

Town Board

May 12, 2010

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 6:00PM.

PRESENT: Samuel Messina, Supervisor
Joann Dawson, Councilwoman
Mark Hennessey, Councilman
Mark Jordan, Councilman
Kyle Kotary, Councilman
Nanci Moquin, Town Clerk
James T. Potter, Esq., Town Attorney

Supervisor Messina called the meeting to order and lead the Pledge of Allegiance.

PUBLIC COMMENT ON AGENDA ITEMS-----

Marie Capone – Didn't think a confidential secretary was needed in Human Resources. Where is the hiring freeze? The town shouldn't borrow money during a recession, just do without. Supervisor said he was going to be a conservative administrator, it didn't happen.

Mike Waldenmier – Question on bonding for the police cars. It is now listed as the cost for three (3) cars, instead of four (4) as listed two weeks ago. Supervisor Messina said the cost was for three (3) cars with all the upgrades.

Bob Jazinski – He had brought attention to the number of police cars two weeks ago and he asked about the Fair Trade town resolution. Supervisor Messina said he would speak to that when he got to it on the agenda.

Suzanne Capone – What is the Town's bond rating now. With state cuts to aid to towns, how is the bonding going to affect the budget next year. Agreed that the roof should be fixed but did not agree with new offices being built.

PUBLIC HEARING – PROPOSED MYSTIC WOODS DRAINAGE DRISTRRICT-----

A motion to waive the reading of the call of the hearing, indent the notice of public hearing, affidavit of publication and affidavit of posting on the minutes was offered by Councilman Jordan, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: none

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on May 12, 2010 at 6:05 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider creation of a drainage district for the Mystic Woods subdivision, Delmar, to maintain the stormwater management system. The maximum amount proposed to be expended for the improvement is not to exceed \$9,000 per year; no fee for hook-up will be required; and cost of the proposed district to the typical one or two family home will be up to \$1000 per year.

Description of Proposed
Mystic Woods
Drainage District

ALL that certain piece or parcel of land situated and being in the Town of Bethlehem, County of Albany, and State of New York, bounded and described as follows:

Beginning at a point, said point being in the northerly right-of-way of Orchard Street; thence S 73°-04'-50" W, a distance of 220.52 feet, to a point; thence N 11°-55'-08" W, a distance of 1966.16 feet, to a point; thence S 56°-35'-57" E, a distance of 1333.84 feet, to a point; thence S 53°-00'-05" W, a distance of 300.67 feet, to a point; thence S 08°-25'-

58" E, a distance of 828 feet, to a point; thence S 69°-03'-50" W, a distance of 67.36 feet, to a point; thence S 72°-10'-20" W, a distance of 330.76 feet, to the point and place of beginning, containing 1,097,535 square feet or 25.20 acres more or less.

The above described parcel is more fully shown on a map entitled: "Mystic Woods, LLC, Drainage District, Town of Bethlehem, Albany County, New York", dated 5/12/08, prepared by Spectra Engineering, Architecture and Surveying P.C, Latham, NY.

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

Individuals with disabilities who are in need of an accommodation 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
Nanci Moquin
Town Clerk

STATE OF NEW YORK) SS:
COUNTY OF ALBANY)

NANCI MOQUIN, 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 April 28, 2010 and that I posted the Notice of Public Hearing on April 28, 2010 on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

Nanci Moquin
Town Clerk

Sworn to before me this
30th day of April, 2010.
/s/ Julie Sagendorph

Notary Public

The public hearing was requested by the Town Engineer as per his memo to the Board.

A motion to open the public hearing was offered by Councilwoman Dawson, seconded by Councilman Jordan and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary

NAYES: none

ABSENT: none

The public hearing opened at 6:10pm.

There were no comments from the audience.

A motion to close the public hearing was offered by Councilman Jordan, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary

NAYES: none

ABSENT: none

A motion to establish the Mystic Woods drainage district was offered by Councilman Jordan, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary

NAYES: none

ABSENT: none

APPROVAL OF TOWN BOARD MINUTES FOR 4/28/10-----

A motion to approve the Town Board minutes of April 28, 2010 was offered by Councilman Kotary, seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary

NAYES: none

ABSENT: none

BONDING-----

Joseph Scott, bond counsel presented on the issue of bonding. He had been asked by the Supervisor to come and explain bonding and answer questions from the Board.

Mr. Scott is the managing partner of Hodgson & Russ and he works solely as a bond counsel. He decided to show the Board a copy of what is prepared and delivered at closing by him as the bond counsel. It is a bond counsel opinion that was done for the Town last year. Certain provisions were highlighted in the opinion. It is a legal opinion from the bond counsel on financing. They work with Town officials in the process of issuing bonds within the legal structure. They also give a tax opinion within the document. The bond counsel needs to be listed in the "red book" showing they have the expertise necessary to be a bond counsel. This shows they are a recognized bond firm. This opinion gives investors reassurance that the bonds they are purchasing are valid and exempt from federal income tax.

Mr. Scott said the difference between a BAN, bond anticipation note, and a bond is a BAN is a short term obligation and a bond is a long term obligation. A municipality usually issues a BAN to provide immediate financing, and then they will roll those notes into bonds. He said the longest term of a single note (BAN) is two (2) years, and the maximum number of times that note could be rolled is five (5) times. At the end of that term the BAN should either be paid or rolled into a bond. A bond's length of term is for the probable useful life of the object being bonded. That useful life is determined by the finance law. A municipality can not borrow for a longer term than the useful life of the object.

Councilman Dawson asked why it was a good idea to bond for police cars that had a useful life of three (3) years. Mr. Scott said it was a policy issue as to when to bond. The Board should work with financial advisors and staff to decide when they will bond and for what. The police car resolution gives a five (5) year cap on the length of the term. It must be worded that way per the finance law but the Town could decide on a three (3) year term or less.

Councilman Kotary asked if short term notes should be used for certain items. Mr. Scott said a general answer is hard. It depends on the market and fees associated. There is an attorney bond fee for each transaction and the fees for bonds are higher than for BAN's in the first year. BAN's do need to be rolled and there will be additional fees. Councilman Kotary asked about outstanding bond authority in which the whole amount was not used and wondered if there was a statute of limitations on how long a bond is good for. He asked if there were guidelines for a Board to use when approving bonds. Mr. Scott said usually a municipality has a view of their capital needs for the year and how they plan on financing them. The bond resolutions are based on that decision. Bundling of the financing for a variety of needs is common. Some clients don't use the full amount of the bonding resolution. There is a provision in the Local Finance Law for rescinding the outstanding amount. If the outstanding amount is not rescinded; the bond resolution is in effect for a ten (10) year period of time.

Councilman Hennessey asked the maximum term on the paving resolution. Mr. Scott said Local Finance law said it was reasonable to bond for up to fifteen (15) years for that type of paving. The period of probable usefulness is fifteen (15) years. There is flexibility within the resolution for the term of the bond as long as it doesn't exceed fifteen (15) years. Councilman Hennessey asked who was the largest bond holder of the Town's bonds. Mr. Scott said he would research that but a variety of entities own bonds. He said the Town was obligated to raise taxes to pay those bonds. They are General Obligation bonds. The Town has a very good credit rating and low debt. Councilman Hennessey wanted to know if they had to decide between keeping the lights on or paying bonds, would they have to pay the bonds first. Mr. Scott would look into it.

When asked, Ms. Traylor said the Town's bond rating is AA which is a very good bond rating. This allows the Town to get a significantly lower interest rate. Last year was a very tight year for credit and to get that rating in that climate was very good.

Councilman Jordan asked how long it would be before the Board knew the interest rate. Mr. Scott said that would be a few weeks prior to the closing. The closing is when the bond is delivered. Councilman Jordan asked what if any effect would the approval of these bond resolutions have on our bond rating. Mr. Scott said the Town doesn't have much debt. Ms. Traylor said it was 3% of debt.

Councilman Hennessey asked if the Board wanted to amend one of the resolutions, would it cause Mr. Scott to redo his work. Mr. Scott said he would prefer to redo the resolution because his opinion is based on the resolution. Mr. Potter said there was flexibility within the resolution in terms of maturity dates

when the bond goes to market. Mr. Scott said the Board could direct staff in a separate document other than the bond resolution.

Councilman Kotary said there were a lot of positives to bond the issues before the board. Mr. Scott said the interest rates were very low right now and it allowed the Town to spread the payments over a longer period of time. He said there is a fairness issue if a long term Town need is paid for all in one year, then someone who will not have the benefit of that for many years, is still paying for the whole item. Spreading the cost over a period of time makes it more fair.

Supervisor Messina proceeded with the next agenda items.

REQUEST FROM THE COMPTROLLER TO ADOPT A BOND RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$80,000 FOR THE PURCHASE OF THREE POLICE VEHICLES AS APPROVED IN THE 2010 BUDGET.-----

A motion to adopt a bond resolution authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$80,000 for the purchase of three (3) police vehicles as approved in the 2010 budget was offered by Councilman Jordan, seconded by Councilman Kotary, discussion as follows:

Councilman Kotary asked the Supervisor to explain where he stood on the bonding. He assumed that the Supervisor supported them because they were on his agenda, but based on previous votes he wanted to know where he stood before the vote.

Supervisor Messina said if Councilman Kotary had something to discuss, he encouraged it but said he would discuss it when he chose to do so. He said he would be consistent with where he had been in the past. The bonding was approved in the budget for 2010, it is clearly a bondable item and we have known of that in the past, Mr. Scott has affirmed that, the police department is dependent on a replacement schedule of vehicles. There are three (3) vehicles in need of replacement. He feels an obligation to support this initiative, to support the police department and our community.

Councilman Hennessey asked how it changed from four (4) cars to three (3) cars. Ms. Traylor said one of the cars had been destroyed in an accident and had to be replaced ahead of schedule. He asked if the amount included all the extras. Mr. Sagendorph said under state contract, the vehicles with options plus the radio and other extras amounts to about \$26,000 per car.

The above mentioned motion was approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: none

Resolution # 18

**BOND RESOLUTION
ACQUISITION OF POLICE VEHICLES**

A meeting of the Town Board of the Town of Bethlehem, Albany County, New York was convened in public session at the Town Hall in the Town of Bethlehem, New York on May 12, 2010 at 6:00 o'clock p.m., local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

PRESENT:

Sam Messina	Town Supervisor
Kyle Kotary	Member
Joann Dawson	Member
Mark Hennessey	Member
Mark Jordan	Member

ABSENT:

The following persons were ALSO PRESENT: James T. Potter, Town Attorney

Nanci Moquin, Town Clerk

The following resolution was offered by Councilman Jordan, seconded by Councilman Kotary, to wit;

BOND RESOLUTION DATED MAY 12, 2010

A RESOLUTION AUTHORIZING THE ACQUISITION OF POLICE VEHICLES, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$80,000 OF THE TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Bethlehem, Albany County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the acquisition of police vehicles and related machinery and equipment. The maximum cost of said purpose will not exceed \$80,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$80,000 of said Town, hereby authorized to be issued therefore pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that:

(A) The vehicles to be acquired will replace police vehicles that have been in service for one year or more.

(B) The acquisition of police vehicles and related machinery and equipment is an object or purpose described in subdivision 77 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is three (3) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has determined that the acquisition of police vehicles is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 15. This resolution is not subject to permissive referendum pursuant to Section 35.00 b.(1) of the Local Finance Law and shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Sam Messina	VOTING <u>yes</u>
Kyle Kotary	VOTING <u>yes</u>
Joann Dawson	VOTING <u>yes</u>
Mark Hennessey	VOTING <u>yes</u>
Mark Jordan	VOTING <u>yes</u>

The foregoing resolution was thereupon declared duly adopted.

REQUEST FROM THE COMPTROLLER TO ADOPT A BOND RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$780,000 FOR THE UNDERTAKING OF ROAD PAVING PROJECTS AS APPROVED IN THE 2010 BUDGET.-----

A motion to adopt a bond resolution authorizing the issuance of serial bonds in a aggregate principal amount not to exceed \$780,000 for the undertaking of road paving projects as approved in the 2010 Budget was offered by Councilman Kotary, seconded by Councilwoman Dawson discussion as follows:

Councilman Hennessey asked Mr. Sagendorph how long a road lasted. Mr. Sagendorph said average life span is thirteen (13) years. Some roads last longer, some less. Councilman Hennessey said he wanted to put a cap on the term of the bond. Ms. Traylor said the resolution allowed her to bond up to a maximum of fifteen (15) years. In order to change that maximum time period, it would be necessary for Mr. Scott to draft a new resolution. She said when she could go out to bid it would be for a BAN because the interest rate is low and the closing costs would be lower. She said she was looking at short term notes for all these projects because of the favorable interest rate. Mr. Potter said the Board could give direction to the Comptroller's office without changing the resolution. Ms. Traylor said she would keep the Board informed as to the financing options she was considering.

Councilwoman Dawson said the Board defers to the expertise of the Highway Superintendent each year during budget time as to his road paving schedule. The roads are kept in excellent condition. Mr. Sagendorph said the paving schedule turn around time does not keep up with the miles of pavement. Driving over the road isn't the same as walking the road to determine the condition of the road. He said the majority of the paving is done in house and his crew does a great job. The Board decided to leave the resolution as presented and they would give the comptroller's office some direction.

The above mentioned motion was approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: none

Resolution #19

**BOND RESOLUTION
PAVING - 15 YEARS**

A meeting of the Town Board of the Town of Bethlehem, Albany County, New York was convened in public session at the Town Hall in the Town of Bethlehem, New York on May 12, 2010 at 6:00 o'clock p.m., local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

PRESENT:

Sam Messina	Town Supervisor
Kyle Kotary	Member
Joann Dawson	Member
Mark Hennessey	Member
Mark Jordan	Member

ABSENT:

The following persons were ALSO PRESENT: James T. Potter, Town Attorney
Nanci Moquin, Town Clerk

The following resolution was offered by Councilman Kotary, seconded by Councilwoman Dawson, to wit;

BOND RESOLUTION DATED MAY 12, 2010

A RESOLUTION AUTHORIZING UNDERTAKING VARIOUS TOWN ROAD PAVING PROJECTS, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$780,000 OF THE TOWN OF BETHLEHEM, ALBANY COUNTY,

NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Bethlehem, Albany County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake various Town road paving projects. The estimated maximum cost of said purpose will not exceed \$780,000.

SECTION 2. It is hereby determined that said purpose is an object or purpose described in subdivision 20c. of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years.

SECTION 3. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$780,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 3 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has determined that the undertaking of various Town paving projects is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is adopted subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law. The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Sam Messina	VOTING	<u>yes</u>
Kyle Kotary	VOTING	<u>yes</u>
Joann Dawson	VOTING	<u>yes</u>
Mark Hennessey	VOTING	<u>yes</u>
Mark Jordan	VOTING	<u>yes</u>

The foregoing resolution was thereupon declared duly adopted.

REQUEST FROM THE COMPTROLLER TO ADOPT A BOND RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$545,000 FOR THE ACQUISITION OF VARIOUS EQUIPMENT FOR VARIOUS SEWER AND WATER DISTRICTS AS APPROVED IN THE 2010 BUDGET.----

A motion to adopt a bond resolution authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$545,000 for the acquisition of various equipment for various sewer and water districts as approved in the 2010 budget was offered by Councilwoman Dawson, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: none

Resolution #20

**BOND RESOLUTION
VARIOUS SPECIAL DISTRICTS (EQUIPMENT ACQUISITION)**

A meeting of the Town Board of the Town of Bethlehem, Albany County, New York was convened in public session at the Town Hall in the Town of Bethlehem, New York on May 12, 2010 at 6:00 o'clock p.m., local time.

The meeting was called to order by the Town Supervisor and, upon roll being called, the following members were:

PRESENT:

Sam Messina	Town Supervisor
Kyle Kotary	Member
Joann Dawson	Member
Mark Hennessey	Member
Mark Jordan	Member

ABSENT:

The following persons were ALSO PRESENT:

James T. Potter, Town Attorney
Nanci Moquin, Town Clerk

The following resolution was offered by Councilwoman Dawson, seconded by Councilman Kotary, to wit;

BOND RESOLUTION DATED MAY 12, 2010

A RESOLUTION AUTHORIZING THE ACQUISITION OF VARIOUS EQUIPMENT FOR VARIOUS SEWER AND WATER DISTRICTS, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$545,000 OF THE TOWN OF BETHLEHEM, ALBANY COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Bethlehem, Albany County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the acquisition of various equipment for various sewer and water districts in the Town, including, but not limited to, the following: backhoe, pick-up truck, sewer vacuum truck and crane truck. The aggregate estimated maximum cost of said purpose will not exceed \$545,000.

SECTION 2. The Town Board plans to finance the aggregate estimated maximum cost of said purpose by the issuance of serial bonds in an amount not to exceed \$545,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the periods of probable usefulness of specific items of said purpose are described as follows: (a) for specific items of equipment having a cost in excess of \$30,000, fifteen (15) years and (b) for specific items of equipment having a cost in excess of \$15,000, but less than or equal to \$30,000, ten (10) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of a portion of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Should the assessments upon benefitted real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended

(the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has determined that the acquisition of various equipment for various sewer and water districts in the Town, as described in Section 1 of this resolution is a Type II action which will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is not subject to permissive referendum pursuant to Section 35.00b.1.(2) of the Local Finance Law and this resolution shall take effect immediately. The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Sam Messina	VOTING	<u>yes</u>
Kyle Kotary	VOTING	<u>yes</u>
Joann Dawson	VOTING	<u>yes</u>
Mark Hennessey	VOTING	<u>yes</u>
Mark Jordan	VOTING	<u>yes</u>

The foregoing resolution was thereupon declared duly adopted.

Mr. Sagendorph thanked the Board for their support of a paving program that began in 1979.

REQUEST FROM THE CHIEF OF POLICE TO ACKNOWLEDGE RECEIPT OF THE 2009 POLICE DEPARTMENT ANNUAL REPORT-----

The Board acknowledged receipt of the 2009 Police Department Annual Report from the Chief of Police. Supervisor Messina commended the police department for their work.

REQUEST FROM THE ADMINISTRATOR OF THE PARKS AND RECREATION DEPARTMENT FOR ACCEPTANCE OF A \$300 DONATION FOR A PARK BENCH FROM VALERIE SHANLEY-----

A motion to accept a \$300 donation for a park bench from Valerie Shanley was offered by Councilman Kotary, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: none

REQUEST FROM THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING TO APPROVE THE APPOINTMENT OF ROBIN NAGENGAST TO THE POSITION OF ADMINISTRATIVE AIDE EFFECTIVE MAY 13, 2010-----

Mr. Morelli said there were two (2) vacancies in Economic Development and Planning and he was proposing to fill one of those positions. They had interviewed off of the civil service list and he recommended the appointment of Robin Nagengast. Councilman Hennessey asked the Supervisor about the hiring freeze. Supervisor Messina said his policy is that requests are submitted and reviewed. In some conditions the positions need to be filled to continue with programs. He said the Town was not under a hiring freeze. Mr. Morelli said the position was in the 2010 budget. Councilman Hennessey asked if the position was posted on the Town's website. Ms. Glassman said it was not because there was an active civil service list for the position. The Town is obligated to fill the position from the top three (3) people from an active list.

A motion to approve the appointment of Robin Nagengast to the position of Administrative Aide effective May 13, 2010 was offered by Councilman Kotary, seconded by Councilman Jordan and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary

NAYES: none

ABSENT: none

REQUEST OF THE SUPERVISOR TO ADOPT A RESOLUTION ESTABLISHING BETHLEHEM AS A FAIR TRADE TOWN-----

Supervisor Messina said he had received a request from the individual promoting Fair Trade Towns to take the item off of the agenda. Councilman Kotary said he had asked for support from the Bethlehem Chamber and he had asked Mr. Potter to review the resolution prior to coming before the Board.

REQUEST OF THE BETHLEHEM DIRECTOR OF EMERGENCY MANAGEMENT TO ADOPT A RESOLUTION ON THE ALBANY COUNTY ALL HAZARD MITIGATION PLAN---

Mr. Brennan, Director of Emergency Management presented. The federal government said prior to any funding for mitigation for emergencies, the municipality must have a plan in place that has reviewed the needs for the municipality. A study has been done by Albany County looking at the possibilities of disasters within the county and made recommendations countywide. The Town has its' own planning. He was asking the Board to adopt the county's plan which will allow the Town to sign on and receive money from FEMA should the Town need it during an emergency.

A motion to adopt a resolution on the Albany County All Hazard Mitigation Plan was offered by Councilman Hennessey, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary

NAYES: none

ABSENT: none

Resolution No. 21

A Resolution Adopting the Albany County Multi-Jurisdictional, All Hazard Mitigation Plan for the Town of Bethlehem.

WHEREAS, the federal government has amended the Federal Disaster Mitigation Act of 2000, to require that states, counties and local municipalities who apply for mitigation grant funding have in-place and have adopted a formal All-Hazard Mitigation Plan, meeting the guidelines of the aforementioned act, and

WHEREAS, the County of Albany has written, formulated and adopted an Albany County Multi-Jurisdictional, All Hazard Mitigation Plan , which includes the Town of Bethlehem, and

WHEREAS, the Federal Emergency Management Agency(FEMA) and the New York State Emergency Management Office (SEMO) have approved and accepted the hazard Mitigation Plan written and adopted by the County of Albany, which includes the Town of Bethlehem, and

WHEREAS, the adoption of this plan will allow the Town of Bethlehem to participate in hazard mitigation planning and will also allow the Town to request federal grant funding for disaster mitigation should the need arise, and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Bethlehem, on behalf of the citizens of the Town of Bethlehem, does approve and adopt the Albany County Hazard Mitigation Plan for the County of Albany and the Town of Bethlehem.

REQUEST FORM THE ADMINISTRATOR OF PARKS AND RECREATION FOR APPROVAL OF SEASONAL PERSONNEL-----

A motion to approve seasonal personnel as per Ms. Lanahan’s May 12, 2010 memo was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: none

NEW BUSINESS-----

Councilman Hennessey asked if there was an update to the concerns of the people from Winding Rd. Supervisor Messina said he had visited the site the following day along with Councilman Kotary and Councilman Jordan and some staff. The developer has done everything the Town required. He is in complete compliance with the Comprehensive plan and had acquired all the necessary permits and approvals the Town required. Councilman Hennessey asked if there was any mitigation planned to make this situation for the residents easier to live with. Mr. Morelli said the developer had gone through a land division process for one of the two parcels he owned. The building department had ordered the developer to destroy the old building because it was in such disrepair. The maximum number of homes allowed on the sites would be four. Mr. Buldoc has sold or deeded some land to a few adjoining landowners and one of those neighbors is now putting an addition on their home. The drainage course does not constitute a wetland per the wetland delineator’s they had hired. Councilman Hennessey said the developer had indicated that he would do some things to make the neighbors feel better about the development. Mr. Morelli said the developer has a great track record in Town. He is a resident himself. The trees taken down were diseased. The lots will be landscaped. If the land from both of the lots were combined, they could have applied for a subdivision and the density would have allowed twelve (12) homes. Councilman Kotary asked if the neighbors be notified during a land division. Mr. Morelli said it could be done on a case by case basis.

PUBLIC COMMENTS ON NON-AGENDA ITEMS-----

Marie Capone – let them fix the roof; we don’t need a new Town Hall; the meetings are too long; the new positions in the comptroller’s office is not needed; money management will be remembered during the election.

Linda Jasinski – asked for more information for public hearings; not familiar with Winding Road, it is private property and they’re following the Town rules. It’s no ones business what they do on their own property.

Bob Jasinski – should fix the roof over the courts. Mr. Deyoe said he is reevaluating the costs, has had an architect in, has checked for asbestos and will have better numbers for the Board. Mr. Jasinski said the rail facility is exempted from the noise ordinance.

A motion to close the meeting and move to executive session was offered Councilman Kotary, seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: none

PUBLIC ANNOUNCEMENTS-----

The meeting adjourned at 8:20pm.

Nanci Moquin
Town Clerk