgets are being developed now. He said the uses and distributions of funds will be subject to the discussion in that budget process and since they are essentially contractors from the Town by mutual agreement how those monies will be spent is part of the agreement. So, Mr. Kroll said if they recover funds in excess of what is needed to take the enhancements that they are proposing, that will be a nice situation for them to be in and nice situation for everyone to be in and then discuss what the right way to spend those monies are. He said perhaps to enhance services or in some other manner.

Councilman Messina mentioned too that he thinks the October 1 meeting to tell everyone about this so they do not have concerns about service changes which will impact them is a great idea. He said he remembered a year or two ago talking to the Comptroller Judith Kehoe where she was advocating this sort of payback relationship through insurance sources so this is a good deal. Mr. Kroll said they have also sent letters to all the senior care facilities in the community so that their

management knows about it, as well as, all the physicians offices and thought about all the people that may be affected by this. He said he has been asked to make a presentation to the residents of Rockefeller Road and they will go out and they will send letter out offering to explain it to people so they have an understanding. He said they want them to know that when they call 911, that is not the time to have the discussion. Supervisor Messina thanked Mr. Kroll.

Supervisor Cunningham asked if there were any other questions for Mr. Kroll. There were none and he thanked Mr. Kroll. Town Attorney Potter said he wanted to note to the Board all the work that has been done by Terry Hannigan on this matter. He said he is a volunteer firefighter. He said the law in this area is very esoteric and there are a number of contracts that have to be established in order to accomplish this. He said Mr. Hannigan has put in a tremendous amount of effort on that and met on a couple of occasions with Comptroller Kehoe and with him. He said there has also been numerous phone calls and noted without his efforts, this would have been a much more difficult process. He wanted to acknowledge Mr.Hannigan's work.

-----

Supervisor Cunningham said the next item was the presentation of the 2009 Town of Bethlehem Budget. He said the budget this year has been challenging at many different levels because they have been transitioning from one Comptroller to another so there are 3 people working to put this budget together. He noted he appreciated Mrs. Kehoe's hard work and Mrs. Traylor's coming to be involved in the process.

Supervisor Cunningham said the NYS Governor's office has come out this year and spoken to the residents of the State of New York to talk about the challenges that NYS is having with their budget due to the economic downturn. He said those challenges are not exclusive to the State of New York. He said all the downturns and the impact of the State budgeting is trickling down to all municipalities. He said Bethlehem is not exempt from what is happening.

Supervisor Cunningham said the upside is and he can't emphasize this enough that the Town of Bethlehem's foundation is very strong. He said he feels we will be able to weather the economic downturn and it will come out on the other side. He said, however in the next year or two we're going to have some real challenges in balancing the budget and making sure that we have enough revenue to continue operation without dipping too far into the fund balance and damaging the future ability to run the Town government.

Supervisor Cunningham said they started the process like they did last year, called all department heads in at several meetings held at the Town Hall, public meetings, and discussed with them the challenges they have in their departments, visions they had for future growth and for future needs and talked about the dollars, expenditures, the staffing and what was desirable and absolutely necessary in order to build the budget for 2009. He said some of the guiding principals or goals that they had in mind was the they have to be fiscally responsible in making sure that they did not over burden the taxpayers of the Town, didn't underestimate the actual cost of operations, didn't cut too far into operations that residents depend on and so it has been a real challenge. He said it has been a lot of hard work and to make sure they are fair to the employees. He said the employees in Town Hall are the biggest asset and he could not speak highly enough of them. He said when he came into Town Hall, he never worked full time in government except for the SBA in college and it was Federal government and bureaucracy. He said this Town Hall has some very dedicated, hard working employees that really do a lot for the residents of the Town. He said they have a real commitment to the community and some could make a lot more money working in the private sector but part of their commitment is to the community and they enjoy working here. He said they want to make sure they are committed to them as well.

The Supervisor said some of the initiatives taken this year include the Bethlehem 2020 Initiative. He said the purpose of this is to cultivate leadership,

identify issues and opportunities, focus efforts, build consensus and guide decision making. He said the reality is that the Town government needs to be visionary and keep looking at what is coming down the pike and not just dealing with what is in front of us today. He said he met with Mr. Leveille and some consultants today regarding looking and projecting forward on tax revenues and they commented that we are one of the few communities in the area that is even doing that. He said he believes it is important for the residents of the Town and continue to do this. He noted it is an effort to have stakeholders within the Town and the government work together to look at where we're going and how we are going to get to the year 2020.

Supervisor Cunningham said they are working on long term strategic planning and looking at the Town services and recommending how the needs of the Town will be met in the future. He said they are also looking at guiding principles for the Town in order to look at as we approach different decision making points, what are going to be the principles that that are used to guide through the decision making. He said 2020 started meeting in January and the schedule indicates they will wrap up about April of next year. He said it is about a 17-18 month process. He said it has been very informative and educational and there will be a lot of good information obtained from this.

Supervisor Cunningham next talked about the tax bill. He said even though the Town of Bethlehem's portion of the overall property tax bill is relatively small, he is very cognizant of the fact that there is only one wallet and 100 percent of the tax comes from that wallet. He said when the 12 percent goes to 13 percent, it is still out of the same wallet and is more expense to the taxpayer. He said they are trying to manage how much they are going back to the taxpayers and asking for each year. He said the entire operation does not come out of the property tax, in fact, a very small portion of the whole operation comes from property tax. But, he said it is the only source of funding that we can actually control given the State laws on Towns.

The Supervisor mentioned that the 12 percent of the tax dollar that goes to the Town covers Police services, water, sewer, highways, parks facilities and pool, seniors program, strategic long term planning. He said all the municipal services come out of the 12 percent and the street lighting is very expensive. He said all the street lights the Town pays for the power on those.

Supervisor Cunningham noted all percentages are not equal. He said a lot of times when you read the headlines in a budget, it will say Town proposes 'x' percent increase. He said what is important to understand is when they taxes are increased by 1 percent and another municipality, i.e. the school district, there is a significant difference in dollars. He said this is just an example of what a 1 percent increase means to a taxpayer in dollars.

The next slide, according to Supervisor Cunningham, noted the overall tax obligations on homes. He said the Town tax is where the 12 percent comes in. He said that was the real dollars involved here.

The Supervisor noted the following activities:

- Completed construction on the Route 85 bypass which includes some sidewalks.
- Control of the Colonial Acres Golf Course.
- Parks computer operating system has been updated.
- Vista Technology Campus will be having a groundbreaking.
- 2020 strategic planning effort.
- Sidewalk initiative.
- Rail trail conversion to a bike and pedestrian pathway.
- Open space protection planning.
- Delaware Avenue study.
- Route 9W study.
- Local Waterfront Redevelopment plan.

- 5.2 million dollar project approved for the sewer pump stations.
- Government consolidation has been talked about with 3 initiatives being talked about – storm water coalition with other communities in Albany County; joined in study with Albany County in regard to a health insurance consortium; and consolidate the 911 centers.

The Supervisor said there are also some service initiatives, one being the GIS mapping. In conjunction with that, there is a department of public works assets management program which is an effort to take all underground assets and get them into the GIS mapping. He said they are looking at a possible purchase of a facility that would serve as a DPW service garage. He said the department is now located in multiple locations in Town and there are a lot of inefficiencies and they are very cramped. He said there is a facility that has been looked at and a study will be done to see if it is a feasible project. He said that will be talked about over the next year.

Supervisor Cunningham said they have worked with the ambulance providers for insurance billing. He said the long term goal is to eliminate or drastically reduce the ambulance tax that residents pay by offsetting that cost with insurance providers.

Mrs. Judith Kehoe said the slide overviews the total number of dollars spent for the budget. She said for 2009, there is a proposal of \$38,667,000 for the total budget. She said that is up about 2.8 percent over the prior year. She said not surprisingly with all the services that Supervisor Cunningham mentioned earlier, about 55 percent of those overall expenditures are for salary costs and the associated fringe benefit costs. She said the costs have risen about 4.4 percent over prior year amounts and that includes a 4 percent cost-of-living adjustment for the employees. She said the equipment costs have decreased slightly to about a 2.3 million dollars and the operating costs coincidentally rolled up to a nice round number of 13 million dollars. She said operating costs represent things like chemicals used out at the water treatment plant and at the water plants, electricity, street lights, any contractual consulting work that is done with attorneys or independent audit, office supplies and other costs of that nature.

Mrs. Kehoe said debt service is at about 1.9 million dollars, in keeping with the existing bonds that are outstanding for the Town and it does include some increase in leased equipment purchases – the public works department required some big equipment in 2009 and they thought a lease might be a better way to finance that. She said that reflects the \$296,000 increase in that line.

Mrs. Kehoe said if you read the news, the 2.8 percent increase in no way resembles what is going on in the rest of the world. She said the cost of inflation and many things are at double digits level and the economy is somewhat struggling. She said that was a major effort on behalf of the Town Board and all the departments in keeping containment on those expenditure levels.

Mrs. Kehoe said she would give a quick overview of where the employees are broken out by function. She said the numbers of employees kind of mirror the size of the expenditures. She said the Highway Department and the Public Works Department are about 50 percent of the total so that is all of the highway crews that you see plowing and salting the roads, working on sidewalks and all the public works crews who are out there maintaining clean drinking water and working down at the wastewater treatment plant. Police Department represents about 25 percent of the employees, according to Mrs. Kehoe, and the rest are the administrative services and Parks and Recreation.

Mrs. Kehoe said from all the interim financial reports, the Board knows that the big discussion is always mortgage tax and sales tax. She said the revenues comprise the vast majority of the funding sources in the General Fund and while they have historically been very stable for the Town, they are subject to the broader economic climate. She said when there are troubles in the economy and when consumer confidence might be dropping a little bit and spending might be down, that directly impacts the Town.

Mrs. Kehoe said they have been pleasantly surprised with where the revenues have come in thus far and they used some modest anticipated increases in the 2009 budget. She said the overall revenue growth is about 5 percent in the General Fund revenues. She said they are continuing to draw upon the fund balance where there has been some accumulation of surpluses from good years in prior years. She said they are using less of the fund balance in the 2009 budget than what was proposed in the 2008 budget. She said there is a 4 percent tax rate increase as per the slides that the Supervisor reviewed. The 4 percent does not equate to a whole lot of dollars, according to Mrs. Kehoe, it is \$1.69 per \$100,000 in assessment. She said again because the General Fund tax covers such a small portion of the services because all of the General Fund services are largely funded by mortgage tax and sales tax that is why the rate can be kept so low.

Mrs. Kehoe said this is a quick overview of the revenue in the General Fund. She said you can see that property taxes is only about 10 percent of the total revenues in the General Fund and user fees and miscellaneous include things like interest earnings on investments and things like that.

Mrs. Kehoe said on the expenditure side there is quite a bit of status quo in the overall spending plan. She said in the slide she just highlighted the changes from 2008 to 2009. She said they have provided for 1 additional Police Officer which would bring the total number of sworn officers up to a total of 44. She said it is anticipated that this will be mid year start in June or July. She said it is a relatively nominal impact in the 2009 budget.

Mrs. Kehoe said health insurance which is typically rising at a double digit rate is going up about 14 percent in 2009. She said that is an increase of about \$156,000 overall and that is for all 4 funds of the Town – General, Highway, Water, Sewer. She said bringing the total that the Town pays up to about 2 million dollars in 2009.

Mrs. Kehoe said some good news for the moment is that the retirement system rates for 2009 actually declined somewhat. She said the retirement system rates are based on plan valuation of the assets a year behind which is why she thought they could keep the rates on the decline. She said with the increase in the salary costs combined with that lower rate, it means in 2009 that the retirement costs will be stable within the budget for the Town. She said this has to be watched very closely though because the projected rates for next year are much higher and depending upon where the economy ends up going, it could be even higher. She said that bears close watching going forward. Mrs. Kehoe said General Fund is at 4.7 percent increase in expenditures which brings the total up to about 18.1 million dollars.

Mrs. Kehoe said the Highway Fund expenditures are up 4.7 percent. She noted Mr. Sagendorph, Highway Superintendent, at his budget workshop session discussed at length that 2009 was not going to shape up much better than 2008 in terms of the increases. She said asphalt costs are largely based on fuel products is going up significantly, salt is up significantly as well. Knowing that the revenues available to fund the operations of the Highway Department are so big, Mrs. Kehoe noted Mr. Sagendorph has really curtailed other areas to try and make it all work.

Mrs. Kehoe said staffing levels even though they have increased service demands with all the new sidewalks and roads, are being kept at 56 employees. She said there has been a gap in revenues and expenditures and that is something that needs to be worked on closing. She said again, you can only draw on the prior surpluses to a certain extent before they are not available. There is a 6 percent tax increase, according to Mrs. Kehoe, to help close the gap and that equals \$7.45 per \$100,000.

Mrs. Kehoe said water and sewer funds as heard over the lasts several months, Commissioner Cansler has talked about the need to do a better job of funding our long term infrastructure maintenance. She said we have many

hundreds of miles of underground pipe, many of those assets are at or beyond their useful life and need to be replaced. She said the attempt is to fund as much of this as possible within the budgets possibly allot some money into the reserves and help us fund the plan to manage the assets over time.

Mrs. Kehoe said they are facing similar cost pressures as the Highway Fund and General Fund looking at the cost of primarily the chemicals that are used in treatment. She said there are certain contracts that they are locked into for outside water purchases that place some strains on the budget as well. She said again, that is all managed carefully, certain items have been deferred in order to contain the overall impacts.

Mrs. Kehoe said there are sewer tax rates proposed to rise 4 percent which would be \$1.18 per \$100,000 of assessed value. She said water tax rates are slightly higher at 6.9 percent which would be \$7.13 per \$100,000. She said the user charges will see a separate proposal coming to the Board later in the year and that will include a slight increase in the rates as well – she believes 3 percent was mentioned.

Mrs. Kehoe said there will be something new for the water and sewer bills next year – she said typically utility companies will charge a flat administrative fee for each billing cycle and that fee is designed to help cover administrative processing costs so this is something that was reviewed by the public works department and what they have proposed in the 2009 budget is a \$4.50 charge that appears on each quarterly water and sewer bill. She said that change would yield an extra \$100,000 in revenue for each fund, water and sewer. She said the tentative rate increase is 3 percent.

Mrs. Kehoe said if you were adding up all the individual tax increases per \$100,000 you can check the math on this. She said they have aggregated the general highway, water and sewer funds, compared 2009 to 2008 and you can see that per \$100,000 the combined taxes would be about \$271 which is an increase of \$17.45 or if it is .89 percent increase. She said she always needs to emphasize on this slide that this, of course, does not represent what the January property tax bill will look like because the January bill includes the other taxing jurisdictions that are included on that bill. She said the resident will be paying in addition to that Albany County taxes at whatever rate is enacted by the Legislature and the fire and declining ambulance taxes based on the revenue recovery for insurance in addition to these taxes.

Mrs. Kehoe said the next slide just breaks out the total tax levy by fund. She said the total dollars raised would be \$9,175,000 which is an overall 7.3 percent increase in the revenues. She said it does not equal the amount on the last slide because of the growth in the assessment base from last year to this year. Mrs. Kehoe noted this amount is about 24 percent of the overall budget. She said this demonstrates the fact that this is the minority of the budget. She said the remaining budgetary costs are covered by user fees and in the case of water and sewer modest amounts of State Aid and other user fees, Mrs. Kehoe said.

Mrs. Kehoe said the budget documents are lengthy with a lot of detail in there if the Board Members care to get more information on the budget, there is a binder with the detail reports which is on file with the Town Clerk, another copy at the Reference Desk at the Library and there will be copies placed on the Town's webpage. She said they expect to have those up by the end of the week, Monday, September 29.

Mrs. Kehoe said the next step after review of the budget information by the public will be the public hearing to be held October 22, 2008 at 6:00 p.m. She said after obtaining comments from the public, the actual adoption would be considered by the Board at the first meeting in November.

Supervisor Cunningham asked if the Board had any questions at this time.

-----

Supervisor Cunningham said he needed a motion at this time to set the public hearing for the proposed 2009 Town of Bethlehem budget for October 22, 2008 at 6 p.m.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve setting a public hearing for October 22, 2008 at 6 p.m. on the Proposed 2009 Town of Bethlehem Budget. 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 approve the Town Board minutes of August 27, 2008. Supervisor Cunningham asked for a motion.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the Town Board minutes of August 27, 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 Assistant Director of Economic Development and Planning, Michael Morelli, to set a public hearing for October 22, 2008 at 6 p.m. to solicit public comment on an amendment to Section 119-36 of the Town Code to prohibit parking in designated fire lanes at various shopping centers. The Supervisor said this is an interesting item which he discovered once he got into office and that was that although there are fire lanes identified in some of the shopping plazas here in Town, they are not legal fire lanes. He noted this will make them legal fire lanes by amending the Code. He said the first step is to set a public hearing.

The motion was made by Mr. Kotary and seconded by Mr. Messina to set a public hearing for October 22, 2008 at 6 p.m. to consider a proposed Amendment to Section 119-36 of the Town Code to prohibit parking in designated fire lanes at various shopping centers as requested by Michael Morelli, Assistant Director of Economic Development and Planning. The motion was passed by the following vote:

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

---

Councilman Kotary asked Town Attorney Potter about the fact that as he read the amended change for that it listed all of the additional shopping center parking lots but we did not have the original in that and he wanted to make sure that it is obviously going to stay in the Code and these were additions. Town Attorney Potter said that was correct, noting that was how he read it. He noted he had the same question and went back to the original.

-----

The next item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to authorize the Supervisor to sign a task order for \$22,100 with Clough Harbour and Associates LLP for engineering services to support the replacement of flow transmitters at the New Salem Water Treatment Plant. Supervisor Cunningham noted these are the flow meters that there were issues with earlier in the year. He said they have agreed with DEC to replace them.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to authorize the Supervisor to sign a task order for \$22,100 with Clough Harbour and Associates LLP for engineering services to support the replacement of flow transmitters at the New Salem Water Treatment Plant, as requested by Deputy Commissioner of Public Works, Erik Deyoe. 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 2 items, according to the Supervisor, go together because the first is asking for a grant and the second is asking to spend some money. He said this is a project that the Department of Public Works wants to review to see if we can get some hydro electric generation out of the water and sewer treatment plants. He said they are working with NYSERDA who has given the Town a grant for half of the cost of the study.

The first item was a request from Erik Deyoe, Deputy Commissioner of Public Works, to authorize the Supervisor to execute a contract with NYSERDA for a \$16,455.50 matching grant to complete a hydroelectric generation feasibility study of two locations in the Town water system.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to authorize the Supervisor to execute a contract with NYSERDA for a \$16,455.50 matching grant to complete a hydroelectric generation feasibility study of two locations in the Town water system as requested by Deputy Commissioner of Public Works, Erik Deyoe.

Councilman Messina said it may be interspersed here, when he read the material, it looked like the emphasize/direction is on hydro generation, power generation. He said he was wondering while that study was going on if it was feasible or desirable to look at savings opportunities, as well as, generation opportunities at the same time. He asked Commissioner Cansler if that was not a practical approach. Commissioner Cansler said they are looking at various cost savings measures with electricity that is used out there because as mentioned during the slide presentation, electricity keeps going up. He said they are looking at various avenues to save money in addition to creating our own electricity in the long term.

Councilman Messina said it would not be appropriate in his estimation to do that sort of project and maybe the grant is not set up for this, to look at savings. Commissioner Cansler said this particular grant is set up specifically to help us figure out how to create a hydroelectric generation plant of some type or facility. He said they would have to go through a different grant process to look at savings. Councilman Messina thanked Commissioner Cansler.

Councilman Kotary said we have received grants along those lines in the past. Commissioner Cansler agreed that they have noting this particular grant is specifically for hydroelectric generation.

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 Deputy Commissioner of Public Works, Erik Deyoe, to authorize the Supervisor to sign a proposal with Malcolm Pirnie, Inc. for \$32,922 to complete the hydroelectric generation feasibility study.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to authorize the Supervisor to sign a proposal with Malcolm Pirnie, Inc. for \$32,922 to complete the hydroelectric generation feasibility study as requested by Deputy Commissioner of Public Works, Erik Deyoe. 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 approve the appointment of Mark Hennessey and Chris Hanifin to the Noise Ordinance Task Force. Supervisor Cunningham noted expansion of this Task Force had been discussed.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the appointment of Mark Hennessey and Chris Hanifin 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.  
Noes: None.  
Abstain: Mr. Hennessey.  
Absent: None.

-----

The following motion was a request from Deputy Commissioner of Public Works, Erik Deyoe, to release the escrow account funds for the Devonshire Hills Subdivision.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the release of escrow account funds for the Devonshire Hills Subdivision 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.

-----

The following item was a request from the Deputy Commissioner of Public Works, Erik Deyoe, to accept a deed for drainage easement purposes at 8 Anna Court.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the acceptance of a drainage easement for 8 Anna Court, Selkirk from Rosewood Home Builder, LLC, 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.

-----

The next item was a request from Director of Economic Development and Planning and the Town Engineer to enter into a contract with Creighton Manning Engineering to conduct a feasibility study for the Creble Road Extension project in an amount not to exceed \$25,000. Supervisor Cunningham noted over the last probably 15 or 20 years there has been a lot of discussion about a Selkirk Bypass and there has been various proposals for this bypass in numerous locations. He said the original purpose of creating a bypass was to move commercial truck traffic off of Maple Avenue in Selkirk. He said over the years it has become apparent that

there are other advantages to finding an alternate route. He said primarily from what they are looking at right now and working with Camoyne Associates today and we are looking at strategic planning for the future – basically they have “t’d up the entire Vista Technology Park to start its growth process.

The Supervisor said from a planning perspective, the future is going to require additional commercial growth or drastic cuts in services in order to maintain a consistent level of property tax for the resident taxpayers. He said when they look at the map, there are some areas – the purple areas are industrial/commercial zoned areas. He said looking at that and understanding the whole issue about the bypass and looking for a location for that, what they started to realize is that the next area of good growth for the Town would be this area which is basically around the Selkirk yard and Creble Road. He said they looked at all this and the existing infrastructure and listened to everyone’s concern about any new road in that area and one of the things determined was that for that area to grow commercially, it would need interstate access to be successful. He said this would require a Thruway interchange because that is the only interstate nearby.

Supervisor Cunningham said using existing infrastructure to do that is probably the most cost effective way to accomplish it. He said when they look also at the Selkirk yards, one of the other opportunities that the Town has to consider very closely is that we are in a cycle here where food costs continue to go up and intermodal transportation of goods is becoming very important to our economy. He said we have a railroad yard that can accommodate that. He said basically it is underutilized right now. He said the other thing that as they try to reduce the carbon footprint, they want to see less trucks, less cars on the road and by moving goods and trucks by train, we are actually able to reduce our fuel consumption in the long term. He said the State of New York recently announced that they were going to build in Waterford the asset that we already have right here. He said, however, the difference between Waterford and here is that Waterford is going to have interstate access and it is going to be more desirable.

Supervisor Cunningham said it is his sense at this point that in order to even determine if the Town can do anything to build any access onto the interstate, they need to determine the feasibility of a Thruway exchange. He said he and Mr. Leveille have met with the Thruway, conversations with them, they have explained the many different criteria that the Town needs to meet in order to get a Thruway exchange. He said they do not even know if it can actually happen but they need to do a feasibility study to determine it. He said they will take comments at the end of the meeting.

Mr. Albert Penk raised the question that this was not on the agenda or he could have addressed it before the agenda. He believes he has a right to address it before the Board gets into it. Supervisor Cunningham said he did not have the right to address it right now and thanked him. Mr. Penk asked why it was not on the agenda. The Supervisor said it was on the agenda. Mr. Penk said the page he had did not have it on the agenda. Supervisor Cunningham said to that end, he is asking a request from the Director of Economic Development and Planning that is on the agenda and the Town Engineer to enter into a contract with Creighton Manning Engineering to conduct a feasibility study for the Creble Road Extension project in an amount not to exceed \$25,000.

The Supervisor asked Mr. Leveille if he wanted to add anything to what he has stated. Director of Economic Development and Planning, George Leveille, said that the Supervisor’s statement was a very thorough overview of the situation. He said he wanted to add a couple of other things. He said this image depicts (overhead projector presentation) the alternatives that were considered by the Route 9W Study Committee. He said basically on the heels of the Comp Plan recommendation that the 9W Study explore the feasibility of the proposed northern alignment as the alignment in the Creble/Clapper/ Wemple Road area had become known. He said these are the 3 alternatives that are shown, basically looking at the northern alignment really being in the vicinity of Clapper Road, the southern alignment being south of Maple Avenue. There is an obligation, Mr. Leveille said,

to the impacted property owners, residents of this area, to move this conversation to closure. He said it has been around a long time, it languished really the early part of the 2000s. He said the Comp Plan revived the conversation. He said what they want to do is try and identify what the first thresholds are that have to be crossed. He said as the Supervisor has adequately pointed out, the notion of a Thruway interchange is the first step.

Mr. Leveille said working with the Thruway, this study will simply look at the feasibility of that interchange from the Thruway's eyes which relates to revenue neutrality. He said the bond covenants that financed the Thruway really put significant constraints on the Thruway's ability to do things and so there has to be an understanding of what the revenue and expense implications of a new Thruway interchange are. He said this study will look at those in conjunction with the Thruway Authority and also look at the proposed geometry of an interchange near the water plant using the existing Clapper Road bridge. He said again as you know there is a petition circulated throughout the Town that opposed a 30 million dollar project in this area. He said he thinks we all agree that we oppose a 30 million dollar project for a road so they are looking here to try to find the most sustainable alternative recognizing that growth is on its way to this part of Town.

Mr. Leveille said there is a subdivision on Clapper Road known as Brookside Meadows and eventually Clapper Road will need to be rebuilt to accommodate growth. He said the idea that rather than create uncertainty by drawing lines through property undeveloped farmlands or other property, trying to use the existing profile of an existing Town road that eventually will need to be rebuilt is a much more sustainable approach to this. He said this first study which they hope to complete in 45 to 60 days will give them a pretty good indication as to whether or not the Thruway would be amenable to the results of this from a feasibility point of view and will set the stage for the next phase which would be to work with Federal Highway Administration on the feasibility of this interchange to the interstate system.

Mr. Leveille said they are prepared to move with this. He said Creighton Manning has been recommended by the Engineering Department and his department because they have a unique history of involvement with this. He said they were the design engineers for DOT back when this project was originally conceived. He said they have a tremendous amount of data on hand that does not have to be replicated. He said they think this is the most cost effective approach to getting this project done.

Councilman Messina said in summary looking at a potential interchange in the location where the study will be done which is mostly going to be feasibility and engineering related, if that turns out positive, it is feasible – then the options from there get us to the more low cost opportunities they have talked about potentially 8 rather than 30 million dollars because we don't have 30 million dollars anymore. Mr. Leveille said that was correct and he was remiss not to mention as well that the original concept of the plan as you can see by the alternatives listed, were to connect routes 9W and 144. He said from their perspective that is infeasible. He said it is not something that they can reasonably consider given the limitations on resources for new construction. He said their study limits extend simply to connecting Creble Road to the Thruway, terminating the improvements there. He said they are trying to salvage the 8 million dollars that was originally funded for this project back in the late 1990s. He said that is worth about 12 and ½ million dollars today and they think the alternatives that this approach may consider will be significantly less than the cost estimates that were produced as part of the 9W study with a new road going through a green field.

Councilman Messina also mentioned and supported Supervisor Cunningham's statement here because it is emphasized the factor of economic development being one of the goals we are trying to achieve. He said when this thing started earlier it was mostly safety and traffic routing and now the dimensions have expanded. He said he thinks that is where they need to be given the fiscal realities we are facing. He said he supports the notion of going forward on this

feasibility study. He noted he thinks it is a good idea.

Mr. Leveille said that was another great prompt for information I should have provided that the original intent of this study probably back 15 years ago was to improve quality of life conditions on Maple Avenue for our residents. That was really the sole objective, Mr. Leveille noted, when this project was put on the regional transportation improvement program. He said the Comp Plan reengineered, if you will, what the objectives were to improve not only quality of life but also economic development and traffic mitigation. He said in the modeling done by the Capital District Transportation Committee indicates that an alignment closer to Clapper Road rather than Wemple Road would have a much better effective on overall traffic in the 9W corridor and also would meet all 3 objectives best of all the 3 alternatives that were suggested. Councilman Messina thanked Mr. Leveille.

Councilman Hennessey said just so it is clear for everyone in the audience this is not the Board acting to put this in place. He said this is just to explore the feasibility, it's informational, it's not a commitment to act in that direction. Mr. Leveille said absolutely not. He said it is simply data finding, fact finding to determine whether or not they can continue to proceed and investigate in this. Supervisor Cunningham said that was correct.

Councilman Dawson said she wanted to echo Councilman Hennessey's comments that this is just our approval to conduct a feasibility study about a Thruway interchange in this area. She said it does not commit the Board to one direction or one alternative over the other.

Supervisor Cunningham asked for a motion on the proposal.

The motion was made by Mr. Messina and seconded by Mr. Kotary to enter into a contract with Creighton Manning Engineering to conduct a feasibility study for the Creble Road extension project in an amount not to exceed \$25,000 as requested by Director of Economic Development and Planning, George Leveille. The motion was passed by the following vote:

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

-----

Supervisor Cunningham noted there were a couple items that are not on the agenda that he needed to take care of and apologized for these items. He said the first 3 items are from the Court.

The first item was notification from the Town Justices of the appointment of Karen Creed to the position of Court Clerk. He noted the Justices want to get the vacancies filled and get the positions filled. He said this appointment is effective September 25, 2008.

---

The next item was a request from Human Resources/Payroll Manager, Mary Tremblay-Glassman, to set the salary for the Court Clerk at a Grade 19, Step 3.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the salary for the Court Clerk at a Grade 19, Step 3, \$57,973 as requested by Human Resources/Payroll Manager, Mary Tremblay-Glassman.

Councilman Messina asked if this was an internal person or external person. He said he just did not know. Supervisor Cunningham noted Karen Creed is a promotion from within which is why they have to take the next step to appoint someone to her position.

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 Mary Tremblay-Glassman, Human Resource/Payroll Manager to approve the appointment of Linda Yates to the position of Senior Keyboard Specialist at a salary of Grade 8, Step 1, effective October 14, 2008.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the appointment of Linda Yates to the position of Senior Keyboard Specialist at a salary of Grade 8, Step 1, effective October 14, 2008 as requested by Human Resource/Payroll Manager, Mary Tremblay-Glassman. The motion was passed by the following vote:

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

-----

Supervisor Cunningham said the final item that they need to take action on pertains to a bid to do an improvement to the catwalk out at the dam. He said the project bidding had only 1 bidder and the bid was higher than anticipated. He said there is a need to reject the bid from Gould Erectors and Riggers.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the rejection of the bid from Gould Erectors and Riggers for the Diversion Dam Catwalk Extension Contract 1G.

Councilman Dawson asked Mr. Cansler about the current catwalk and the fact that it did not extend the entire width of the dam and the concern is safety issues across the entire width of the dam. Commissioner Cansler said this was correct noting that there is an outlet and a need to climb down and clean out regularly. He said the purpose of the catwalk would be to put it across to have a place to tie-in and meet OSHA regulations so that they could climb down to the outlet and clear it out occasionally. He said even before the bid was received, they were relooking at the design to see if there was a better way to do it that would be more economical and still meet all of the OSHA regulations. He said they got the bid in and it was much higher than anticipated and decided to go ahead and review the design and see if there is a cheaper way to do it and still meet all the regulations.

Councilman Dawson asked if the bid was to replace the catwalk or to make the catwalk go all the way across or to do something else. Commissioner Cansler said it was to put the catwalk all the way across the top of the dam. Councilman Dawson said now we are going to rethink that design. Mr. Cansler said this was correct. He said they decided that they really do not need the catwalk all the way across the top of the dam to accomplish what was needed. Mrs. Dawson thanked Mr. Cansler.

Supervisor Cunningham asked if there were any other questions.

The motion was passed by the following vote:

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

-----

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

-----  
Supervisor Cunningham said he had just a couple of items.

- First he acknowledged the PIG students for staying for the entire meeting.
- Colonial Acres Golf Course kids tournament will be held October 4, 2008 for grades 4 through 12. Rain date is October 5, 2008. Anyone interested can get information on the Town website or contact the Parks and Recreation Department office.
- There will be 1 more community clean-up day on October 18, 2008. He noted anyone who wishes to sign up can contact Debbie Kitchen. He said they picked up many, many pounds of garbage and trash around Town and has been a great effort. He said it enters into the entire Storm Water Management Program. He said he enjoys doing it.
- On Friday and Saturday there is an electronics collection day at the Highway garage. If you have electronics, not household hazardous waste – old computers, remote controls, toasters, tvs. He said the times are Friday from 8 until 3 p.m. and Saturday from 8 until 12 p.m. He noted this is part of the ongoing recycling program.
- The Jonathan Carey walk will be held at the Town Park on October 4, 2008 at 10 a.m. and there are signs around Town.
- Several months ago, resident Marie Capone talked about how the Deputy Commissioner of Public Works seems to do more work than the Commissioner and to be consistent with that, he announced that Erik and Kristen Deyoe had a baby boy yesterday. He said his name was Parker Duke Deyoe and he wished to congratulate them.

- - -

Supervisor Cunningham asked if there any comments on non-agenda items. Mr. Jarod King, 22 Paxwood Road said he had a question about an agenda item and that was the request to authorize the Malcolm Pirnie signing. He said his understanding of municipal law provides for emergency bidding in the case of an emergency, etc. and asked in terms of bidding procedures for items such as he suspects this is where there is an odd and esoteric type service where there can be very few providers of that service. He asked if this had to go out to bid. Mr. Paul Penman, Engineer, noted this is a professional services contract and is not subject to the bidding process. He said in this case, they had to use a NYSERDA approved engineering firm and based on their specialty in this area that was who was chosen.

Mr. King asked if there were more than 1 firm that NYSERDA had approved. Mr. Penman said they do have other firms that are approved but again, they have special expertise in this area that they received a quote and decided to go with them. Mr. King asked if the Town looked at other providers as well. Mr. Penman said he did not believe they did.

Mr. King asked if anyone on the Town Board knows exactly what is being covered for \$32,911 for this study. Supervisor Cunningham said unfortunately the Deputy Commissioner is not in attendance and he was the one who put this item together. Commissioner Cansler said Malcolm Pirnie helped them get the grant and had been working with them beforehand. He said that was the primary reason they went with them because they were already familiar with this project.

Mr. Cansler said the \$32,000 is providing a feasibility study on whether they can actually create a hydroelectric facility to add a couple spots in the water system. He said also how much can be produced and whether it really feasible to go forward and how much money can be saved doing this. Mr. King said he appreciates what is covered, that was discussed, but he wanted to know specifically what is being done. He said he thinks the other question was answered and that was that it was not put out to bid. He said they thought there was some special expertise and they did use them before, noting that is not necessarily a requirement but if that was a choice, it is not required to go out to bid. He said that was a choice of the Town and like the people involved, etc. He said that part of it he thinks was answered. Commissioner Cansler said Mr. Deyoe and the people at Malcolm

Pirnie came up with the idea of possibly creating some hydroelectric facilities along our lines that would save the Town money in the long run. He said that was why they were chosen.

Mr. King asked if this was done on a percentage basis or anything like that. Supervisor Cunningham said that was what a feasibility study does, is determines whether this is a feasible project, cost effective or not. Mr. King said he appreciates that but he used to provide services that were no cost unless there were savings or things like that. He said in terms of how the pricing was done was his question. He thanked everyone.

Mr. King also said he had a non-agenda item from a while back. He said at the May 14, 2008 Town Board meeting the Town Board voted to allow the Supervisor to enter into an agreement with the State Department of Environmental Conservation to provide the State with a 33 foot easement for \$13,800. He said his advice to the Town Board is the same advice he would provide Charlie, when in doubt listen to Joann and when not in doubt, listen to Joann. He said an easement is a permanent alteration to a deed, not a license which a landowner can revoke. He said selling such an easement constitutes a permanent grant to the State. He said the Town of Bethlehem will lose control of how the parcel is used and who has access if the Town were to sell the easement. He said enforcement in terms of any easement would involve litigation. He said the Town would, however, not lose liability because the Town would remain an owner.

Mr. King said in this light, \$13,800 appears to be a low-ball offer intended to take advantage of ignorant Town officials. Supervisor Cunningham thanked Mr. King for that. Mr. King said the Town should either retain the property or sell the property out right. He said given the reluctance of the Town of Bethlehem Police to enforce trespassing statutes – he said he was told by a Bethlehem Police Officer that the only way the police will enforce the statute is if the policeman observes the trespassing, not likely, or if the trespasser is a peeping tom – he concurs with Linda Jasinski that calling the Bethlehem police about trespassing is a waste of time and Town Council Members should be aware of this fact before approving any land easement or land sale with DEC. Supervisor Cunningham thanked Mr. King.

-----

Mr. Albert Penk said he would stay away from the agenda because he guessed he could not address that. He did address information on the Clapper Road area. He said Clapper Road is an old farm road constructed out of a gravel road base, loose oil crushed stone and a thin top layer of blacktop. He said it is incapable of handling any heavy commercial truck traffic without replacing the complete road. He said properties on both sides of Clapper Road are zoned residential and a truck route through this residential area would affect the proposed residential development by Charlew Construction and other residential development in the pristine environment.

Mr. Penk said on the north side of Clapper Road, where apparently the location of this road is, for a mile the VanRensselaer Forest and Wildlife Preserve has road frontage that would be affected negatively by any type of commercial truck traffic because of the excessive noise, air pollutants and possibility of contaminated spills. The Vlomankill Creek traveling east paralleling Clapper Road, Mr. Penk said, which would need to be crossed – and this would have an environmental impact on this highly sensitive area as it flows directly into the Hudson River.

Mr. Penk said the idea of a New York State Thruway exit and a tandem trailer operation in this area within 1 mile of the Van Rensselear Forest and Wildlife Preserve is unimaginable that you would consider it. The environmental impact would be devastating, according to Mr. Penk, because of the high impact lighting, unacceptable noise levels, and polluted groundwater runoff polluting the ground area and streams of the VanRensselaer Forest and Wildlife Preserve and other environmentally sensitive surroundings, farms and residential areas. He said if, indeed, the New York State Thruway is in need of expansion of tandem trailer

operations, and the expansion of Selkirk exit 22, then the present exit 22 is an ideal location. He said Win Morrison Realty Corporation Commercial Real Estate Group has 40 acres available on Route 144 adjacent to exit 22 on the north side and 29 plus acres on the south side adjacent to exit 22. These properties would also compliment the New York State Thruway Authority Selkirk Maintenance Facility currently located at Selkirk Thruway exit 22.

Mr. Penk said in this time of economic crisis and unheard of taxation of taxpayers it would be way more constructive for the Director of Economic Development and Planning to show some results in developing the vacant available real estate we have and not trying to spend unheard of taxpayers' money on a feasibility study and a road to nowhere, to accomplish nothing.

I can only hope, and this is after the fact, that this Town Board will refuse this feasibility request for \$25,000, end the northern bypass harassment of taxpaying Town of Bethlehem residents, and use the \$25,000 for tax relief if nothing else. He thanked the Board for allowing him to give this information. He noted he would have much rather done it in the beginning but he apologized to Supervisor Cunningham due to the fact it was on the back of the sheet which when he comes he always gets 2 sheets. He said he did not look at the back of the sheet. I know it likely fell on deaf ears but that's okay.

Supervisor Cunningham thanked Mr. Penk.

- - -

Ms. Linda Jasinski asked that the Town Comptroller not to forget the Ravena- Coeymans-Selkirk Library that takes care of the bottom half of the Town and to put a copy of the preliminary budget there as well. Supervisor Cunningham thanked Ms. Jasinski and said the slides will be updated also on the website.

- - -

Councilman Messina said he probably could have done this under new business but he did not think to do it earlier. Mr. Messina said it is good news and he wanted it brought to everyone's attention. He said he saw Mrs. Lanahan sitting in the back and he was reminded of a subtle little program that this Town Board is aware of that has been moved forward called SAFE – Sports Are For Everyone. He said the first opportunity this past Saturday was held to let children with disabilities be out there with athletes and their parents could watch them. It ran for about an hour, Mr. Messina said, and was terrific. He said there were about 25 people in total and it will be on again this Saturday at 1 p.m. He said it is the sort of the thing that will grow. He invited everyone to go out and see it. He said Mrs. Lanahan, Mr. Gallo and their staff did a great job. Supervisor Cunningham congratulated Mrs. Lanahan and thanked Councilman Messina.

-----

The Supervisor asked for a motion to adjourn to Executive Session to discuss pending litigation.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve adjourning to Executive Session to discuss pending litigation. The motion was passed by the following vote:

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

-----

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 8:00 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

EXECUTIVE SESSION

The motion was made by Mr. Hennessey and seconded by Mr. Messina to approve the settlement of MALM Realty Company for 40 Hamilton Lane; 41 Hamilton Lane; 62 Hannay Lane; and 64 Hannay Lane as submitted by Josh Effron, Esq. The motion was passed by the following vote:

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

Noes: None.

Absent: None.