

TOWN BOARD
SEPTEMBER 26, 2007

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
Daniel Plummer, Councilman
Samuel Messina, Councilman
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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Supervisor Cunningham welcomed everyone to a regular meeting of the Town Board and asked the Members of the Daughters of the American Revolution to join him to lead in the pledge of allegiance. He invited all in attendance to join them.

The Supervisor read a Proclamation in recognition of the 100 Years of Community Service by the Tawasentha Chapter, Daughters of the American Revolution. He noted the flag at the back of the room was donated to the Town in the late 1970s. Members present thanked Supervisor Cunningham.

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Supervisor Cunningham welcomed the Participation in Government students. He said the meeting would begin with public comments on agenda items.

Mrs. Marie Capone asked what happened to the ordinance about noise. Supervisor Cunningham said they just started the Task Force and noted Councilman Messina will be handling it. He said the Task Force has not met yet. Mrs. Capone said the Board would have to hire more cops because the cars with bad mufflers constantly. She said some come out of the station here.

Mrs. Capone said she sees there is lots of problem with the sewers. On Borthwick she said they have been working there for 2 weeks. She asked, does anybody know how to work the camera that Bruce Secor bought for that purpose. Supervisor Cunningham noted they do camera the sewers regularly. Mrs. Capone said really, not being sure she should say it.

Mrs. Capone said she was here Sunday night and the room was like this and the hall and the hall over there were in the darkness. She said it was little Boy Scout. She said it does not take much for these little kids to fall and the Board would be responsible, especially the steps over there are in the darkness. She said if they want to save on the electricity, unplug the lights on top of the building. She asked if they ever noticed it. Supervisor Cunningham said he did not. Mrs. Capone on the roof, there were blue lights put and they eclipse the building all around. She said they should make it a point to check it out when they go by. Supervisor Cunningham thanked Mrs. Capone.

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Mr. Robert Jasinski said he had some one liners he wanted to ask and address as the agenda is progressing forward. Mr. Jasinski said on the Administrator of Parks and Recreation Department, he would like to know if any of these new personnel are assigned to Colonial Acres Golf Course. He said his second question is that the engineer has acceptance of deeds and easements for Dinmore Road sewer replacement and he would like to know if there is any cost for the additional easement and if abandonment is done, who gets the property. Supervisor Cunningham said they are easements and the Town does not own the property. Mr. Jasinski asked if it goes back to the original owner. The Supervisor said it does and the owner never lost it, the Town just had permission for the

easement. Mr. Jasinski further asked if the Town gives up the rights to the portion that is being abandoned. The Supervisor said yes.

Mr. Jasinski said there is a request for the water treatment to Stephen Miller contactor. He said he would like to know how many bids were received and what was the price. He thanked the Supervisor.

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There were no other comments on agenda items. Supervisor Cunningham said the next item was to approve the Town Board minutes of September 12, 2007 as submitted.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the Town Board minutes of September 12, 2007 as submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was the presentation of the 2008 Town of Bethlehem Tentative Budget to Town Clerk and set public hearing for October 24, 2007 at 6:15 p.m.

Supervisor Cunningham gave his budget message and asked Comptroller Kehoe to give the overview.

Comptroller Judi Kehoe next gave the budget overview. She explained it shows the total expenditures in the 2008 proposed budget. She reviewed the budget proposals. She reviewed each of the 4 operating funds and revenues.

The Comptroller mentioned that the storm water regulations are fully effective starting in 2008. She said the Engineering Department has been working diligently to comply with the community's education component. She said given the inspections are going to be required started in 2008, the funding was proposed in the 2008 budget to fund the position that was going to take responsibility for that and help with some of the staffing pressures of the Engineering Division.

The Senior Services Department has requested an additional staff member due to their being 2 full time outreach workers and a request is in for a 3rd outreach worker in 2008. The Comptroller noted these are the persons on the front line for families to help them cope with stress of inadequate resources. She noted a part time position is being turned over into a full time position.

Comptroller Kehoe said the other general fund expenditures are relatively constant. The increase in the budget for the General Fund is about 3.2 percent which brings the total expenditures to about 17.4 billion dollars for the General fund.

The Comptroller next reviewed the Highway Fund. She noted there will be an increase of 4.9 percent due to the increase in primary operating supplies which have risen close to 15 percent. Staff levels are proposed to remain at 56 and thanked the employees for maintaining more streets and sidewalks with the same number of crews.

Comptroller Kehoe next spoke of the water and sewer funds. She said they continue to address significant infrastructure needs of the Town. She said pipes and plants have a useful life expectancy and many of these assets are toward the end of their service life. She said operating costs including chemicals and supplemental purchase of water have risen as well. She said tax rates are proposed to remain flat. She said it is anticipated that the user charges are going to be increasing modestly. She said given that this is a cost that consumers can manage by controlling consumption levels, as a matter of public policy, the Town's

preference is to try to fund any increase in these operational costs through user fees rather than taxes. She noted the proposed rate changes will be presented to the Town Board for consideration in a few weeks.

Comptroller Kehoe said the exhibited chart shows the easy way to calculate the impact on the proposed taxes for all 4 operating funds by looking at what the tax dollars would be per \$100,000 of assessed value. She said everyone should remember there are other charges on there as well that the Town Board does not control and that included the County, Special District taxes as well for fire and ambulance service.

Comptroller Kehoe said the budget document can now be reviewed by the public and comments can be offered to the Board at the public hearing which will be at the October 24, 2007 regular Town Board meeting. She said if anyone wishes to see a copy of the detailed budget reports, they can be seen at the Town Clerk's office, copy in the Bethlehem Library at the reference desk and there will be a copy by the end of the week on the Town's website.

Supervisor Cunningham thanked the Comptroller and asked for a motion to set the public hearing for the 2008 Tentative Town Budget.

The motion was made by Mr. Plummer and seconded by Mrs. Dawson to set a public hearing for October 24, 2007 at 6:15 p.m. on the 2008 Town of Bethlehem Tentative Budget. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to authorize the Town Supervisor to sign an indemnification agreement pertaining to roadway improvements along Weisheit Road, Glenmont. The Supervisor asked Highway Superintendent, Gregg Sagendorph, to give an overview of this item.

Highway Superintendent Sagendorph said last winter a section of Weisheit Road was lost down a deep ravine. He said a portion of the pavement, the shoulder and the guide rail all slipped down about 1 or 2 feet. He said they immediately took pipe out of their stock because they new this was going to happen sooner or later. He said they put it in the bottom of the ravine on private property owned by the Weisheits. He said they got a certificate of insurance so they were covered to do the work on private property. He said as the work progressed during the spring in discussion with the Weisheit brothers, there are 4 owners of the property, and it was decided to go ahead and make a roadway realignment improvement that had been planned for a number of years.

Mr. Sagendorph explained that this was done for a number of reasons but one of them was in the 2007 project schedule for the Highway Department they were going to realign the intersection of Clapper Road and Weisheit Road which is about a quarter mile south of where this realignment is taking place. He said in that intersection reconstruction there was going to be an excess amount of fill that had to be hauled away. He said what better place to put it than in this 30 foot deep ravine that needed to be filled in for the realignment project. He said the Weisheits not wanting to loose any more land than necessary and the Town not wanting to purchase any more land than was absolutely necessary, decided by mutual agreement to proceed with the realignment and the construction of this highway and then decide how much land was actually disturbed. He said that is what would be transferred to the Town at fair market value.

Mr. Sagendorph said this is where it stands right now. He said once again, the certificate of insurance to cover the Town forces working on private property and they are within a week or 2 to putting traffic, the motoring public, on to this new road alignment. He said it is not paved but a gravel surface but on the new alignment which is on private property. He said in order to cover the Weisheits

from any lawsuits or litigation arising out of an accident or something that happens on this new alignment until the Town gets the land, there is a need for this indemnification agreement.

Town Attorney Potter said for the Board's information, they checked with the insurer and have confirmation that if they are called to answer on this indemnification agreement, the insurance will cover it.

Supervisor Cunningham thanked Mr. Sagendorph and Mr. Potter. He asked for a motion.

The motion was made by Mr. Kotary and seconded by Ms. Dawson to approve the Supervisor signing the Indemnification Agreement pertaining to roadway improvements along Weisheit Road, Glenmont. The motion was passed by the following vote:

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

The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of appointment of seasonal personnel. Supervisor Cunningham asked if any of these were for Colonial Acres. Mrs. Lanahan said they are not, they are program personnel.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department at the title and salary listed. The motion was passed by the following vote:

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

The next item was a request from Town Engineer, Erik Deyoe, for acceptance of Deeds for Easements and Abandonment of portion of existing easement pertaining to the Dinmore Road Sewer Replacement. Supervisor Cunningham asked Mr. Deyoe if there was a cost for the easements. Town Engineer Deyoe said there were no fee transactions.

The motion was made by Mr. Messina and seconded by Mr. Plummer to approve the acceptance of deeds for easements and abandonment of a portion of existing easement pertaining to the Dinmore Road Sewer Replacement as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

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

The next item was a request from Erik Deyoe, Town Engineer, for award of bid regarding improvements to Dinmore Road Waste Water Treatment Plant Aerators to Stephen Miller Contractors, Inc., the low bidder. Supervisor Cunningham asked Town Engineer Deyoe to talk a little bit about this item.

Mr. Deyoe noted back in fall of 2006, the Engineering Department with Malcolm Pernie and NYSERDA did an energy study down at the Wastewater Plant to look at opportunities to increase the energy efficiency and reduce the overall operating expenses. He said one of the key projects that came out of that was to install a variable speed compressor and move the constant velocity blowers to basically aerate which is part of the sewage treatment process. He said that is what this is today. He said in February of 2007, the Board approved about \$425,000 in

Capital Reserve Funds to fund the project. He said this was out to bid and there were 5 bidders with the low bidder being Stephen Miller Contractors, Inc. who is proposed to receive the award. He said the low bid price was \$414,414 followed by Blue Heron Construction at \$433,000, Harkins Mechanical at \$484,000, Gould Erectors at \$493,462 and FPI Mechanical at \$503,000. He said these are pretty competitive bids and they are pleased with the way the base bid prices came out. He said there were 2 alternate bids to do some gate valve improvements on the aeration tanks themselves but they have elected to defer those to a later date due to the prices received. He said this is the award of the base bid alone.

Councilman Kotary asked what the approximate expected life span of this system. Mr. Deyoe said this is a typical equipment that is going to last 20 to 25 years. He said they are looking at an annual savings of around \$50,000 in operating cost which is for reference purposes is about the energy cost at Town Hall. He said this would be recovered each year and there is a rebate program with NYSERDA that is going to rebate part of the upfront equipment cost. Mr. Kotary said there was an additional \$35,000 to \$45,000 rebate associated with that. Mr. Deyoe said that was correct. Mr. Kotary said this will pay for itself in 7 to 8 years so they are looking at from 12 to 15 years of some nice additional revenue. Supervisor Cunningham said this was assuming energy costs do not go up.

Councilman Messina noted Mr. Deyoe's letter talks about some additional design work and increased scope. He said he knows that is not uncommon in these projects. He asked about what went on with this. Mr. Deyoe said they established a budget early in the design process right as they were initiating the design work and the estimate was based on the report received in the fall from Malcolm Pernie who was the design engineer. He said at that point they had not put in the details of the design and they uncovered that a lot of the controls and control panels that were actually in the aeration building of the plant had never really been tied into the supervisory control system so they had to do some control upgrades, as well as, some skate upgrades in order to accommodate the project.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the award of bid regarding improvements to the Dinmore Road Waste Water Treatment Plant aerators to Stephen Miller Contractors, Inc., the low bidder as requested by Town Engineer, Erik Deyoe. The motion was passed by the following vote:

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

The final item on the agenda was the acknowledge of receipt of Summary Report of Responses to the Stormwater Survey. Supervisor Cunningham thanked Town Engineer Deyoe for this report.

Supervisor Cunningham said before going into the public comment period, he wanted to make a couple announcements of things going on around Town. He said he mentioned last Town Board meeting that tomorrow night National Grid would be at the Town Hall at 7 p.m. for a Town Hall meeting with residents. He said there have been several areas of Town that have suffered frequent blackouts and National Grid has a plan in place for the Town of Bethlehem to both trim trees and upgrade infrastructure to try and improve the quality of their service in Town. He said they are going to come to the Town about what they are doing and listen to other residents concerns. He said if you have any, please make sure you come or if you know people who are concerned about their service, please make sure they know about this.

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The Supervisor noted also that there will be a Town Hall meeting with the residents down near the Dinmore Road water treatment plant regarding the ongoing service and maintenance of that plant. He said this meeting will be on October 4,

2007 at 7 p.m. at the Bethlehem Grange and the new Commissioner, Josh Cansler, will be joining him.

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Supervisor Cunningham noted Saturday morning the Jonathan Carey Foundation will be holding a walkathon starting at the Town Park starting at 10 a.m. He said people are asked to congregate earlier and it is a 5K walkathon for a good cause. If anyone is not familiar, Supervisor Cunningham said, Jonathan Carey died earlier this year as a patient at the O.D. Heck Center in Schenectady and his parents are residents in Town and they created a foundation to make people aware of the treatment of people in long term care facilities.

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Supervisor Cunningham said after that everyone can come back to Town Hall where there will be Emergency Preparedness Day being sponsored by Red Cross and others and that is from 12 to 4 p.m.

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The Supervisor said then there is a request from the senior program asked him to put out an alert due to a need for a sign language interpreter volunteer or volunteers. He said if anyone knows or knows someone who can and would be willing to volunteer in the Seniors Department that would be greatly appreciated. He said there is an ongoing need for that.

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Supervisor Cunningham said he finally wanted to mention that the New York State 2007 Star refund program is in effect. He said this is something most of us have to go out and apply for noting you should have received a letter in the mail. He said if you are a property tax payer, you need to go online, indicating there are brochures around Town Hall on this. He encouraged everyone to do that.

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Supervisor Cunningham asked if there was any public comment on non-agenda items. Mr. Robert Jasinski said his question is to Mr. Cansler, Commissioner of Public Works, in the past there has always been concerns about the New Salem reservoir – the amount of water that is in it and there have been reports in the past as to whether it is high, low or anything, noting he knows there has been some work and because of Mrs. Kehoe’s comment on water – we may have some increases or something or something I read, perhaps, where Albany might be increasing some of their water charges to their people and of course it rolls right down to us – he called Mr. Cansler’s attention to that and see if he is not familiar with it that he makes himself familiar with it because it will supply quite a bit of water to us and he knows we are in some kind of plan with the piping along New Scotland Avenue. He said he has not heard much about it in the past year but there was something on that too.

Supervisor Cunningham said maybe there could be an update on what’s going on in the Department of Public Works. Commissioner of Public Works Cansler agreed. Mr. Jasinski thanked Supervisor Cunningham.

Supervisor Cunningham asked if there were any other comments. There were none and Supervisor Cunningham asked for a motion to adjourn.

The motion was made by Mr. Plummer and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 6:47 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

Town Clerk