

TOWN BOARD
OCTOBER 14, 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
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney
ABSENT: Mark Hennessey, Councilman

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Supervisor Cunningham welcomed everyone to a regular meeting of the Bethlehem Town Board. He asked them to join in the pledge of allegiance.

The Supervisor asked if there were any public comments on agenda items. There were none.

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The first item on the agenda was the approval of the Town Board minutes of September 9 and September 18, 2009.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the Town Board minutes of September 9 and September 18, 2009 as submitted. The motion was passed by the following vote:

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

The next item was approval of the Town Board minutes of September 23, 2009.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the Town Board minutes of September 23, 2009 as submitted. The motion was passed by the following vote:

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

The following item was a presentation by Senior Planner, Rob Leslie, on the Recommendations on Open Space Needs and Opportunities report prepared by the Department of Economic Development and Planning and Citizens Advisory Committee on Conservation.

Senior Planner Leslie gave some background on the committees that were involved in these recommendations being developed and an overview of the recommendations.

The next item was a request from Commissioner of Public Works, Josh Cansler, to set a public hearing to establish the 2010 Sewer Tax Rolls for November 24, 2009 at 6:00 p.m.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve setting a public hearing to establish the 2010 Sewer Tax Rolls for

November 24, 2009 at 6:00 p.m. as requested by Josh Cansler, Commissioner of Public Works. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Hennessey.

The next item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to award contracts 2G, 2M and 2E for the Elm Avenue Park Pool Improvement Project.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the award of contracts 2G, 2M and 2E for the Elm Avenue Park Pool Improvement Project to Callanan Industries, Albany, NY as requested by Erik Deyoe, Deputy Commissioner of Public Works.

Some questions and information were raised and answered. Mr. Deyoe explained that the question of awarding to other than the low bidder would have to be reviewed by the Town Attorney. Town Attorney Potter said it was the Town's responsibility to take the lowest responsible bidder.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Hennessey.

The next item was a request from Gregg Sagendorph, Superintendent of Highways, to increase the rate for the disposal of construction and demolition debris at the Rupert Road Transfer Station from \$60 per ton to \$120 per ton beginning November 16, 2009.

Supervisor Cunningham said this has to do with the closing of the construction and demolition landfill. He said as of November 16, 2009 there will be a container and the debris will be removed to a different location. He said the cost is going to be substantially higher than just taking the debris at our own landfill. He noted he spoke with the Highway Superintendent and this is a pretty much break even deal.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve increasing the rate for the disposal of construction and demolition debris at the Rupert Road Transfer Station from \$60 per ton to \$120 per ton beginning November 16, 2009 as requested by Gregg Sagendorph, Superintendent of Highways. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Hennessey.

The next item was a request from the Deputy Commissioner of Public Works, Erik Deyoe, to grant an easement to National Grid for the Hudson and Dumbarton Pump Stations.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the granting of an easement to National Grid for the Hudson and Dumbarton Pump Stations as requested by Erik Deyoe, Deputy Commissioner of Public Works. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Hennessey.

The following item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to accept a right-of-way conveyance for Wright Lane from Sheree Pittz and Wayne Wright as trustees of the Marie E. Privler family trust.

The motion was made by Mr. Messina and seconded by Mr. Kotary to accept a right-of-way conveyance for Wright Lane from Sheree Pittz and Wayne Wright as trustees of the Marie E. Privler family trust 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.

Noes: None.

Absent: Mr. Hennessey.

The next item was a request from Chief of Police, Louis Corsi, for approval of award of the bid for uniforms and related equipment for police to Rosen's Uniforms.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the award of the bid for uniforms and related equipment for police to Rosen's Uniforms, Albany, NY 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.

Noes: None.

Absent: Mr. Hennessey.

The following item was a request from Louis Corsi, Chief of Police to accept insurance proceeds in the amount of \$9,685 to cover repairs for patrol vehicles 726 and 728.

The motion was made by Mr. Messina and seconded by Mr. Kotary to accept insurance proceeds in the amount of \$9,685.00 to cover repairs for patrol vehicles 726 and 728 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.

Noes: None.

Absent: Mr. Hennessey.

The following item was a request from Chief of Police, Louis Corsi, to accept the resignation of William Gathen as Crossing Guard effective September 23, 2009.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to accept the resignation of William Gathen as Crossing Guard effective September 23, 2009 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.

Noes: None.

Absent: Mr. Hennessey.

The next item was a request from the Supervisor to approve a resolution authorizing the Town of Bethlehem to join with the Bethlehem Central School District in a Local Government Efficiency Shared Municipal Services grant application for \$25,000 to study opportunities for consolidation of services.

Supervisor Cunningham noted there was a time requirement on this application and therefore, this item was added today.

The following resolution was presented for adoption:

RESOLUTION NO. 31

**RESOLUTION TO SUPPORT
LOCAL GOVERNMENT EFFICIENCY GRANT**

Whereas, the Town of Bethlehem and the Bethlehem Central School District have a shared commitment to provide their taxpayers with the best possible services at the lowest possible costs; and

Whereas, both local governments have recently completed public engagement processes that demonstrated broad public support for fully exploring service sharing or consolidation; and

Whereas, the project shall be known as the Bethlehem School-Municipal Shared Services Initiative and will include a study to examine major functional areas where both the School District and the Town of Bethlehem have operations; and

Whereas, it will provide estimates of potential savings from sharing or consolidation of services, to include buildings and grounds maintenance, telecommunications and information technology, vehicle maintenance, purchasing and other administrative support services; and

Whereas, it will also review any legal and logistical issues associated with sharing services given that the Bethlehem Central School District is not fully contiguous with the Town of Bethlehem's borders, and one of the District's six Elementary Schools is outside of the Town of Bethlehem; and

Whereas, the grant application shall be for \$25,000, to cover a total project cost of up to \$27,800, to cover the costs of consultant services for the study described above; and

Whereas, The study shall be carried out cooperatively with the Bethlehem Central School District, under a Memorandum of Understanding between The Town of Bethlehem and the Bethlehem Central School District, who will be jointly responsible for the Local Government Efficiency Program's required local match of 10 percent, which shall be up to \$2,800, to be divided evenly between the School District and Town, with each responsible for paying up to \$1,400.

Therefore be it resolved that the Town Board of the Town of Bethlehem authorizes the application for a Local Government Efficiency planning grant in the amount of \$25,000.00 to help support a study to evaluate ways to reduce costs and optimize results through functional consolidation or shared services between the Town of Bethlehem and the Bethlehem Central School District.

The foregoing resolution was adopted on a motion made by Mr. Kotary, seconded by Mrs. Dawson and passed by the following vote:

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

Noes: None.

Absent: Mr. Hennessey.

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Councilman Messina asked about the timing of this and when it might be available for the Town's use. Supervisor Cunningham said they understand the grants will be awarded sometime around the end of the year and they will be looking at projects sometime in the beginning of next year. He again noted the application had to be submitted by the end of this month.

Supervisor Cunningham mentioned the School District has already approved their side of this application.

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

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The Supervisor made the following announcements:

- ❖ Recognized 9 of our Town residents who were honored today with Lifetime Achievement Awards by the Capital District Seniors Issue Forum. He congratulated the following: Betty Clark, Kay Dixon, Howard Gmelch, Robin Reeves, Bill Mooney, Nancy Quivila, Sherry Shamburger, Elizabeth Sharpe and Connie Strong.
- ❖ Reminder that in the month of November the 2 Town Board meetings are going to occur on Tuesdays - November 10 and November 24.
- ❖ Community Clean-up this Saturday, final one for 2009. Special treat, Kiwanis Club is holding a pancake breakfast at the Presbyterian Church from 8 a.m. until noon or 1 p.m. He noted everyone participating in the clean-up day will be given a free pancake breakfast between 8 and 9 a.m. He said this month the Bethlehem Business Women will join the clean-up day and will be doing clean-up along Route 32.
- ❖ Sunday, October 18 is Halloween Hay Day at the Bethlehem Town Park, 1 p.m. to 3:30 p.m.
- ❖ Sunday, October 25, 2009 there is a 5K race to benefit St. Peter's Cancer program that will be run over in Terramere starting at 9 a.m.
- ❖ Reminder that next Town Board meeting October 28, 2009 will be a public hearing on the 2010 Town of Bethlehem Budget.

Next the Supervisor asked if there were any comments on non-agenda items. Mrs. Cindy Radliff who lives on Cottage Lane in Selkirk said she has started a campaign called SOS, Sewer of Selkirk. She said the Town was nice enough to have a meeting at the Becker School for information. She said she was here because of the minutes of the Planning Board and felt like the Town is going to change the way they are doing minutes. She noted if that is true she wanted to make sure the public was aware of this and the public could make comments.

Mrs. Radliff asked if there could be a spot on the website explaining the abbreviations that are used. She also suggested that volunteers might be recruited to help out with the minutes. She said she appreciated the work that is being done.

Mrs. Radliff said the Troubadour Estates development will have the option to hook into the sewer. She said she has lived on Cottage Lane for more than 30 years noting Stewart's hooked up but the local residents were not invited to hook up. She said she wanted to make sure this does not happen again. She thanked the Board.

Mr. Robert Jasinski said a couple meetings ago he asked if there was a price for when Congressman Tonko used the Town park and Town employees. Supervisor Cunningham said he did have it but he did not have it in the folder right now. He said from his recollection the cost was \$.09 and for a home assessed at \$300,000 it was like \$.26. He asked how he could get his \$.26 back. The Supervisor said he could not.

Mr. Jasinski said he is going to Freedom of Information it noting he did not want the \$.26 per household, he wanted the total cost. Supervisor Cunningham said he has it broken down by Highway, Parks and Police.

Mr. Jasinski said recently the School District is talking about cell towers. He said he knows there is a process with the Town. He said he had mentioned working with the School District previously to help with costs and asked if the Town has sent anybody to listen in on the Board presentation by the school board. Supervisor Cunningham asked Mr. Deyoe if anyone went over. Town Engineer Deyoe said he did not believe Mr. Penman attended the meeting. The Supervisor said they met with the school district regarding this. Mr. Jasinski suggested the Board get on the ball with this. Supervisor Cunningham said a lot of residents have contacted them and they have been discussing this. There is a lot about cell towers that would involve the Town, the Supervisor noted. He also said the tower would have to meet FCC requirements and the Town cannot stop it. He further noted there is discussion about permits because the school feels because it is school property they do not need a permit. He said the Town's discussion with the school

district is because it is nothing to do with schools they installer would need a permit.

Sergeant Cocchiara of the Police Department and resident and homeowner next addressed the issue of the exemplary Police Department with very talented men that work for the department and the fact that many of them support the Town Board and Supervisor. She wanted to make that clear because she lives in the Town and enjoy the Town and how it is run. She said she knows there have been some rough times in some of the meetings. Supervisor Cunningham thanked Sgt. Cocchiara.

The motion was made by Mr. Messina and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 6:48 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: Mr. Hennessey.

Town Clerk