

TOWN BOARD
NOVEMBER 10, 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

- - -

Supervisor Cunningham welcomed everyone to a meeting of the Bethlehem Town Board and invited everyone to join in the pledge of allegiance.

The Supervisor asked if there were any public comments on agenda items. Mrs. Marie Capone asked why can't the Town Board wait for the budget until it is decided who is doing what. She said after the votes are counted and decisions done. Supervisor Cunningham noted the law requires that the Town adopt a budget by November 20th for next year. Mrs. Capone commented it can be changed at any time.

- - -

Ms. Linda Jasinski addressed the issue for the \$40,000 maintenance garage for Colonial Acres, from what she can find and heard from back when the parkland set aside was started, the Town Law Section 277-4C says that the money should be deposited in a trust fund to be used by the Town exclusively for park, playground or other recreational purposes including the acquisition of properties. She said the Town Code says exclusively for the acquisition of public park, playground or recreational land and/or the improvement of public parks and recreational facilities. She said during the meeting of 2001 when this was adopted it was said that it was for the purchase of parkland for the development of parks facilities within public parks.

Ms. Jasinski noted Mr. Lipnicky said the questions becomes to what extent that these monies can be used for maintenance because the purpose is not for maintenance, it is to provide parks facilities. She further said during the public hearing of February 14, 2001 again it was mentioned many times that this was put into place because new development puts a stress on our current park facilities and the whole idea was to get new park facilities out of this. She quoted from the minutes 'where the funds couldn't be used would be maintenance and operating types of expenses'. She said that is clearly not the intent of the ordinance.

Ms. Jasinski said she did not think these funds should be used for a maintenance garage and again, Mr. Lipnicky said during the public hearing it was for fee simple land which means land that the Town owns. She said we do not own Colonial Acres and this will not be used for a facility that the public can use as in skating rink, basketball court or something like that. She thinks this is a misdirection of these monies toward a maintenance garage. Supervisor Cunningham thanked Ms. Jasinski.

Mr. Robert Jasinski said in the past he is against this Colonial Acres and has been from the start. He said he does not know how many people use it and knows it was taken off the tax roles. He said the Town did not buy it, the Green Space people bought it and the Town leases it for \$1. He said it is interesting to go over today and see where they are contemplating putting this building. He said when he worked for the State of New York he did purchasing and it was intriguing because sometimes when you had a purchase up in St. Lawrence County or somewhere like this, he all of a sudden he found that the bidding process was going on but the machine was already on the property. He said he is concerned if this goes forward, first of all it is all marked out, already put the concrete or platform of some time and have it all marked out with chalk. Supervisor Cunningham noted aside from the marking, there has been no work

done on the project. Mr. Jasinski said there is no vendor so it will have to go out to bid. The Supervisor noted the Parks Office is going to build it themselves.

Mr. Jasinski asked if anyone is going to oversee it from the Town Board or any other department. The Supervisor noted the Engineering Department is going to work with the Parks Department. Parks Administrator Lanahan noted the Building Department will oversee it to make sure it is all up to code. Mr. Jasinski said okay and noted he has had remarks from people that the staff still has to come up to the microphone because it is not picked up on the television at all.

- - -

Supervisor Cunningham asked if there were any other comments. There were none.

The first item on the agenda was a brief presentation on the 2010 budget. The Supervisor had a slide presentation regarding the budget. Supervisor Cunningham noted there has been a lot of work done on the 2010 budget.

Supervisor Cunningham said the first item was a request from the Comptroller to approve the 2010 annual budget for the Town of Bethlehem.

The budget adoption resolution was presented for adoption by Mr. Kotary and seconded by Mrs. Dawson.

Councilman Kotary said he wanted to comment on the bond rating and to say that this is a bright spot in a continually darken or dark fiscal picture. He said he supports all the components along with the changes to the budget. He said he thinks the 2 percent was the right thing to do in August. He said with the sales tax continually dropping and the mixed news along with the house market he thinks the changes are in order. He said he supports to COLA adjustments and thinks the savings are important, noting they are trying to save jobs and tightening the belt without impacting services or hurting the employees. Mr. Kotary said in terms of dollars there are hundreds of thousands of dollars, that means half a dozen or dozens of jobs that they are saving.

Mr. Kotary said one thing he wanted to correct the Supervisor on was when he commented on deferring 2 years, we all know there has been a deferring for 52 years. He noted the deferral has to stop and it includes pavement as well and noted he will support the paving program. He noted the cost to the Town and the costs to consumers are continually increasing noting a rise in chlorine costs a couple years ago of over 300 percent. He said they continue to ask the employees to do more with less noting this is a fact.

Councilman Messina made a couple comments. He said the tax increase was voted favorably in the past unlike the future. He said this year he did not think it was needed. He said he spoke about getting together to try to find ways to not increase taxes by tightening the belts. He said he believed it then and he believes it now. He said this is the first time tonight that he has heard of a proposal to change the COLA for the staff employees from 1.5 to 1 percent annualized. He said he would like to discuss that a bit more because he feels the depth and quality. Supervisor Cunningham said he can discuss it right now.

Mr. Messina said he thinks the depth and quality of the work force is in the staff. He said he likes the 1.5 percent and thinks it could have been kept with some efficiencies. On the issue of paving, Mr. Messina said he likes the roads as much as everyone else does and the only issue he raises is for further analysis of the paving opportunity and maybe different ways of scheduling that with other information outside of Bethlehem to see if that is something that did not need to be bonded. He said he was not firm on that but a subject to look at.

Mr. Messina said the third point was on the bond rate. He said he thinks that is terrific thanks to good work of the staff and all that has been done, along with the work of the Board in that regard. Mr. Messina said unless he is missing something on the numbers, he thinks the comparisons are wrong. He said the real savings, the interest savings of \$330,000 is over a 30 year program not annually. Supervisor Cunningham

said he did say over the life of the bond. Mr. Messina said you cannot say then real savings of \$330,000, revenue from 2 percent tax increase \$163,000 -- that is annualized. The actual savings from the interest bonding would be \$3,000 with the cost of the tax increase would be \$163,000 so no net savings to taxpayers but \$166,000 costs annually when comparing something over 30 years with something over 1 year. He said he thinks it is a good idea to do what has been done in terms of getting a different rating but you just cannot look at that on an annual basis. Supervisor Cunningham said he thought that was over 10 years. Comptroller Traylor said over the life of the issue which it varies. She said between 10 and 30 years. The Supervisor said some of that could be realized much earlier than that.

Mr. Messina said what it is is a \$160,000 net tax to our taxpayers from this 2 percent. He said not a savings. He thanked the Supervisor.

Councilman Hennessey said ever since coming on the Board the thing that matter most in doing the budgets is that they retain the policy of looking at sound budgeting policies. He said these are flat times and the budget needs to reflect the state of the economy. He said there are tough choices a lot of the people are going to have to live through and he appreciates the patience, hard work and perseverance despite the tough situation everyone faces. He said he is sorry for that.

Mr. Hennessey said he thinks to be responsible to the people in the community who have done all the work possible to make sure that we can make ends meet here, we have to say great thanks to them as well. He said this is a sound budget and will get us through to next year and hopefully things will improve next year buy they do not know. He said until they know information like that, this is the only solution that can be taken. Supervisor Cunningham thanked Mr. Hennessey.

Councilman Dawson said approving a budget for next year, as every year, is one of the most important things that the Board and Supervisor works out. She said a lot of this is based on projections - projecting the revenue but also trying to anticipate as much as possible what the expenses will be. She said they have seen how things can come up that surprise the Board and they will be prepared to deal with them. She noted this budget protects the reserves to the extent that they can at this point while continuing to keep a budget that allows the services that residents of this Town appreciate. She said people have come to Bethlehem for certain reasons and one of them by far is the quality of life that they enjoy here. She said she knows over the next few months but as the Town moves through 2010, they are going to continue to watch this budget and expenses and programs services and resources and undoubtedly have to make modifications along the way. She said she thinks this budget is sound and it is based on very reliable and important information thanks to the Comptroller and her staff. She is prepared to vote in favor of it, she said.

Supervisor Cunningham thanked Councilman Dawson. The resolution was adopted as follows:

RESOLUTION NO. 33

WHEREAS, the Town Board has met at the time and place specified in the Notice of Public Hearing on the Preliminary Budget and heard all persons desiring to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, that the Preliminary Budget be and it hereby is adopted as the Annual Budget of this Town for the fiscal year beginning on the 1st day of January, 2010, and that such Budget as so adopted be entered in detail in the minutes of the proceedings of this Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of this Town shall prepare and certify, in duplicate, copies of said Annual Budget adopted by this Town Board, together with the assessment rolls for benefit improvements, if any, adopted pursuant to Section 202-a, of the Town Law, and deliver two copies thereof to the Supervisor of the Town to be presented to the Albany County Legislature.

The foregoing resolution was presented for adoption by Mr. Kotary, seconded by Mrs. Dawson and duly adopted by the following vote:

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

Noes: Mr. Messina.

Absent: None.

- -

The next item is a request from Administrator, Nan Lanahan, Parks and Recreation Department, to use \$40,000 from the Parkland Set Aside Fund to construct a new maintenance garage at the Colonial Acres Golf Course. The Supervisor asked for a motion.

The following resolution was presented:

RESOLUTION NO. 35

RESOLUTION

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 10th day of November, 2009, duly adopted a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to replace the maintenance garage at Colonial Acres Golf Course and

WHEREAS, it is estimated that the costs of said work will not exceed \$40,000; and

WHEREAS, in recognition of these needs, funds for such purpose are in the Parkland Set Aside Fund; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the project as described above; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the Parkland Set Aside moneys to fund this project up to a maximum amount of \$40,000 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the Parkland Set Aside Fund the funds necessary up to \$40,000 in said fund; and

BE IT FURTHER RESOLVED, that the Town Board approves a budget modification for the project as described above, with an increase to Parks and Recreation Capital Expenditure line items (110-7120-551-22-00), and a corresponding increase to Planning Board Fee revenue (110-0000-327-21-15), in the amount of \$40,000.

The motion to adopt the resolution was made by Mr. Kotary, was seconded by Mr. Hennessey and duly adopted by the following vote:

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

NOES: None.

ABSENT: None.

- -

Town Attorney Potter addressed Ms. Jasinki's point about maintenance. He said the Parkland Set Aside Fee is for parkland purposes. The maintenance garage, as he understands it, is for a parkland purpose to store equipment, to provide for programs and equipment at the park. He said you cannot have a park without having buildings such as this. He said on that basis the utilization of the Parkland Set Aside Fee is appropriate because this is being used for parkland purposes to enable the continuation and expansion of parks programs.

Supervisor Cunningham said one of the reasons they are taking this measure is because the current maintenance facility at the Colonial Acres Golf Course is deteriorating pretty significantly and it is also in a lot of their estimation dangerous for the employees to be working in. He said they feel it is very important to create a facility that not only is in decent condition but is a safe facility for the employees which is why they made this decision to move ahead with this project. He said if it wasn't important, he would not be asking the Board to consider it. If it was felt this could be deferred until later, he would still defer it. He again noted the garage is in pretty bad condition.

Councilman Messina said he is supportive of this initiative and he will vote for this expenditure but the one thing he would ask Counsel to respond to or check it out

further, since this improvement is not on land that the Town owns, he asked if there is a need some kind of agreement with the Open Space Institute on the facility itself or not. Administrator Lanahan said she reviewed the lease agreement with Open Space and one of the provisions in there is that if there is to be an improvement such as this of a structure that is more than 1,000 square feet, the Town needs the Open Space written approval and she indicated she has that information drafted and stating this has been approved by the Town Board and she is looking for their approval as well. Mr. Messina thanked Mrs. Lanahan.

Supervisor Cunningham said the next request is for a position that cannot be left open. The request was from Chief Corsi to appoint a Crossing Guard effective November 8, 2009 at a salary of \$13.64 per hour.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the appointment of William C. Krell to the position of Crossing Guard effective November 8, 2009 at a salary of \$13.64 per hour as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Josh Cansler, Commissioner of Public Works, to schedule a public hearing for December 9, 2009 at 6:00 p.m. to consider revisions to the Bethlehem Sewer District Sanitary Sewer Code.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve setting a public hearing for December 9, 2009 at 6:00 p.m. to consider revisions to the Bethlehem Sewer District Sanitary Sewer Code as requested by Commissioner of Public Works, Josh Cansler. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from the Chief of Police, Louis Corsi, to approve the acceptance of a \$50 donation from Nancy Farr for the Dare Program.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to accept a donation from Nancy Farr in the amount of \$50.00 for the Dare Program as requested by Louis Corsi, Chief of Police. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was to approve the Town Board minutes of October 14, 2009.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the Town Board minutes of October 14, 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.

The next item was to consider adoption of the Resolution for the Section 8 Housing Choice Voucher Program PHA Plan for 2010. The following resolution was presented.

RESOLUTION NO. 34

Resolution Adopting an Annual Plan for 2010

For the Town of Bethlehem Section 8 Housing Choice Voucher Program

WHEREAS, the Town of Bethlehem operates a Section 8 Housing Choice Voucher Program funded by the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town of Bethlehem is required by the U.S. Department of Housing and Urban Development to prepare and adopt a written PHA Plan that establishes local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and

WHEREAS, the Town Board of the Town of Bethlehem has caused a written PHA Plan for 2010 to be prepared establishing local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and has reviewed such written plan,

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem hereby adopts the PHA Plan for 2010 for operation of the Town of Bethlehem Section 8 Housing Choice Voucher Program.

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

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

Noes: None.

Absent: None.

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

The Supervisor made the following announcements:

- o Tomorrow is Veteran's Day, the Town Hall is closed and there will be a parade in Albany with a good opportunity to honor our Veterans. He noted the Veterans in attendance - Josh Cansler, Deputy Chief Beebe, Mr. Jasinski and Councilman Messina.
- o Thanksgiving Holiday at the end of the month, the Town hall will be closed November 26 and 27.
- o Reminder that the next Town Board meeting will also be on a Tuesday, November 24, 2009.
- o December 4, 2009 at 6:00 p.m. is the Annual Holiday Parade and lighting of the Holiday Tree at the Four Corners.
- o No parking ordinance began November 1, 2009 and ends April 15, 2009 with no parking of vehicles on Town streets between 1 a.m. to 7 a.m.
- o Friday is a Health Fair 10 a.m. to 1 p.m. at Town Hall with flu shots available between 10 a.m. and 3 p.m. 500 shots will be available and noted is that they are regular flu shots not H1N1.
- o Letters to Santa program from November 18, 2009 to December 10, 2009 with boxes available around Town at Town Hall, the elementary schools, the Library, Stewart's in Glenmont, Feura Bush, Selkirk and Delmar.

Supervisor Cunningham asked if there were any comments on non-agenda items. Mrs. Capone said they talk a lot about what to do in case of an emergency. She said never touch about a power outage. She asked if they are supposed to live in their house without power. Supervisor Cunningham said whenever there is no power for an extended period of time, the Town Hall is open. He noted there will also be an emergency line set up so that you can call in and see what is available and you do not

know what is going on. He said there is a list of individuals that the Town gets in touch with who are in need.

Ms. Linda Jasinski asked if the letters to Santa was also to the Selkirk Stewart's. Supervisor Cunningham noted it is his understanding that it is all Stewarts. Ms. Jasinski noted she knows that part of Town is forgotten. The Supervisor noted he said Glenmont and Selkirk. He noted he does not forget that part of Town.

- - -

Mr. Robert Jasinski said a couple meetings ago he asked some questions about the Parks and Recreation about South Bethlehem getting some equipment to replace the existing equipment. He said at that time it was mentioned that they had such a good deal at 50 percent reduction from the original cost. He said his concern goes to the fact that he read something in the last month that there has been some problems with some of the equipment that has been supplied to the parks in different locations, not the Town's, but he also would like to inquire if this equipment was bid \$21,000. Supervisor Cunningham said it was off of State contract. Mr. Jaskinski asked if it was 50 percent off the State contract price or State contract was 50 percent off.

Administrator Lanahan said the 50 percent is 50 percent off of their regular list price which is far below what the State contract price would be. So, it is not 50 percent off a State contract price, it is 50 percent off the list price but State contract price is maybe only 14 or 15 percent off list price. Supervisor Cunningham said it is approved over State contract. Mr. Jasinski asked if that makes it a State contract purchase or does it make it a \$21,000 item that should have been bid.

The Supervisor said if we buy off of State contract and they are offering us a discount from the State contract, he thinks they are still allowed to go ahead and purchase. Deputy Comptroller Webster said that was correct. The Supervisor said they are going to a State contract to get it and he is reducing his cost from what he committed to a State contract. Mr. Jasinski asked if he was saying the Town does not have to go to bid. Supervisor Cunningham said they do not have to go to bid. He said the other information about equipment of danger or failing or whatever, he noted they do not know anything about that. He asked if Mr. Jasinski could get some information to Administrator Lanahan, they will verify it is not this vendor and follow up on that. Mr. Jasinski noted he wished he had the article. The Supervisor asked if he could check for it and get back to them noting that would be important to know. He said they will do a search on it also.

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

The motion was made by Mr. Messina and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 7:00 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

Town Clerk