

**Town Board
November 10, 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.

Supervisor Messina asked for a moment of silence for Fred Webster and his family. A former Town Board member and long time volunteer firefighter and very involved in the community.

PUBLIC COMMENTS ON AGENDA ITEMS

Norman Morand – 52 Carstead Dr. Slingerlands: He had looked at the information on the internet about the budget and it was dated 11/1/10. He said it was too small to read. He asked if the 1% raise for the employees was still in the budget. He didn't want to wait for the budget agenda item because then he would be out of order. He said last meeting Supervisor Messina disguised a part time employee as a seasonal employee. Only Councilman Hennessey brought that forward and Mr. Morand asked if it was a nepotism hire. Supervisor Messina said he thought Mr. Morand's questions would be answered during the budget presentation. The Supervisor this was not the time for public comment on the budget it was a time for the Board to do its job. There had already been a public hearing on the budget. Mr. Morand had raised an objection to the employee raise because social security benefits had not risen nor had a lot of others salaries. He asked why the Board had a public meeting when the Board would do as they liked anyways. Supervisor Messina said this was not a public hearing and Mr. Morand had been at a budget workshop meeting. Mr. Morand said he heard that there wouldn't be any more hiring and then last week they wanted to hire another person. He said the Board does exactly as it wants to do. They would probably adopt a budget with the 1% increase. Supervisor Messina said the Board has listened to the residents and worked out a budget that they feel is the best. He said a budget is a compromise and not for any one person. Mr. Morand asked if the Board used the million dollar surplus they had in the water and sewer to reduce the increase. Supervisor Messina said the Board should be allowed to go forward with their business. He had no intention to engage his questions but would present to the full Board and the Town. Mr. Morand said he felt he was attending a City

of Albany meeting where everything is hidden under the table. He didn't think was an open government anymore.

PUBLIC HEARING FOR LOCAL LAW #7 AMENDING THE CODE OF THE TOWN OF BETHLEHEM, CHAPTER 61, DOGS, ARTICLE II

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

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

NAYES: none

ABSENT: none

Supervisor Messina: I would like to ask Nanci Moquin to make a short presentation on this Local Law and give us a little background so that we can then open it to the public for comment.

Ms. Moquin: We're finding ourselves as a Town in a position of taking over the licensing of dogs. As of January 1st, NYS Ag and Markets no longer wants that responsibility. They still have their Article 7 that deals with many aspects of the licensing of dogs but as a municipality we need to decide the following issues: our licensing fees, whether we will continue to offer a discount to seniors for both spay or unspay dogs, whether we will continue to offer a purebred/ kennel license and whether we will grant a 30 day grace period for dogs that were licensed in other areas and then moved into our area. The proposed amendments in the law that were on the WEB site assume that the fees will increase, because of our costs; the senior discount will now only be on spay/neutered dogs, and we will no longer offer a pure bred/ kennel license, the transference between municipalities is difficult and after talking with other Town clerks, they have decided to eliminate that aspect of it. We will grant the grace period for 30 days to people coming into our Town.

Linda Jasinski: Are you going to tell us what the fees will be?

Ms. Moquin: What is before the Board as a proposal would be \$10 for senior citizens that have spay dogs, \$15 for others that have spay dogs and \$20 for unspay dogs. On top of this the state is mandating that we also include a \$1 surcharge on any spay animals and \$3 on unspay. They have an RFP out for an organization that will decide who will take care of animal protections, such as ASPCA, they lobbied to get this. We don't know where that money is going right now, we just know we have to collect it and send it along. If the Board decides, they can lower those fees. This is a proposal that I went through, putting the costs to the Town against what would be fair but not increase so much that it would discourage people from licensing their dogs.

Ms. Jasinski: And the current fee is?

Ms. Moquin: The current fee is \$2.50 which is imposed by the State and hasn't risen since 1965. The Town put a local fee of an additional \$2.00 on in 1981 and we haven't raised anything since that time.

Ms. Jasinski: So we're talking about going from \$4.00 to \$20, am I correct.

Ms. Moquin: Actually those people pay \$12.50 right now for an unspay dog. It would go up to \$20. The seniors will go from \$2.50 up to \$10.

Ms. Jasinski: I understand the need to cover your costs, which I think is very important. I understand the prices have not gone up, however, in the times that we have with a lot of people giving up their animals and people wanting to adopt animals, I think you need to keep the fees down as much as you can so people can afford to have an animal, take care of it, save it from being out on the street. I'm not saying that it's super unreasonable but can we just make sure that we're just covering our fees with this. It can get costly especially when you start feeding animals and such. There are a lot of adoption things that are out there looking for people to take these animals and give them a home. Thank you.

Bob Jasinski: My question comes from a different angle. Number one, you mentioned purebred/kennel, what is the definition of a purebred/kennel license.

Ms. Moquin: It's someone who has raises dogs to sell. They're purebred dogs. They would have a license that would group their dogs together, instead of individual licensing.

Mr. Jasinski; So you're dropping a kennel license?

Ms. Moquin: Yes

Mr. Jasinski: Do we have any people that have a kennel license?

Ms. Moquin: Right now we have about four.

Mr. Jasinski: So what will these people have to do? Dispose of a certain amount of dogs that they have?

Ms. Moquin: No, the kennel license doesn't say how many dogs they can have, it is whether they license them as group or individually. It won't take their ability to have those dogs away from them.

Mr. Jasinski: My other question is due to this increase work will you have to increase your staff in the Clerk's office.

Ms. Moquin: No. We'll do fine.

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

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

NAYES: none

ABSENT: none

Supervisor Messina asked the Board if they were ready to act on the matter.

A motion to adopt Local Law #7 amending the Code of the Town of Bethlehem, Chapter 61, was offered by Councilwoman Dawson, seconded by Councilman Jordan

Discussion:

Supervisor Messina said when the Board reviewed the fees and saw that the fees had not been raised in twenty (20) years, they thought this was reasonable. Councilman Kotary said looking at the fee revenue versus the cost to the Town, there is still a significant cost to the Town. The gap is being closed but it's not closed yet. The fees have not been raised in many years and this increase is reasonable.

The aforementioned motion was approved with the following vote:

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

NAYES: none

ABSENT: none

APPROVAL OF TOWN BOARD MINUTES FOR 10/27/10

A motion to approve the minutes of 10/27/10 as drafted was offered by Councilman Kotary, seconded by Councilman Jordan and approved with the following vote:

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

NAYES: none

ABSENT: none

ADOPTION OF 2011 TOWN OF BETHLEHEM BUDGET

Supervisor Messina presented the main aspects of the 2011 Budget. There was a series of budget workshops that had been open to the public, presentations to the public and Town Board and a public hearing. He said the Board has a budget that maintains the Town's outstanding essential services. The unification of the water system has saved the Town about one point six million dollars in the budget. The fund balances are at a minimum of

15% which is at the top end of the guidance of the State Comptroller. There is a 1% COLA for the staff and it is one that he is most proud of because it was staff that helped cut the budget. He said there is multi-year budgeting which looks at capital needs over time. This will be the smallest budget property tax increase in five (5) years. He said the 20/20 Committee will be working with the Town Board in identifying improved efficiency and economy effectiveness in our government. He said the last two (2) budget workshops was where the Town Board and staff looked at the Supervisor's budget and looked hard at the numbers. Supervisor Messina said there were compromises and no one on the Town Board is completely happy with the budget but in total he hopes they will support this budget. Between the tentative budget and preliminary budget presented tonight there were additional things done. Additional expenditure reductions were found amounting to \$296,000; employee steps have been eliminated; removal of retirement amortization; restore salary reductions and additional allocation for internal reviews that will go on. The 2011 Preliminary Budget is now the Board's budget. It is about a half million dollar reduction from the 2010 adopted Budget. Additional reductions were found to reduce the use of fund balances, there is a reduction in the use of bonding, reduction in the use of park field fee revenues and reduction of the tax levy. The additional saving is \$435,000. In this budget, the Supervisor said the overall tax levy is 1.64%. The impact on the assessed value will be an additional 6 cents per 100 thousand. That's very close to zero budget.

Supervisor Messina said the Board would now consider the adoption of the 2011 Budget.

A motion to adopt the resolution for the approval of the 2011 Preliminary Budget was offered by Councilman Kotary, seconded by Councilman Jordan

Discussion: Councilman Kotary said this was a long process, starting in June and July. The budget has no starting or ending point, it is an ongoing process. All the Board has addressed this issue in terms of the 2010 budget. He thought this budget was truly a compromise. There were parts he liked, some parts could be better and others he didn't agree with. The Board and staff had worked very hard to get to this point. He had thought the tentative budget taxed a little too much, spent a little too much and borrowed a little too much. The Preliminary budget reduces the taxes though he was hoping for a no tax increase but he thought the Board had made an effort to get it to zero. The end budget spends less and borrows less with fewer fees and it uses less of the reserves. The Board had to cut a little more. He thanked the Board members, the department heads and the Supervisor for all the hard work on this year's budget. He thought this was a good budget, possibly the best in the 5 years he's been on the Board.

Councilman Hennessey said the Board had spent a good share of the summer and fall working through the issues in the budget. In government, difficult decisions are made with the information in front of you at the time. We are statutorily required to pass a budget by November 20, 2010. That means that decisions had to be made, some that he is not as comfortable as he would have liked. The things that gives him concern are the little things and those are issues that can be resolved. He thought there was more work that could be done to further reduce the numbers to try and get to zero. Last year during

the budget process, Supervisor Messina, had talked about the idea of zero based budgeting. It was an interesting concept and one he had learned more about. To get to a zero based budget would be a reduction of \$153,635. There are issues in the Town that need to be looked at, such as how the Town does their field rental fees for some of the community groups here in Town. He has asked for some items during the budget process that he has not received yet such as a break even memo on a consolidation proposal within DPW to take some of their operations to a single place. He would like to support the budget but he proposed the Board continue to work on it because there are people in the community that still want to see the numbers go down. He would like to see a budget review commission to try and figure out how to save \$153,635 in next year's cost and also take a look at the \$375,000 shortfall in this year's budget.

Councilwoman Dawson said one of the difficulties in the budget meetings was the uncertain revenue numbers for next year. This budget is cautiously optimistic. The Board is ready to watch both sides of this budget as we move forward. She agreed with Councilman Hennessey that there were a number of things that needed to be watched closely. This is an ongoing process and the Board will continue to work with the Comptroller and the Supervisor and the department heads. There are a lot of variables that can't be predicted, such as snow storms and draughts. She thought it was important that the Board had a lot of comparative data from other communities. The Board made decisions they thought were right for the Town of Bethlehem in terms of the programs and services and what some of the groups such as 20/20 were suggesting for the Town. It is a compromise budget and our work continues.

Councilman Jordan said no budget is all things to all people. It is a compromise budget that is fair, reasonable and responsible and balanced the many interests that are out there.

Supervisor Messina said the department heads had found savings and worked cooperatively with all involved. He thought this was a good budget and will help the Town go forward. He said the process was extensive. This budget has some creative elements. They're not perfect but a start such as a capital component with multi-year budgeting. He said the Board worked together for this budget. He said as far as Mr. Hennessey's suggestion for a budget review commission, he was not prepared to act on that at this time. He said he would reach out to the Board to work on further savings.

The aforementioned motion was approved with the following vote:

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

NAYES: none

ABSENT: none

Resolution # 32

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, 2011, 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 Councilman Kotary, seconded by Councilman Jordan and duly adopted by the following vote:

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

NAYES: none

ABSENT: none

Dated: November 10, 2010

REQUEST FROM THE CHIEF OF POLICE TO ACKNOWLEDGE THE RESIGNATION OF POLICE OFFICER ARTURO NAPOLITANO, EFFECTIVE OCTOBER 30, 2010

Supervisor Messina said this officer was hired at the end of last year and his qualifications were outstanding. The Town acknowledged his work and is sorry to lose him.

PRESENTATION BY A MEMBER OF SCENIC HUDSON OF AN OVERVIEW OF THE REVITALIZATION HUDSON RIVERFRONTS PROJECT

Jeff Anzevino from Scenic Hudson presented. (This presentation is on the WEB site in its entirety) Scenic Hudson has recently published a book called Revitalizing Hudson River Fronts. Scenic Hudson is a non-profit environmental organization based in Poughkeepsie. The Binnen Kill is an area in the southern section of the Town of Bethlehem. There were a couple of islands that had been separated from the main land. This book is a smart growth guide for communities on the river front. It is to direct development to areas where there is already infrastructure and built areas and to plan to protect the sensitive areas with natural resources. The Hudson River has a variety of different scale Towns along its borders. A sample development area was shown with

compact development, connection to the river and compatible businesses with open space in between. To promote development in areas where there is existing infrastructure is fiscally responsible way to develop. Built areas already have nearby services and it based on a principle of new urbanism. The hamlet of Delmar is an example of a walk-able community. The second chapter of the book encourages water dependent uses. The types of uses that need to be on the river should be promoted there. These would be boat building, marinas, fishing facilities and non-water dependent business should be discouraged from those locations. Those would be industrial uses that are not water front dependent. There is a category of water enhanced uses which are businesses that are made better by water front locations. Mixed use developments, hotels, restaurants are a few. It is important to connect people to the river. Scenic Hudson believes that the more people use the river, the more they will appreciate it and be better stewards of the river. This can be done with parks, providing greenway trails along the river and connections from the river to neighborhoods and business districts. Natural resources should be protected as well as scenic resources. Homes could be sited along the river in such a way as to protect river vistas while buffering homes. The final chapter of the book deals with sustainable design that ties all the other aspects together. There are wetland areas along the Binnen Kill and some nice farmland. The Binnen Kill will be a part of Town affected by global climate change. The river levels have been rising. The projected modeling shows the areas that are not now but will be under water. Scenic Hudson feels the best way the Town can plan for future waterfront is to develop a Local Waterfront Revitalization Program. This is locally prepared program. There are benefits to establishing this plan. When grants become available the Town will be in a better position to take advantage of them. Without a LWRP in a Town, when a project is proposed along the river front, the State Coastal Policies come into play.

Supervisor Messina recognized that Scenic Hudson has been a partner with the Town in a number of planning and grant areas. The Town is in the final stages of its LWRP, that will be coming to the Town Board and then the Department of State for its review. Scenic Hudson has reviewed the LWRP of the Town.

Councilman Hennessey said the document lists a number of mitigation strategies the Town can engage in to mitigate climate change. Some of those are to become a Climate Smart Community and Bethlehem was one of the first communities to do that; promote development in areas with existing infrastructure and our Town's Comprehensive Plan pushes in that direction; decrease energy use in our operations and we did that this year; transitioning to renewable energy sources and the Town will be putting solar panels on the park facility and lastly increasing urban greenery and tree cover. Our community is deeply committed to these issues. He said the Town has heard Scenic Hudson's lesson and we're following it. Mr. Anzevino said that the Town of Bethlehem was very progressive.

PRESENTATION BY COUNCILMAN KOTARY OF TOWN OF BETHLEHEM PURCHASING DIVISION POLICY AND PROCEDURES

Councilman Kotary thanked the Board members, the department heads and especially Rick Webster for their work on the policy. This is a comprehensive procurement policy that consolidates our existing policies into one document. It clarifies our policies and updates the procurement policy. He said the exercise itself was a good one; it produced a great document. They tried to create a document that didn't create more bureaucracy. He encouraged the Board members to support it.

A motion to accept the Town of Bethlehem Purchasing Division Policy and Procedures as drafted was offered by Councilman Kotary, seconded by Councilwoman Dawson:

Discussion:

Councilman Hennessey said there was a section he wanted to discuss. Section III, Subsection M, paragraph viii, exception to the RFP Requirement, he asked to have that section taken out. He didn't want to bypass the RFP requirement. He thought proprietary software should be bid out. Supervisor Messina said this section allows the purchase of proprietary software. He thought it was in the document to allow the MIS Director the ability to purchase software that would fit with other modules the Town already owns. Councilman Hennessey thought 80% of the software on the market was proprietary. If the Town is going to bid we should bid. Mr. Dammeyer said the section was referring to software such as the police system that has the ability to add modules, such as property tracking, the Town would have to get it from the company that sold us the original system because its built around the rest of the software. Councilman Hennessey thought it created a monopoly condition. If that software vendor went out of business the Town would need to purchase again anyways. Mr. Dammeyer said the systems, such as an enterprise resource system, that is what is done. The entire system is purchased and then modules are slowly integrated into the business. The Town wouldn't want to throw out the current system and start over again. These are building blocks. Councilman Hennessey said he's coming from the premise that when you purchase, you competitively procure. He wanted to move in the direction of no long term commitments. He wanted this section taken out to stop vendors from dictating terms. Mr. Dammeyer said generic products, such as office products, could go to bid but a 1.5 million dollar police system, you can't bid a portion because it won't interface with the rest of the system. The decision needs to be made at the time of purchase that this is the system you want. Councilman Hennessey asked if the original purchase would be competitive. Mr. Dammeyer confirmed. Councilman Hennessey this section was creating an exception to bid process. If only one comes back, then that's the bidder. It gives others the opportunity to bid. Mr. Dammeyer said the Town is locked into a software system that was chosen. New modules need to integrate with the existing system. Mr. Potter asked if the RFP would describe a module in such a way that would restrict compatibility issues. If Mr. Dammeyer took Councilman Hennessey's approach, the RFP would only be open to those few vendors that could meet the RFP. Mr. Dammeyer said it would be the one company. Mr. Potter said it would be a situation of sole source. Adopting the policy that Councilman Hennessey is suggesting wouldn't cause a problem if there was a sole vendor. Councilman Hennessey it would allow the public to see the procurement. Councilman Jordan said he agreed with Councilman Hennessey. Councilman Kotary

said what if an RFP went out and a company met some of the specs but full integration was questioned but they were low bid. It could cost the Town more. He said this was existing policy and he didn't want to pull out the section without exploring all the ramifications. He didn't want to be forced into a low bid module that would cause the Town to have to start over. He was not the IT expert. He didn't want to make the change tonight but go forward with the policy as drafted and then take another look at the section. Councilman Hennessey still wanted to take the section out. Supervisor Messina said the RFP process was time consuming for staff and sometimes caused delays. Councilman Jordan asked to hold over the approval for 2 weeks. Councilman Kotary wanted to keep the motion with the commitment to rework the one section. Councilwoman Dawson suggested approving the document without the paragraph but if there are problems they could add in the paragraph. Councilman Jordan agreed. Mr. Webster said the Board would see the document again at the organizational meeting because it must be adopted each year.

A motion to amend the motion to delete, Section 3, Subsection M, paragraph 8 was offered by Councilman Kotary, seconded by Councilman Hennessey and approved with the following vote:

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

NAYES: none

ABSENT: none

A motion to adopt the Town of Bethlehem Purchasing Division Policy and procedures as amended was offered by Councilman Jordan, seconded by Councilwoman Dawson and approved with the following vote:

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

NAYES: none

ABSENT: none

REQUEST FROM THE COMMISSIONER OF PUBLIC WORKS FOR THE TOWN BOARD AUTHORIZE A BUDGET MODIFICATION TO INCREASE THE DEPARTMENT OF PUBLIC WORKS EQUIPMENT REPAIRS ACCOUNT LINE TO REFLECT \$24,850.27 RECEIVED FROM OUR INSURANCE COMPANY

A motion to authorize a budget modification to increase the DPW equipment repairs account line to reflect \$24,850.27 was offered by Councilwoman Dawson, seconded by Councilman Kotary and approved with the following vote:

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

NAYES: none

ABSENT: none

REQUEST FROM THE FLEET MANAGER TO DISPOSE OF SURPLUS VEHICLES AND EQUIPMENT AT AN ON-LINE AUCTION HELD BY AUCTION INTERNATIONAL, INC. OF BUFFALO.

A motion to allow the Fleet Manager to dispose of surplus vehicles and equipment at an on-line auction held by Auction International, Inc. of Buffalo was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

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

NAYES: none

ABSENT: none

NEW BUSINESS

PUBLIC COMMENT ON NON-AGENDA ITEMS

Norman Morand asked what the statutory limit on bonding was before the Board needs the tax payers approval. Mr. Potter said he would check. He said he heard there isn't enough room in Town Hall and wondered if there was a study to put a second story on this area. Supervisor Messina said this was not a time for questions but for comments. He said he would meet with him. Mr. Morand said it was in the newspaper. He said it was not his comment but public knowledge. He asked if the study was done. Supervisor Messina said the issue was being looked at.

Carl Kirk – 34 Center Lane – he is concerned with the burning of vehicles at the fire training center. He appreciates the volunteer fire companies and know they need to practice but he doesn't want to see the people in his neighborhood harmed by the fumes. The burning vehicles release toxic chemicals, the volunteers wear breathing devices to protect themselves but there is no protection for the neighborhood. He tried to speak with various State departments and fire companies of Bethlehem with little satisfaction. He made the following suggestions: ban the burning of vehicles or move the burning to another site, such as the train yards or purchase a car burning simulator. He wanted the Town to put pressure on the fire companies.

Supervisor Messina said there are legal limits of the Town in this matter. He has a willingness to speak with the fire companies on the neighborhood's behalf.

Bob Jasinski – Bender Lane – He said the budget was presented nicely but he wanted to make the senior citizens aware that Albany County will have about a 14% increase in taxes even if the Town's increase will be low. If they are starting to save money towards the bill he wanted to make them aware of that. He said at the last meeting Mr. Connors presented an offer for the Town to go through them in their bonding as a cost savings measure. He asked Ms. Traylor if she had looked into the offer. Supervisor Messina said

the Town has known about this for awhile but there could be issues. Mr. Jasinski asked Ms. Traylor to look into it. Councilman Hennessey said bulk bonding could be an issue because municipalities don't have the same bond rating. The Town of Bethlehem has an AA bond rating. Supervisor Messina said there are other variables to consider also.

Gregg Gould – Homeland Security and Emergency Services and the Office of Fire Prevention and Control - He has spoken with Mr. Kirk and the Town's fire officers. He reviewed the Town's policies and procedures at the fire tower and they meet and exceed what he does with the State. It is a necessary evil. The fire departments need to be trained on what they do. The fire companies must meet the objective of the training and if that's to be trained on a burning car, then that's what they must do. He understands it's an environmental concern but it is to prepare the fire fighters. They are following the rules and the local fire district determines what they need to reach their objectives.

Mr. Kirk asked if the fire simulators would meet the objectives. Mr. Gould said yes. He didn't know if they put off toxic chemicals. He said they are very expensive, around \$40,000 to \$50,000. Normally cars are free. Mr. Kirk wanted to know if there were regulations as to where the burning cars could be. Mr. Gould said no.

Julie Kirk – She said there is an alternative, the propane burning cars, and she thought that should be looked at by the fire companies. She has gotten information on the cars and one car would meet all the company's needs.

Councilwoman Dawson said a dialogue would continue with the fire companies.

ANNOUNCEMENTS

A motion to adjourn to executive session for potential litigation was offered by Councilman Jordan, seconded by Councilman Kotary and approved with the following vote:

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

NAYES: none

ABSENT: none

A motion to adjourn the meeting was offered by councilman Kotary, seconded by Councilman Jordan and approved with the following vote:

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

NAYES: none

ABSENT: none

The meeting adjourned at 7:50pm.

EXECUTIVE SESSION:

A motion was made by Councilman Hennessey and seconded by Councilman Jordan to accept the tentative settlement in Elsa Marie Kelp v. Town of Bethlehem (Index No. 5085-10) of \$200,000 and approved with the following vote:

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

Nayes: None

A motion was made by Councilwoman Dawson and seconded by Councilman Kotary to accept the tentative settlement in Harold W. Kelp v. Town of Bethlehem (Index No. 5089-10) of \$230,000 and approved with the following vote:

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

Nayes: None

A motions was made by Councilman Jordan and seconded by Councilman Kotary to accept the tentative settlement in four Parcels PHE Properties, LLC v. Town of Bethlehem (Index No. 6191-09) of \$396,540 and approved with the following vote:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey,
Councilman Jordan, Councilman Kotary.

Nayes: None

A motion was made to adjourn the executive session by Councilman Jordan and seconded by Councilwoman Dawson at 8:22 PM and approved with the following vote:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey,
Councilman Jordan, Councilman Kotary.

Nayes: None