

TOWN BOARD
SEPTEMBER 9, 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 called the meeting to order and welcomed everyone to a meeting of the Bethlehem Town Board. He invited them to join in the pledge of allegiance.

The Supervisor said before beginning the meeting, the roses that were gifted is because today is Good Neighbor Day and recognized Delmar Florists by presenting a proclamation Barbara Ostroff of Delmar Florists. He said for 13 years florists around the United States have been celebrating this. He said 100 florists participate in this event. He noted for \$10 you can purchase a dozen today. He thanked Delmar Florists.

Supervisor Cunningham noted each meeting is started with public comment on agenda items and end with public comments on non-agenda items. He said he understands there are a lot of individuals who might wish to speak and reviewed the Town Board's protocol for speaking at the meeting. He noted each individual is restricted to 5 minutes each.

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

- - -

The first item on the agenda was to approve the Town Board minutes of August 26, 2009.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the Town Board minutes of April 26, 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 approve setting a public hearing for Section 8 Housing Choice Voucher Program to be held October 28, 2009 at 6:00 p.m. Notice was published August 26, 2009.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve setting the public hearing for the Section 8 Housing Choice Voucher Program for October 28, 2009 at 6:00 p.m. with notice published on August 26, 2009. 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 approve a Community Development Block Grant Recovery (CDBG-R) Agreement for \$467,383 grant for the South Albany Sewer District and to authorize Supervisor Cunningham to execute the agreement. The Supervisor explained there are 2 items and it has to do with the stimulus money that was received.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve a Community Development Block Grant Recovery (CDBG-R) Agreement for \$467,383 grant for the South Albany Sewer District and to authorize Supervisor Cunningham to execute the agreement 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 Commissioner of Public Works, Josh Cansler, to authorize the Supervisor to sign a task order in the amount of \$62, 940 with Town Designated Engineer Clough, Harbour & Associates design and construction administration services related to the South Albany Sewer District and filter replacement.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to authorize the Supervisor to sign a task order in the amount of \$62, 940 with Town Designated Engineer Clough, Harbour & Associates design and construction administration services related to the South Albany Sewer District and filter replacement 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, Mr. Hennessey.
Noes: None.
Absent: None.

The following item was a request from Supervisor Cunningham to amend the dates of the Town Board meetings as follows:

November 11, 2009 changed to Tuesday, November 10, 2009

And

November 25, 2009 to Tuesday, November 24, 2009 at 6:00 p.m.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve changing the November 11, 2009 Board meeting to November 10, 2009, Tuesday at 6:00 p.m. and November 25, 2009 to Tuesday, November 24, 2009 at 6:00 p.m. 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 Nan Lanahan, Administrator of Parks and Recreation Department to approve appointment of seasonal personnel.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the appointment of seasonal personnel as listed on the Memorandum dated September 9, 2009 at the titles and salaries listed 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.

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

Supervisor Cunningham asked if there were any comments on non-agenda items. Mrs. Katrina Bolen, Hudson Avenue, Delmar commented on a terrible problem of cats wandering at large and using everyone's property as litter boxes. She said she has spoke with the Animal Control Officer and researched some ordinances in other towns and areas. She was asking for support to do something about this situation and exhibit photographs she took. She thanked the Board. Supervisor Cunningham thanked Mrs. Bolen.

- - -

Union President Scott Anson, Bethlehem Police Officers Union, PBA, next addressed the Board and requested the Town Board to appoint an independent counsel that the PBA and the Town can agree on to look into the allegations that Officer Hughes has made against Chief Corsi. He said this matter has been outstanding for a couple of months and should be resolved in a fair and impartial manner as quickly as possible so for both Officer Hughes and Chief Corsi.

President Anson said Deputy Chief Beebe answers to Chief Corsi and gives an appearance of bias to the members. He said the object should be to get to the truth in this matter so that a resolution and everyone can move forward and the Police Department can focus on its mission of providing the best police service possible to the resident of the Town of Bethlehem.

President Anson said the PBA would also assert that the Town should not have taken Officer Hughes's ID and badge without due process. He said they have filed an improper practice charge and a grievance in this matter with PERB. He said they believe the Town has not acted fairly in this matter to Officer Hughes.

President Anson said the Union will continue its obligation to fair representation of Officer Hughes in these matters. He thanked the Board.

Town Attorney Potter said with request for an independent counsel, as the Union knows, Deputy Chief Beebe is reviewing the tapes and have 4 years of tapes to go through. He said they are confidential police matters, therefore, they want a police officer to review those. He said as soon as the conversation is found, if it can be found then the Town Board can consider what additional action needs to be taken. He said for the time being, they think it is appropriate for a police officer to review the tapes and the Deputy Chief was the best person to do that. Union President Anson requested that all effort be made to find the tape, if that is what is being searched for, as quickly as possible. He said this is an ugly distraction for everybody -- the citizens, his fellow officers and I would assume, management, as well as, the Town Board. Town Attorney Potter said they are certainly making every effort to find the tape. He said that is their desire as well. Union President Anson thanked Town Attorney Potter.

Supervisor Cunningham asked for other comments on non-agenda items. Mr. Allen Hughes, father of Officer Chris Hughes, said he thought there was a statement made that there was no documentation to support his accusations about the alleged racial comment, asking if this was true. Supervisor Cunningham said this was not a press conference, asking if he had a comment. Mr. Hughes said no, he just wanted to ask a question. He said he wished to pose a question to the rest of the Board Members, as he believes they are elected to represent the Town taxpayers and asked if they solely get their information from the Town Supervisor or are they able to ask questions on their own. He said that was all he had to say. Supervisor Cunningham thanked Mr. Hughes.

Police Officer Christopher Hughes of the Town of Bethlehem said he would

like to make 1 point and that is he made these allegations quite some time ago. He said he also made the allegation to Jack Cunningham upon invitation to his home because he ran his policy on an open door government. He said 2 days after he had that discussion with Mr. Cunningham, he was served with a notice of intent to conduct interrogation based on his "misconduct and possible criminal charges for having that conversation with the Supervisor". He said he takes great offense to that and he thinks the residents of the Town should know where Jack Cunningham stands and to get in the press and say that you were doing an investigation into this is comical. He said, again, he made these allegations some months ago and he has yet to be interviewed by anyone from the District Attorney's office or anyone from the Bethlehem Police Department to include Deputy Chief Beebe, who he claims is doing a thorough investigation. He said he is a little bit confused by that and he is also under the impression that the female employee of the Town of Bethlehem who heard the racial comments as part of her normal business, has been interviewed by Deputy Chief Beebe and she told him exactly as he claims. He said his concern is that why did Deputy Chief Beebe fail to take a written deposition from her. He said they claim there is no proof to back-up his allegations. He said a written deposition from the only eye witness to this case certainly would suffice as some sort of evidence. He said he thinks to lie to the public and say there is a thorough investigation, it is not an investigation, it is a cover-up.

Officer Hughes said the Board wants this daunting task to drag on until just after the election, how convenient. He noted this was all he had to say.

Supervisor Cunningham clarified that he was invited to his home after he called him twice to speak to him. He said the reason he was invited to his home was because I was mowing the backyard and was not going to come out and find him. He said he did not call and ask Officer Hughes to come to his home.

Supervisor Cunningham said he never said he had an open door policy but Officer Hughes called and said he had to speak to him. He said he came and spoke with him. Officer Hughes said then he moved to interrogate him. Supervisor Cunningham said let him finish. Officer Hughes asked if he had committed a crime and asked how come he did not follow through with the interrogation. Supervisor Cunningham said Officer Hughes told him no one would interview you, however, Town Attorney Potter tried to interview him and he did not come in. Officer Hughes said that was the interrogation based on his possible misconduct and had nothing to do with the allegations that he made. Again, Officer Hughes said the Supervisor was lying to the public. Supervisor Cunningham thanked Officer Hughes. Officer Hughes said he is more than willing to speak to Deputy Chief Beebe at any point he would like to approach him about the allegations that he has made but again, he does not think Deputy Chief Beebe is the one that should be handling the investigation. He said it is very self-serving and there is no one investigation. He asked if they are treating this as a criminal matter or are they still treating it as a personnel matter because when his Chief made the comments, that is a personnel matter. He said when the Chief approached somebody about erasing the tapes to benefit him, he finds that to be a criminal matter.

Supervisor Cunningham thanked Officer Hughes. Officer Hughes said no, thank you Jack.

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

Supervisor Cunningham made the following announcements:

- ✓ September 15, 2009 is Primary Day and he encouraged everyone who is a member of the Independence Party or the Working Families Party you can vote from noon until 9 p.m.
- ✓ September 16, 2009 is a blood drive here at Town Hall and anyone interested can call Town Hall to schedule an appointment.
- ✓ September 17, 2009 as part of the ongoing Quad celebration is Snap-Shot Day. Encouraging residents to take 3 photos in Town and coming to the

Town Hall to meet with the historian between 6 and 9 p.m. at the Town Clerk's office. He noted the pictures can be submitted until September 30, 2009 by contact the Historian and that there will be a book of snap-shots documenting the Town at this time that will be presented to the Town Board later this year.

- ✓ September 9, 2009 is Community Clean-up Day. Volunteers can contact Debbie Kitchen to sign up.
- ✓ September 23, 2009 is the Senior Golf Tournament to benefit Senior Projects, Inc. at the Colonial Acres Golf Course.
- ✓ September 22, 2009 is Emergency Preparedness Day at Town Hall at 6:30 p.m. in the auditorium. Volunteers can join the Citizens Corps. This is Emergency Preparedness month.
- ✓ September 29, 2009 at the A.W. Becker School at 7 p.m. there will be a Town Hall meeting for residents in the Selkirk area who are interested in initiating a sewer project. Residents will be contacted by mail.
- ✓ October 15, 2009 there will be a deer management presentation by DEC here at Town Hall at 6 p.m.

The Supervisor asked for a motion to adjourn to Executive Session to discuss pending assessment matter.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve adjourning to Executive Session to discuss pending assessment matter. The motion was passed by the following vote:

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

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to adjourn the regular Town Board meeting at 6:27 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

EXECUTIVE SESSION

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the settlement with USF Holland, Inc. The motion was passed by the following vote:

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