

TOWN BOARD  
MAY 13, 2009

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 6:00 p.m.

PRESENT: John H. Cunningham, Supervisor  
Samuel Messina, Councilman  
Kyle Kotary, Councilman  
Joann V. Dawson, Councilman  
Mark Hennessey, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Cunningham welcomed everyone to a regular meeting of the Bethlehem Town Board. The Supervisor noted we were honored to have his history teacher, Mr. Gene Webster and he will lead us in the pledge of allegiance. He thanked Mr. Webster.

The Supervisor said we start this meeting with public comments on agenda items. Mrs. Marie Capone asked the Supervisor to explain the entire agenda there, the first page. She said it does not tell us anything if you just say we do this and that. The Supervisor thanked Mrs. Capone.

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Mr. Bill Kelleher said he had questions on 2 items. He said one is actually a comment. He said the Town should apply for stimulus money because inefficient pumps in the infiltration gallery are being replaced by more efficient pumps. He said in 1996, he got the electric bills and found the efficiency was only 54 percent and that was brand new pumps that supposedly they put in there. He said as it turned out they weren't very brand new. He said the technical specifications called for 80 percent.

Mr. Kelleher said his second question was why does the well field at Dinmore Road need annual performance test. He asked if the yield is going down. Town Attorney Potter said it was a requirement of the settlement agreement that was entered into with Earth Tech. Mr. Kelleher asked who was doing it before noting the settlement agreement was a long time ago. Town Attorney Potter said it is an annual testing requirement. Mr. Kelleher asked if it was done every year. Mr. Potter said he could not speak to that. Mr. Kelleher asked how come all of a sudden it comes up as an agenda item. He was wondering about it.

Mr. Kelleher said his 3<sup>rd</sup> question is what is the status of the lawsuit. He said he guesses he gave it to him partly. Town Attorney Potter said nothing new to report on that. Mr. Kelleher said he would like to know why this item suddenly comes up. He asked why it wasn't there from the very beginning. Town Attorney Potter said he does not know but he assumes that the public works department had put it forth because it is a contract and there is a requirement of an expenditure to be approved by the Town Board. He said he did not know why it was not done before. Supervisor Cunningham said when they get to the item he will have the Department of Public Works come up and speak to the item. Mr. Kelleher said the reason he asked about that item is because the Town relied completely on the engineers from Earth Tech to design the system and to begin with to maintain the system. He said that is not good engineering.

Mr. Kelleher said L B and G is the most senior ground water consulting firm in the US. He said he got that off the internet and asked if they have any connection with Earth Tech. Supervisor Cunningham said he will have them follow-up on that.

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Mr. Robert Jasinski asked if they can explain or will they explain when they come to the item on the agenda, the \$250,000 for the purchase of the land on Lyons Road. He said he would like to know how many acres, what the value per acre is and anything else that is pertinent with it instead of just the approval motion. Supervisor Cunningham said he would give all the details on it.

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Supervisor Cunningham said the next item on the agenda is Mr. Frank Zeoli, who is the Director of Recycling for the City of Albany, Department of General Services who is going to give a little update on the first item on the agenda.

The first item was a request from Highway Superintendent, Gregg Sagendorph, to approve a Resolution adopting the Solid Waste Management Plan modifications as required under our membership of the Capital Region Solid Waste Management Planning Unit. Mr. Ciolla, Director of Recycling for the City of Albany, noting he is representing the Albany landfill. He thanked the Supervisor for having him at the meeting. He noted the resolution adopting the modifications to the Solid Waste Management Plan comes to the Town due to you being part of a 14 municipality Planning Unit and as required by DEC, has to be entered into a planning unit which is the consorsium and follow a solid waste management plan.

Mr. Zeoli said a modification was prepared and finalized on September 24<sup>th</sup> of last year at which time they asked all municipalities to adopt a resolution in support of the Solid Waste Management Plan so it could be submitted to DEC for final approval. He said that is basically where they are at, looking for a resolution stating the Town is adopting the Solid Waste Management Plan modification. He said he believed the Board had copies of it and if there are any questions, he would be happy to answer them.

Supervisor Cunningham noted this is party of the inter-municipal agreement that was signed in probably October or November. He said this step should have been taken back then but it was missed. Mr. Zeoli said there were 3 steps involved in it that were needed. He said that first step was to sign the Intermunicipal Agreement which was done, the second step was to update the source separation ordinances for recycling but there was no need to do that because the ordinance was excellent on recycling and this was the last piece that needed to be adopted.

Supervisor Cunningham asked if the Town Board had any questions for Mr. Zeoli. Councilman Hennessey asked Mr. Zeoli to talk to him for a second, noting he has been through the briefing document that the Board has received and the resolution that will be voted on. He asked about the Planning Unit Recycling Coordinator is a City of Albany position. Mr. Zeoli said it was. Mr. Hennessey asked how much the contribution of the Town will be. Mr. Zeoli said it is a percentage, he believes. Supervisor Cunningham said it was about \$15,000. Mr. Zeoli said it is based on population.

Councilman Hennessey asked what the overall salary was for the position. Mr. Zeoli said it is \$50,000. Mr. Hennessey asked how much the City of Albany was contributing. Mr. Zeoli said it is all set up with the figures being in the Plan and is by percentage. Supervisor Cunningham said it was part of the Intermunicipal Agreement that was agreed to last November. Councilman Hennessey said he understands that but he is trying to get a detail on what that meant, noting he did not see that within the Agreement. Mr. Zeoli said okay, the City of Albany is covering 43% of it. Mr. Hennessey said okay, asking if the overall amount of it is \$50,000. Mr. Zeoli said \$50,000 plus an additional \$50,000 in expenses. He said one of the items they are working on is a recycling website for the Planning Unit. He said that will be distributed among the 14 municipalities.

Councilman Hennessey asked Mr. Zeoli to explain the relationship between the Planning Unit Recycling Coordinator and what we will be required to take action on as the result of the recommendations of that Coordinator. Mr. Zeoli said you will see there is quite a few items in the Plan and it is basically cooperation. He said there is a lot actually in the Plan that has to be achieved over the next 3 or 4 years. He said it is cooperation in doing those items. He said there are too many to

read off now but they are in there if you want to take a look. Mr. Hennessey said he read through it and he understood the idea of recommendations and things like that but he was not sure how that threads into the decision making processes. He said it does not tie the Town's hands as to any decisions the Town has to make based on the recommendations. Mr. Zeoli said there are 2 different things here. There is the Solid Waste Management Modification Plan which is a modification of a current Plan which was adopted in 1992. He said then there is a committee now that is put together now to look at the Solid Waste Management Plan for the future. He said they are kind of at the end of 20 year cycle and there are multiple planning units throughout the State doing the same exact thing. He said the State-wide solid waste management plan is actually being looked at as well. He said this is just a bigger part of it, noting these are modifications that at the end of that 20 year cycle these are some things that DEC recommended to be done. He said they were the first out of the box and a few others who are also working on it throughout the State as well. He said this is kind of a step to get us over the next few years and then this larger - which Bethlehem has a seat on -- the larger committee that is looking at solid waste practices for the future.

Councilman Kotary said he had a couple quick questions and thanked Mr. Zeoli for coming out this evening. He asked for a refreshment of his memory in regard to the term of the agreement. Supervisor Cunningham said the Town is a permanent member noting this was originally part of ANSWERS and are part of the overall Capital Region Solid Waste Management Plan Unit. He said it is an ongoing commitment for the Town. He said this allows our haulers, our private haulers in the Town of Bethlehem, to use the Albany landfill as a source for dumping refuse. He said they operate under the Town's permit under this program.

Councilman Kotary asked about the last time the plan was updated. Mr. Zeoli said this current plan, 1992 noting this is a modification and that is where they are at. He said they are at the end and working for the future. Mr. Kotary said at looking at the future two things, one is it anticipated that this will be another sixteen to eighteen years before the next one, envisioning this as part of the Committee and it will be reviewed more frequently and modified more. Supervisor Cunningham said it is driven by DEC. Mr. Zeoli said these kinds of things kind of come up at the behest of DEC. He said to be honest, DEC kind of triggered this modification which is filled with a lot of recycling items which is a wonderful thing. He said the Town has a great program and Sharon Fisher and Gregg Sagendorph does a great job. He said there may be modifications but he hoped not. He said the next step is that the landfill will have only so much life left in it and he thinks this new swamp is going to look at moving forward -- exactly what is going to be done with the wastes in the entire Planning Unit. Supervisor Cunningham said by SWAMP Mr. Zeoli means Solid Waste Management Plan and not a swamp. Councilman Kotary said we do not actually know and wait and see what DEC has in store but until now, the duration of this agreement would extend indefinitely until such point as DEC changes this. Supervisor Cunningham noted that the Town Board could decide to no longer participate in the management planning unit.

Supervisor Cunningham thanked Mr. Zeoli and asked for a motion regarding the request from the highway Superintendent to approve a resolution adopting the Solid Waste Management Plan modifications.

The following resolution was presented for adoption.

#### **RESOLUTION NO. 21**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF  
BETHLEHEM TO:  
COMPLY WITH THE SOLID WASTE MANAGEMENT PLAN  
MODIFICATIONS FOR  
THE CAPITAL REGION SOLID WASTE MANAGEMENT  
PARTNERSHIP; and  
AUTHORIZING THE EXECUTION OF AN INTERMUNICIPAL  
AGREEMENT  
REGARDING A PLANNING UNIT RECYCLING COORDINATOR**

**WHEREAS,** in order to promote the public health, safety and welfare and further the purposes of the New York State policy on solid waste management articulated in New York Environmental Conservation Law § 27-0106, the Town of Bethlehem is a member of the Capital Region Solid Waste Management Partnership Planning Unit (“Planning Unit”), formerly the Albany New York Solid Waste Energy Recovery System (ANSWERS) Solid Waste Management Planning Unit; and

**WHEREAS,** on behalf of the Planning Unit, the City of Albany has prepared a Solid Waste Management Plan (SWMP) which has been accepted by the New York Department of Environmental Conservation; and

**WHEREAS,** the Town Board of the Town of Bethlehem has reviewed a Draft Modification to the SWMP dated August 2008 and prepared for the City of Albany by Clough Harbor & Associates LLP, and

**WHEREAS,** as part of the SWMP Modification, the Town and the other members of the Planning Unit must:  
enter into an Inter-municipal Agreement for the services of a Planning Unit Recycling Coordinator,  
and agree to implement the terms of the SWMP Modification once it is finalized: and

**WHEREAS,** the Town Board of the Town of Bethlehem has reviewed the terms of the Inter-municipal Agreement for the services of a Planning Unit Recycling Coordinator; and

**WHEREAS,** by Resolution dated November 17, 2008, the Common Council of the City of Albany, on behalf of the City, accepted and adopted the SWMP Modification and. agreed to comply with the SWMP Modification;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD:**

1. The Town Board accepts and adopts the modifications to the Solid Waste Management Plan for the Planning Unit.
2. The Town of Bethlehem agrees to comply with the Solid Waste Management Plan modifications.
3. The Supervisor of the Town of Bethlehem is hereby authorized to enter into and execute the Inter-municipal Agreement with the members of the Planning Unit.
4. This Resolution shall take effect immediately.

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

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

Noes: Mr. Hennessey.

Absent: None.

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The next item was a presentation by the Onesquethaw/Coeymans Watershed Council. Supervisor Cunningham noted representatives Roy Lamberson and Gene Webster will do the presentation. Mr. Lamberson thanked the Board for allowing the presentation to be done. He said this is a private not-for-profit organization, incorporated in 2000, noting its mission is to protect and preserve the quality of the Onesquethaw Coeymans Creek and its watershed for the benefit of the people, wildlife and the environment.

Mr. Lamberson noted the Council’s founding organizations are Albany County Water Quality Coordinating Committee, the Audubon Society of New York State, Mohawk Hudson Land Conservancy, and the Clearwater Chapter of Trout Unlimited. In 2006 the OC Watershed Council received a grant from the Hudson River Estuary Program to study the watershed and develop a watershed management plan. He said the mission is to conserve the natural resources of the Hudson River, promote public use and enjoyment and clean-up pollution. A photo was exhibited of the area by Mr. Lamberson. He said it produces or provides a lot of sediment into the river and that is break water. He noted these deposits are a major concern of the Estuary Program. Mr. Lamberson said as a result of the grant,

a study was produced and completed in May 2008 and it compiles information taken from Federal and State agencies, grass roots groups, students and others along with describing the many unique natural resources, water quality, land use and land use regulations with identification of relationships and opportunities within the watershed.

Mr. Lamberson said the presentation is intended to provide a brief overview of the May 2008 study of the land area which drains into the creek. He said they hope to obtain assistance and guidance in transforming the study into the watershed management plan through direct participation by people in the watershed. He said the plan would be a guide to help the Council, residents, industry and municipalities work together to promote the protection and improvement of water quality and stewardship of the watershed. He said it would be a combination of industry, commerce, inter-municipal activity or interest in coming to an agreement about how possibly how to enjoy and improve, protect and use the watershed in the creek.

Mr. Lamberson said the study can be used to develop the action items and strategy for the watershed management plan. He showed a map of the 15 major watershed areas in Albany County. He said they start in the center of the County and run south-east down to the Hudson River. He said the Onesquethaw watershed drains some 52 miles, travels about 19 miles from the Helderbergs to the Hudson and drops 1400 feet in elevation included in this is the Towns of Berne, New Scotland, Bethlehem and Coeymans. He said the watershed provides many uses to the community -- the upper Onesquethaw Creek provides drinking water for the Town of Bethlehem. Other uses, according to Mr. Lamberson include fishing, kayaking, hiking, spelunking, and wildlife watching.

Mr. Lamberson noted there are many special features such as waterfalls, caves, gorges, and wildlife habitat which should both be protected and made accessible for public use. He said these were all described in detail in the watershed study, noting he will leave a copy for the Town indicating it is about a 200 page document.

Mr. Lamberson said the stream contains a healthy population of wild trout which could be a significant recreational resource. He said there are steep slopes in the watershed and are an important natural feature. He noted another significant natural feature is the bedrock geology. He noted there are large areas of exposed bedrock which provide mining opportunities. Wetland location was exhibited on a map by Mr. Lamberson noting there is a high water table. He said these are important because they contain wildlife and plant habitat, recharge ground water for drinking wells, reduce downstream flooding and wetlands and hydric soils are located throughout.

Mr. Lamberson said flood plains are another significant natural feature that hold stormwater and reduce flooding. He noted the majority of flood plains are in the lower watershed. A land use map was exhibited next which represented the human impacts on the watershed, Mr. Lamberson said. He noted there is still 26 percent of natural habitat in the watershed which are the fields and forests; 19 percent is industrial use; 19 percent is agricultural; 18 percent rural homes on 10 acres or more; 6 percent of homes on less than 10 acres; 4 percent commercial; and 8 percent others. He said these were identified by a closer look at the map.

Mr. Lamberson said there is a large area of impervious soil indicating part of this is due to the Selkirk Rail Yards, quarries and the LaFarge Cement plant. He said 4.6 percent is due to roof tops, roads and other development.

Mr. Lamberson said briefly the completed watershed study contains scientific data collected about water quality by monitoring stream flow, fish populations, temperature and biodiversity. He said it contains a compilation of laws and regulations from Federal, State and local governments as they relate to the watershed. It also identifies issues and conclusions based on accumulated information, according to him. He said with the Town Board's help, they would like to use the watershed study as a tool to identify opportunities and understand

the watershed to facility decisions that protect the quality of the stream, benefit the community, and reduce costs. He said they would like to establish collaboration to develop a watershed management plan which preserves this unique and valuable resource. He said there was an RCS School District project by students to raise trout in the classroom and then put the trout in the stream.

Mr. Lamberson said with the Board's participation they would like to review the watershed study at focused Council meetings, identify issues of concern raised in local planning efforts and explore the recommendations and issues of concern identified in the watershed study. He said if possible, they would like to reach joint conclusions and incorporate them into the Watershed Management Plan.

Mr. Lamberson thanked the Board for their time and attention. He invited representatives to be determined at a future time to explore the science and conclusions that were compiled in the watershed study. He offered to answer any questions noting he had contact information and material to share.

Supervisor Cunningham thanked Mr. Lamberson and asked if there were any questions. Councilman Messina thanked Mr. Lamberson and commented that he saw a previous presentation that was done when the study was being developed and when there were youngsters gathered to collect data and have input like that. He said he thinks down the road there is an opportunity to participate because he had been involved in watershed studies with DEC, as well as, the Coastal division and would be glad to work with the Town Board and the group because implementation is what it is all about. He said studies get to sit on shelves unless they are not moved forward. Mr. Lamberson said they actually went back to 1930 for records from DEC and compiled a tremendous amount about half the 178 pages are appendices of compiled data and the others are analyses. He noted some has been written by DEC, some by volunteers and others by professionals. He said Capital District Planning Commission had major input to the document and a lot of the GIS work that went into it.

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The next item was a presentation on the Town Stormwater Management Program and Annual Report. Mr. Josh Carvajal noted there is no slide show. He said he is the Stormwater Management Program Coordinator, noting he works in the Engineering Division. He said the Board has been provided a draft copy of the Annual Report that the Town needs to submit to DEC for the Stormwater Management Program.

Mr. Carvajal gave a brief background noting the Town is a regulated MS4 which is a municipal separate storm sewer system and since 2003 there has been a requirement to get permit coverage from DEC and develop a program which kind of coordinates all of the activities related to stormwater management and water quality issues. He said the report will detail the accomplishments for the past year and this was the first time the Town has been required to have a fully operational program. He said DEC gave 5 years to the Town from 2003 to 2008 to develop the program and say what will be done. He said the past year the annual report format changed and basically they are now telling DEC what is being done. He said they are looking at the numbers more than what the ideas are right now.

Mr. Carvajal said under the MS4 permit they are required to have 6 minimum control measures. He said these include public education and outreach; public participation; illicit discharge; construction site runoff; stormwater management on post construction practices; and pollution prevention and good housekeeping for municipal operations. He outlined some of the accomplishments done during the past year.

Mr. Carvajal said the Stormwater Management Program was audited by DEC back in August of 2008. He said there was staff from the regional and central office that came out and looked at all the paperwork and highway facility. He said the outcome from that was that they are doing a very good job at documenting what is done and had some recommendations for changes. He said one of the big changes was that the Town needs to coordinate interdepartmental activities. He

noted the Building Department does what it does, the Planning Department does what they do and Engineering does what they do. He said it is his job now to coordinate all the activities so everyone understands what the goals are related to storm water management. He noted the Town earned a satisfactory rating on the audit. He noted they got the best of the good.

Mr. Carvajal said the Town is also a member of the Stormwater Coalition of Albany County which is 12 municipalities in Albany County working together. He said Albany County Coalition primarily focuses on minimum control measure 1 and 2 which is the public education and outreach and the public participation. He said they provide contractor training sessions that are required by DEC and handouts and brochures on stormwater topics. He said they have also developed a joint annual report which includes everything that has been done by the municipalities.

Mr. Carvajal said for the program activities and goals for 2010, they are basically looking to continue their efforts and have a bigger emphasis on educating the public on stormwater management and getting the word out and continue inspecting the stormwater management practices and mapping the system and providing training for municipal employees.

Supervisor Cunningham thanked Mr. Carvajal and asked if there were any questions. Councilman Dawson thanked Mr. Carvajal and said she thought he probably spent the first year finding out the lay of the land and what this job was all about. She asked him what he saw as the number one priority for next year, Mr. Carvajal said the biggest challenge would be the training of the municipal employees to be honest. He said it is not a challenge but everyone is used to doing things their own way and with this stormwater management program we kind of have standards that they want each department to meet when they do construction activities -- when they are dewatering and stuff like that; doing work such as the Highway Department does and the field operations they do when responding to emergencies; making sure they are aware of the impacts that pumping muddy water might have on the environment and our system because now the Town is responsible for what goes into the system and what leaves the system.

Mr. Carvajal said they can regulate all the contractors and all the commercial businesses not to pollute our system but if we are polluting the system, it is kind of a double standard that we have. He said he thinks that is one of the primary goals for next year. Mrs. Dawson said if they are responding to a burst pipe, they have some immediate emergencies that they are trying to deal with. Mr. Carvajal said it is definitely a balancing act.

Councilman Dawson asked what he thought was the biggest accomplishment this year. Mr. Carvajal said it would be working with the Stormwater Coalition noting they got a lot done with them. He said it is a great program having all the other MS4s to bounce ideas off and to work jointly. Councilman Dawson thanked Mr. Carvajal.

Councilman Kotary thanked Mr. Carvajal for a very thorough report. He said as indicated, the full force of these unfunded mandates raise questions. He asked in regard to future grants whether he is getting communications from State DEC or the Feds as to potential funding that may be either part of the stimulus funds or other funds that would be coming. Mr. Carvajal said Town Engineer Erik Deyoe and he had been talking about the opportunities that are out there. He noted a recent one came out from DEC for funding green infrastructure which is largely related to stormwater management and they have been discussing an idea of applying to the Environmental Facilities Corporation for a green infrastructure program to develop a rain barrel program. He said basically this would be the purchasing of rain barrels by the municipality for their residents, allow them to connect their roof spouts into the barrels and use the barrels to water their gardens. He said there is a 3 fold effect to that -- you save on energy costs and water usage; you recycle/reuse the storm water; and you are also educating the public about storm water management. He said they have been throwing around ideas as to what is out there and with the stimulus package there are some opportunities that

the Town is going to pursue and potentially future opportunities.

Councilman Kotary next asked about the mandates being hit full force, what is being planned to put together a plan/budget. Mr. Kotary said it seemed to him that at some point as we are now expected to fully implement but also certain fines and things that will be done toward the Town, they need to educate the community. Mr. Carvajal said that is a great aspect of the MS4 program is it gets the municipalities to focus on educating their residents on stormwater management. He said the Town has been great in participating with the Stormwater Coalition on education of the students. He noted he did a project WET which is Water Education for Teachers training down at Clarksville School District at an Earth Day fair. He said they were teaching the students about watersheds and the importance of groundwater. He said he thinks we have to find a balance between doing the office work and being out in the public eye and educating people. He thinks every opportunity to go out and let people know about stormwater management should be done. He said the benefit of the Coalition is that you have all the municipalities working together for a common message. Mr. Kotary agreed and thought the examples were great and the extent to which the Town can keep the cost down. He offered to help to get to large organizations and groups to help spread the word as well.

Councilman Kotary said the third question is related and in terms of the Coalition, is it preparing any County wide outreach that we can tag into and get materials for the Town. Mr. Carvajal said that is what one of the main goals has been. He said stormwater management is not new and there are other states and counties that have developed brochures on stormwater management topics already and the Coalition has been very active in reaching out to those other coalitions and the other programs to get their information and customize it for Albany County and the Town of Bethlehem. He said they do not want to reinvent the wheel for what they do so the best way to get stuff out there quickly and efficiently was to use what is already out there and modify it.

Supervisor Cunningham thanked Mr. Carvajal. Councilman Messina said tagging onto what Mr. Kotary said, we have a participation in government class and have the students here quite often. He said it seems to him that as well as going to the classroom and making a presentation or using Coalition for that, maybe there is a way to link with some of these class activities so that information is brought back and they become part of the public education, public awareness program. He said schools generally will move in that direction because it is practical and they can do it. Mr. Carvajal said he agrees and maybe one of the downfalls of the program over the past couple years has not been involving the community organizations the fullest extent that they are capable of providing help in getting the message out there. He said it is something he will definitely look forward to doing. Mr. Messina thanked him for his work.

Councilman Kotary said he was thinking in terms of finding partners out in the community. He said related to the complaints, is there a number or how does someone call in if they have a complaint if it is off hours. Mr. Carvajal said there is an email on the website and there is a form that people can fill out to enter in all the information and they can call the stormwater hotline which is basically upstairs. He said they get lots of calls and it all eventually gets to his desk. He said anytime he goes out and does an investigation for these, he brings brochures with him to educate people and spend time with the residents and let them know what is a problem and what would not be a problem and why.

Supervisor Cunningham acknowledged that Mr. Carvajal has been here almost a year and has done an excellent job indicating he appreciated all of his work. He said Mr. Carvajal is well known in the area for his stormwater management skills and we are happy to have him on staff. Mr. Carvajal said it is a pleasure to be here.

Supervisor Cunningham acknowledged Nancy Heinzen is here also and is the County Coordinator. He thanked Mr. Carvajal.

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The next item was to approve the Town Board minutes of April 22, 2009.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the Town Board minutes of April 22, 2009 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.

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The next item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to award the bid for the Infiltration Gallery Pump Motor construction contract to Tri-State Electric Motors, Inc. Supervisor Cunningham asked if there was any stimulus money used for this project. Commissioner of Public Works, Josh Cansler, said there was not for this project. The Supervisor acknowledged that the Town has made an effort to search out stimulus money. He said there are several applications in and work with elected officials at all levels of government has been done to make them aware of the Town's projects and where they are shovel ready and what would be needed as far as funding. He said they do have several applications still pending and hope at some point stimulus money will become available. He said he did mention earlier at a meeting that the State of New York was allocated \$48 billion in stimulus money which sounds like a lot but his understanding is that there was applications for over \$400 billion in stimulus projects. He noted at this time the Town has not received any stimulus money and there has not been a lot allocated in Albany County either.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the award of bid for the Infiltration Gallery Pump Motor construction contract to Tri-State Electric Motors, Inc. as requested by Erik Deyoe, Deputy Commissioner of Public Works.

Councilman Messina asked Commissioner Cansler if it was that there was no stimulus money available for this type of project or that this project was not on a project list making it available for that money. He said that is a big difference. Deputy Commissioner Deyoe said the majority of this stimulus money for water and waste water projects required that the Town be on an existing list with Cleanest and Drinking Water State Revolving funds. He said this is a maintenance project, effectively, and consequently would not qualify. Mr. Messina thanked Mr. Deyoe.

Supervisor Cunningham asked if there were any other questions. There were none. The Supervisor thanked Mr. Deyoe.

The motion was passed by the following vote:

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

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The next item was a request from Commissioner of Public Works, Joseph Cansler, to authorize the Supervisor to sign a task order for Leggette, Brashears & Graham, Inc., to conduct annual performance tests at the Dinmore Road well field. Supervisor Cunningham noted there was a question as to whether this company has any connection with Earth Tech. Commissioner Cansler said LBG does not have any connection with Earth Tech, noting they are a rival company actually and one of the reasons they were hired is that they are one of the top companies in what they do here in the US. He said they hired them for this specific performance testing. He said they have used them in the past when they were going through the Earth Tech settlement several years ago.

Commissioner Cansler said as Mr. Kelleher pointed out, there was a settlement with Earth Tech several years ago and as a result, they built the well

field down along the Hudson River. He said the reason there has not been an annual performance test up to this point is because they disagreed on the protocols for the test. He said they went back and forth for several years and finally last year they produced an O and M manual and they have had some disagreements on that. He said finally last year they agreed to go ahead and conduct an annual performance test based on the protocols that they felt were required.

Supervisor Cunningham said this will be the first test that they are conducting on these wells since the upgrade back about 6 or 7 years ago. Commissioner Cansler said that was correct. The Supervisor said this test is to see if the wells produce 6 million gallons per day. Mr. Cansler said that was correct and to see how they perform overall.

The motion was made by Mr. Messina and seconded by Mr. Kotary to authorize the Supervisor to sign a task order for Leggette, Brashears & Graham, Inc. to conduct an Annual Performance Test at the Dinmore Road well field. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The following item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to approve a right-of-way conveyance for construction of the Hudson Street Pump Station. Supervisor Cunningham noted this is a sewer pump station part of the ongoing sewer pump station project.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the right-of-way conveyance for construction of the Hudson Street Pump Station 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.

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The next item was a request from Comptroller, Suzanne Traylor, for a budget modification in the amount of \$250,000 for the purchase of land on Lyons Road for \$200,000 and the development of the Moh He Con Nuck nature preserve for \$50,000. Supervisor Cunningham said there are 2 projects going on regarding parks and money coming in for this. He said there is 1 grant from Scenic Hudson for \$125,000 and a Capital Appropriations match from Assemblyman Tim Gordon's office for \$125,000. He said the purpose is to purchase land which we are paying \$200,000 and it is next to the Henry Hudson Park which is approximately 3 and ½ acres of land appraised at \$300,000. He said Mr. Williams is taking \$200,000 in payment for the property. He said \$100,000 of that money is coming from the Scenic Hudson grant and the other \$100,000 is coming from the appropriation from Assemblyman Gordon. The Supervisor said the remaining \$50,000 -- \$25,000 from Scenic Hudson and \$25,000 from Assemblyman Gordon is being used for the improvements to the Moh He Con Nuck Nature Preserve which is the 54 acre parcel of land that we have on Simmons Road. He noted there has been a lot of talk about development of the parkland. He said this will allow for public access.

Supervisor Cunningham said this request is from the Comptroller's office simply to make the budget adjustments to acknowledge the money coming in and the money being spent. He said the purchase of the land has already been approved, the contract and everything else surrounding this purchase. He said in the future they will include the budget adjustment on the memo but it was not included on the memo for this item.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to

approve the budget modification in the amount of \$250,000 for the purchase of land on Lyons Road for \$200,000 and the development of the Moh He Con Nuck nature preserve for \$50,000 as requested by Suzanne Traylor, Comptroller. The motion was passed by the following vote:

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

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The next item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to authorize the Supervisor to execute a task order proposal from Town Designated Engineer Barton & Loguidice, P. C. to provide engineering services for the development of Phase 1 of the Moh He Con Nuck Nature Preserve.

The motion was made by Mr. Kotary and seconded by Mr. Kotary and seconded by Mr. Hennessey to authorize the Supervisor to execute a task order proposal from Town Designated Engineer Barton & Loguidice, P. C. to provide engineering services for the development of Phase 1 of the Moh He Con Nuck Nature Preserve 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.

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The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department to accept a donation of two trees from the Ravena-Coeymans-Selkirk High School class of 1955 in memory of Parker Mathusa. Supervisor Cunningham noted his understanding is that the trees will be planted on each end of the bench that was placed in Parker's honor at the park.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to accept the donation of two (2) trees from the Ravena-Coeymans-Selkirk High School class of 1955 in memory of Parker Mathusa as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

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The next item was a request from Administrator, Nan Lanahan, Department of Parks and Recreation for approval of appointment of seasonal personnel.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the appointment of seasonal personnel as listed on the Memorandum dated May 13, 2009 from Administrator, Nan Lanahan, Department of Parks and Recreation at the titles and salaries listed. The motion was passed by the following vote:

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

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The following item was to acknowledge receipt of Time Warner Cable Quarterly Franchise Fees in the amount of \$124,496.36 for the period January to March 2009.

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The next item was a request from Fleet Manager, Howard Hyer, to dispose of obsolete and surplus vehicles, equipment and supplies at auction.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to dispose of obsolete and surplus vehicles, equipment and supplies as listed on the Letter dated May 7, 2009 at auction as requested by Howard Hyer, Director of Administrative Services, Fleet Manager. The motion was passed by the following vote:

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

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Supervisor Cunningham noted they will finish up the meeting and then they will go to a presentation of the 20/20 Committee to give information on the work they have been doing over the last 17 months for recommendations to the Town Board on Town government going forward, looking toward the year 2020.

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

The Supervisor made the following announcements:

- Pool pass renewal for 2009 are now being done. It can be done by mail or stop in the Parks and Recreation Department office. The pool will be opening on June 13, 2009.
- Saturday, May 16, 2009 is Community Clean Up Day. He noted he will not be available due to his son graduating from college, however, Councilman Dawson will be heading up the clean-up day. If anyone is available, it is a good service to the community and everyone is welcome. Sign up can be done online or call Deb Kitchen. He noted it is a 3 hour commitment, 9 a.m. to noon.
- Tuesday, May 19, 2009, is the school budget vote and the Library vote with voting taking place at the High School.
- Next meeting of the 20/20 committee will be May 22, 2009 at the Elsmere Fire House.
- May 25, 2009 is the Memorial Day Parade starting at 11 a.m. at Poplar Drive and Elsmere Avenue and winds through to the Veteran's Memorial Park on Delaware Avenue.
- May 26, 2009 is next meeting of the PATHS for Bethlehem Committee meeting at 6 p.m. at Town Hall.

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

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 7:04 p.m. The motion was carried by the following vote:

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

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Town Clerk