

TOWN BOARD
DECEMBER 10, 2008

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 and asked Boy Scout Troop 58 to lead the pledge of allegiance. He thanked the Troop members and explained this was the final meeting of the year 2008.

The first item on the agenda was public comment on agenda items. There were none.

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The next item was to approve the Town Board minutes of November 25, 2008.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the Town Board minutes of November 25, 2008 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 a request from Supervisor Cunningham to approve a resolution supporting the application for a grant under the Local Government Efficiency Grant Program for the initiative to study the consolidation of Public Service Answering Points in Albany County. Supervisor Cunningham noted this has been talked about before but he found there needs to be a resolution. He said the Town has agreed to work with Albany County on a study to consolidate the PSAPs or 911 centers. He said the State has come back and said the Town Board must pass a resolution in order to do this.

The following resolution was presented for adoption:

RESOLUTION NO. 51

Resolution Supporting Consolidation of PSAPs Within Albany County

WHEREAS, The Town of Bethlehem continues to support efforts to eliminate operational redundancy between municipalities in Albany County; and
WHEREAS, The Town of Bethlehem and the Bethlehem Town Board support any effort to reduce the cost of government to the residents of Bethlehem; and

WHEREAS, Consolidation of some municipal services within Albany County may prove to reduce the overall cost of those services to the residents of Bethlehem; and

WHEREAS, The consolidation of services does not pose a threat to the welfare and safety of the residents of Bethlehem; and

WHEREAS, New York State is encouraging consolidation of services between municipalities through the New York State Local Government Efficiency Grant Program; and

WHEREAS, Albany County has proposed to consolidate Public Service Answering Points (PSAPs) within Albany County to service all emergency service calls within the County; and

WHEREAS, To determine the feasibility and savings of such a consolidation requires an analysis and study; and,

NOW, THEREFORE, be it resolved that the Town of Bethlehem supports Albany County's proposed initiative to study the consolidation of PSAPs within Albany County and supports the grant application to fund the study that would help determine the feasibility of such a consolidation.

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

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

Noes: None.

Abstain: Mr. Hennessey.

The next item was a request from Suzanne Traylor, Comptroller, to approve Budget Transfers.

The motion was made by Mr. Hennessey and seconded by Mrs. Dawson to approve Budget Transfers as requested by Comptroller Suzanne Traylor as listed in her Memorandum dated December 10, 2008.

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Supervisor Cunningham noted the adjustments are revenue neutral, it is movement from one budget to another in order to better account for where the money is being spent. He said there will be final budget adjustments after the first of the year. He noted this does not impact any of the numbers that were talked about at the end of the third quarter regarding the favorable status of the budget. He noted this was just within the budget.

Councilman Messina asked in regard to looking at these, that these are all fairly negligible but there is one probably can be explained, police overtime. He asked for an explanation. Police Chief Corsi asked which line item. Mr. Messina said it was 3125.22.1201, \$195,000. The Chief noted preliminarily they look at the first 4 years as to hours, not dollars, and they are consistent from 2005 to today. He said it is right on track, noting it will come in at about 10,000 hours of overtime. He said steps and increases in the pay scales really affect the overtime. He said additionally just with a quick check before he came over, activity with regards to adult arrests are up by 100 and they are not done with the year at this time. He said every time you engage in one of those, there are DA conferences, perhaps grand jury, perhaps trial, perhaps court appearances in local criminal court and that also impacts the budget in a negative way. He said the more efficient they become, the more expensive it becomes.

Chief Corsi said secondarily, security details that they have taken on this year to include the court security and other security issues have impacted the budget without being there in the past. He said he spoke with Comptroller Traylor and their revenue account that they have gotten and transferred to the Town is about \$88,000 -- this comes from grants, reimbursables, paid details and that money does not come back into the budget. He noted this stays in the general fund. He said when you look overall at the police budget, right now they are at 93 or 94 percent of the budget in the 110 account which covers 3 communications -- police and animal control. He said they have only expended 71 percent so there will be residual at the end of the year. Councilman Messina thanked Chief 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 the Commissioner of Public Works, Josh Cansler, for approval of the 2009 Rate Structure for Water and Sewer Service. Supervisor Cunningham noted these are items discussed in the budget process, indicating this is just an action to make them official.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the 2009 Rate Structure for Water and Sewer Service as listed in the Memorandum dated December 4, 2008 from 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 following item was a request from Gregg Sagendorph, Superintendent of Highways, to approve the purchase of vehicles and associated equipment for use by the Highway Department.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the purchase of equipment -- 1 diesel powered heavy duty tandem axle dump truck with plow riggings from State Contract to replace a 1988 heavy duty dump truck with over 110,000 miles at a cost of \$140,000; and 2 diesel powered medium duty stake body trucks purchased from State Contract to replace 2 1995 stake body trucks, each with over 120,000 miles at an estimated cost of \$70,000 each -- as requested by Highway Superintendent, Gregg Sagendorph. 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 Commissioner of Public Works, Josh Cansler, to adopt a Negative Declaration and approve a license agreement and grant an easement for Verizon Wireless to install a wireless communications facility at the Kenwood Avenue Water Tank. Supervisor Cunningham noted on the water tower there are a bunch of cell antennas that are leased and Verizon will be putting a cell mechanism on that tower as well. He said this is new revenue to the Town and mentioned this during the budget process as new revenue streams are explored. He thanked everyone who worked on this to make it a success.

The following resolution was presented for adoption:

RESOLUTION NO. 52

RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

At a Meeting of the Town Board of the Town of Bethlehem for Water District No. 1, held at the Town Hall in said Town, County of Albany and State of New York, on the 10TH day of December 2008 at 6:00 o'clock p.m. there were:

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

NOES: None.

ABSENT: None.

WHEREAS, Cellco Partnership d/b/a Verizon Wireless (hereinafter "VERIZON WIRELESS") is a public utility engaged in the provision of personal wireless services; and

WHEREAS, VERIZON WIRELESS has approached the Town and requested permission to lease space on the existing water tank for installation and

operation of communication antennas and ground space sufficient for Verizon Wireless' installation of an approximately 12' x 30' equipment shelter on land owned by the Water District No. 1, Town of Bethlehem located at 308 Kenwood Avenue, Bethlehem, Albany County, State of New York (the "Property"), together with the right to install and operate a communications facility including communications antennas, equipment, utilities and related appurtenances on the proposed tower ("Project") at the Property; and

WHEREAS, the Project is necessary to enable VERIZON WIRELESS to provide adequate and safe wireless services to the Town of Bethlehem and the surrounding area, for emergency and non-emergency use by the general public; and

WHEREAS, the Town and VERIZON WIRELESS have negotiated a License Agreement which sets forth the agreement between the parties with respect to VERIZON WIRELESS' use and occupancy of the Property; and

WHEREAS, there are no other involved agencies, the Town, acting as "Lead Agency" for the purposes of the New York State Environmental Quality Review Act ("SEQRA"), has carefully considered the potential environmental impacts associated with execution of the License Agreement; and

WHEREAS, the Town has had the opportunity to consider whether the specific areas to be leased to VERIZON WIRELESS are required for municipal purposes; and

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, pursuant to the provisions of Section 64 of the Town Law of the State of New York, and subject to a permissive referendum, as follows:

1. After careful review and consideration, the Town hereby determines that authorizing the execution of the License Agreement will not result in any significant adverse environmental impacts and hereby issues a negative declaration pursuant to the requirements of SEQRA and further authorizes an appropriate representative to complete and sign any necessary documentation confirming the issuance of such negative declaration; and

2. The provision of adequate and safe personal wireless services to areas within the Town of Bethlehem and the surrounding area, for emergency and non-emergency use by the general public, is hereby deemed to be in the best interests of the health, safety and general welfare of the citizens of the Town of Bethlehem; and

3. The specific areas proposed for leasing to VERIZON WIRELESS are not required for any municipal purposes or operations, and are hereby deemed surplus property; and

4. Water District No. 1 is authorized and directed to execute the License Agreement and other related lease documents necessary to complete this transaction, **ALL SUBJECT TO THE PERMISSIVE REFERENDUM REQUIREMENTS CONTAINED IN ARTICLE 7 OF THE TOWN LAW (Section 90 et seq.)**; and

5. Subject to the Permissive Referendum requirements discussed hereinbelow, this Resolution shall be effective immediately; and

6. Use and occupancy of the Property by VERIZON WIRELESS shall be subject to receipt of all necessary approvals and permits required by the Town land use regulations and other applicable laws, including SEQRA; and

BE IT FURTHER RESOLVED, that pursuant to Sections 90 and 82 of the Town Law, and within ten (10) days from the effective date of this Resolution,

the Town Clerk shall post and publish a notice which shall (a) set forth the date of the adoption of this Resolution, (b) contain an abstract of such resolution concisely setting forth the purpose and effect thereof, and (c) specify that this Resolution was adopted subject to Permissive Referendum; and shall publish such notice in the Spotlight, a newspaper published in Albany County having general circulation in the Town of Bethlehem, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Bethlehem a certified copy of such notice within ten (10) days after the date of the adoption of this Resolution.

BE IT FURTHER RESOLVED, that the Town shall comply with all the permissive referendum requirements contained in Article 7 of the Town Law (Section 90, *et seq.*)

Motion by Mr. Kotary, seconded by Mrs. Dawson and duly put to a vote which resulted as follows:

AYES: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson,
Mr. Hennessey.
NOES: None.

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Councilman Messina commented the amount is \$23,000 a year and from his experience with the cell towers, that looks pretty good. He said they have negotiated some of these for the church. He said they found out recently there are consultants who specialize in negotiating Verizon and other groups like that and next time he suggested the Town might want to get them involved too. He said this is a very flexible approach they use but he will support this for now.

Councilman Kotary questioned the overall revenue that is being received and asked if this was the only tower that revenue will be received on. Supervisor Cunningham said that structure has a lot of different cells on it, so it is not the only revenue received from that one. Deputy Comptroller Webster said the Elm Avenue tank. Mr. Kotary asked how many towers and an approximation of the annual revenue. Commissioner of Public Works, Josh Cansler, said Elm Avenue and Kenwood Avenue tank are the only ones that have cells mechanisms. He said he thought Kenwood tank has 5 or 6 on it and 1 or 2 on Elm Avenue. Mr. Kotary said this was excellent.

Councilman Kotary asked what the capacity was to continue to do these kind of things, including if there was any amount of spacing you need for them. He said this is great and in looking for additional revenue streams, these structures are available. He asked what the future capacity was for these mechanisms as well as what we have. Mr. Paul Penman said when the existing structures are considered, this is what is looked at. He said it is not a matter of the capacity of the structure it is how many carriers are out there. He said the Kenwood Avenue water tank, he thinks Verizon is the last carrier that is not on it. He said the Elm Avenue water tank has 2 carriers and it is not a structure capacity but who is interested in being in it. He said there have been some discussions regarding a new 1 or 2 carriers that might be interested in the Elm Avenue water tank. He said they are pursuing these.

Mr. Paul Penman, Engineering Division, noted there are other potential areas in Town that might have the potential to develop a site, whereas you could have additional carriers go on that site of Town property. He noted there are areas in Town that have poor cell coverage. He said they are pursuing them and looking into this. Supervisor Cunningham noted that he, Mr. Penman and Commissioner Cansler had met a month ago and Mr. Penman is heading up a study on cell towers in Bethlehem. He said they hope to have more initiatives and information for the Town Board in the

next couple weeks on this.

Councilman Hennessey said since the issue of other cell towers was brought up, he has heard from several people that there are some problems with cell reception in Slingerlands and asked if this would be part of the study being put together. Mr. Penman said it is.

Supervisor Cunningham thanked the Board and Mr. Penman.

The next item was a request from George Leveille, Director of Economic Development and Planning to approve a resolution classifying the adoption of the proposed Local Waterfront Revitalization Plan (LWRP) and Harbor Management Plan (HMP) as a Type I action under SEQR and declare the Town of Bethlehem's intent to serve as Lead Agency.

The following resolution was presented for adoption:

Resolution No. 54

Town of Bethlehem Town Board

Intent to Serve as Lead Agency for the Adoption of the Town of Bethlehem Local Waterfront Revitalization Program and Harbor Management Plan pursuant to the State Environmental Quality Review Act (6NYCRR Part 617)

WHEREAS, the Town of Bethlehem Town Board is in receipt of and has reviewed the Final Draft Town of Bethlehem Local Waterfront Revitalization Program (LWRP) and Harbor Management Plan (HMP) (hereinafter referred to as "The Plans") which has been referred to them by the Town of Bethlehem Waterfront Advisory Committee (The Committee); and

WHEREAS, The Committee has also forwarded The Plans to the New York State Department of State (NYS DOS) for their final review under the terms of the Environmental Protection Fund Grant, through which the preparation of The Plans were funded; and

WHEREAS, the Town Board proposes to undertake the adoption of The Plans; the Proposed Action, after final review and approval by NYS DOS and the required 60-day Agency Review period; and

WHEREAS, the Town Board desires to serve as Lead Agency for the purposes of conducting an environmental review of the Proposed Action in accordance with State Environmental Quality Review Act (SEQR) (6NYCRR Part 617); and

WHEREAS, pursuant to SEQR regulations; and Town Board has classified the project as a Type 1 Action; and

WHEREAS, the Town Board has also received a Full Environmental Assessment Form with Part 1 prepared by Saratoga Associates with respect to the adoption of The Plans; and

WHEREAS, the Town Board has reviewed Part 1 of the Environmental Assessment Form;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board intends to declare itself Lead Agency for the purposes of processing the Proposed Action in accordance with the requirements of SEQR; and

BE IT FURTHER RESOLVED, that the Town Board solicits objections from other Agencies regarding the Town Board's intent on serving as Lead Agency; and

BE IT FURTHER RESOLVED, that pending no expressed objections by (30 days from date of Resolution) the Town Board will continue to serve as Lead Agency.

On a motion by Mr. Messina, seconded by Mrs. Dawson and a vote of 5 for, 0 against, 0 abstention and 0 absent, this RESOLUTION was adopted on December 10, 2008.

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Councilman Messina said he thought Mr. Leveille was the lead agency and knows that he submitted the Local Waterfront Revitalization Program to Department of State only a short while ago and asked if there was any feedback. Mr. Leveille said they have received a couple promises that something will be coming soon. He noted they are awaiting comments and they are long overdue. He said this starts the coordinated review with DOS which is required by the statutes. Councilman Messina thanked Mr. Leveille.

The next item was a request from Deputy Director of Economic Development and Planning, Michael Morelli, to accept the recommendation from the Town of Bethlehem Planning Board that the properties located at 99-111 Corning Hill Road be rezoned from Residential A to Commercial Hamlet and the Town Board issue a Negative Declaration pursuant to SEQR for this action. Supervisor Cunningham noted this was sent to the Planning Board and this is their response.

The following resolution was presented for adoption:

RESOLUTION NO. 53

TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION
CLASSIFICATION OF ACTION AND NEGATIVE DECLARATION
99 – 111 CORNING HILL ROAD
REZONING APPROVAL

WHEREAS, Edward and Sheri Ciccone et al (the Applicants) have submitted to the Town of Bethlehem Town Board an application seeking the rezoning of five (5) parcels of land totaling 6.10+/- acres from Residential A to Commercial Hamlet. The properties in question are located on the north side of Corning Hill Road, approximately 600 feet east of the intersection of NYS Route 9W.

WHEREAS, the Town Board has received a short Environmental Assessment Form "EAF") for the project with Part I completed by the applicant, and;

WHEREAS, the State Environmental Quality Review Act (SEQRA) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or approve an action until it has complied with the requirements of SEQRA, and;

WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQRA, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District, and;

WHEREAS, 6 NYCRR 617.6(b)(1) indicates that when a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund, or approve a Type I or Unlisted action, and;

WHEREAS, the Town Board has independently considered both the information provided in the EAF, the recommendation of the Town of Bethlehem Planning Board and comments on the application provided by the Town of Bethlehem Department of Economic Development and Planning;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board hereby determines that:

- 1) approval of the proposed rezoning constitutes an Unlisted action which is subject to SEQRA,
- 2) the proposed action does not involve a federal agency or other agencies,
- 3) the proposed action is not located in, or within 500 feet of, an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law,
- 4) a short EAF is adequate for determining the significance of the

proposed action, and;
BE IT FURTHER RESOLVED,
RE: 99 – 111 Corning Hill Road
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Negative Declaration
that the Town Board had declared it is lead agency with respect to SEQRA
review of the proposed action, and;

BE IT FURTHER RESOLVED,
that based upon its review of the project and the EAF, recommendation of the
Town of Bethlehem Planning Board, review of the proposal by Town
Planning staff, and comparison with the Criteria for Determining
Significance found at 6 NYCRR Section 617.7(c), the Town Board hereby
finds that approval for the rezoning of the properties in question constitutes
an action which will not have a significant impact on the environment and,
therefore, does not require preparation of a Draft Environmental Impact
Statement; and,

BE IT FURTHER RESOLVED,
that this determination is based upon the following facts and conclusions:
1. The properties in question abuts General Commercial zoned
properties to the north and west (Route 9W), Residential A properties
to the east and Rural zoned property to the south.
2. The proposed Commercial Hamlet zoning district would allow the
existing residential uses to continue as permitted uses. It would also
allow for the adaptive reuse of the existing structures or new medium
scaled businesses and essential services that are intended to be located
in close proximity to residential uses.
3. The rezoning from Residential A to Commercial Hamlet would
allow for a transition from the large scale commercial uses allowed in
the General Commercial zone on the north and west sides of the
properties in question to the more restrictive Residential A zoning
district to the east of the site.

BE IT FURTHER RESOLVED,
that this Determination of Significance shall be considered a Negative
Declaration made pursuant to Article 8 of the Environmental Conservation
Law; and,

BE IT FURTHER RESOLVED,
that the Town Department of Economic Development and Planning is hereby
authorized to file any and all appropriate notices so that the intent of this
Resolution is carried out.

On a motion by Mr. Messina, seconded by Mrs. Dawson, and by a vote of 5 for,
0 against and 0 absent, this RESOLUTION was adopted on December 10, 2008.

The next item was a request from Michael Morelli, Deputy Director of
Economic Development and Planning, to schedule a Public Hearing for January 14,
2009 at 6:00 p.m. to solicit public comment on the rezoning request for 99-111
Corning Hill Road, Glenmont.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to set
a public hearing for January 14, 2009 at 6:00 p.m. to solicit public comment on the
Rezoning Request from 99=111 Corning Hill Road, Glenmont, as requested by
Michael Morelli, Deputy Director of Economic Development and Planning. 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 Louis Corsi, Chief of Police, to
accept insurance proceeds in the amount of \$837.37 to cover collision repairs for
police car No. 717.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to
approve the acceptance of insurance proceeds in the amount of \$837.37 to cover

collision repairs for Police Car No. 717 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 next item was a request from Karen Pellettier, Director of Senior Services Department to accept donations of funds in memory of James Crane for Senior Services Transportation.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the acceptance of donations in the amount of \$270 in memory of James Crane for Senior Services Transportation as requested by Karen Pellettier, Director of Senior Services 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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Supervisor Cunningham thanked everyone who donated.

The next item was a request from Chief of Police, Louis Corsi, to accept a donation for the DARE program in the amount of \$10.00 from Nancy Farr.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the acceptance of a donation in the amount of \$10 from Nancy Farr for the DARE program 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.

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Supervisor Cunningham thanked Ms. Farr for her donation.

The next item was a request from Nan Lanahan, Administrator, Parks and Recreation Department for approval of appointment of seasonal personnel. Supervisor Cunningham noted he and Mrs. Lanahan had a discussion of this item due to the hiring freeze. He said these are positions that are current and the term expires at the end of the year and therefore, they are being reappointed. He said 4 will not be reappointed and noted the 4 new appointees are filling vacancies. He noted there are no new positions and these are program positions funded through the programs.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the appointment of seasonal personnel as requested by Nan Lanahan, Administrator, Parks and Recreation Department in the Memorandum dated December 10, 2008 at the titles and rates indicated. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

Supervisor Cunningham noted he had 1 other item that was not on the agenda. He said this is back to the discussion about crossing guards with the new Eagle Elementary school. He said the request was from the Chief of Police to

appoint Jean Krell to the position of alternate School Crossing Guard. He said she will be filling in if there is a vacancy.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the appointment of Jean Krell as Alternate School Crossing Guard 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.

Supervisor Cunningham asked if there were any new items from the Town Board. There were none.

The Supervisor made the following announcements:

- Great holiday parade on December 5, 2008 and appreciated everyone's participation. He thanked Highway Superintendent Sagendorph for all the lights on the tree.
- Town Hall will be celebrating the holidays and will be closed a half day on December 24 and closed all day on December 25th. Town Hall will also be closed on January 1, 2009 but regular business hours on New Year's Eve, December 31, 2008.
- On January 6, 2009 the Organization Meeting will be held at 6 p.m. The only agenda items will be Organizational items, no Town business to be conducted. The next regular Town Board meeting will be held January 14, 2009 at 6 p.m.
- George Leveille has been with the Town for 5 years and served very well. He will be leaving to enjoy retirement at the end of this year. The Supervisor thanked Mr. Leveille for all the work he has done not only for the Town but for him personally. He said he would miss him a great deal.

Supervisor Cunningham asked if there were any comments on non-agenda items. Mrs. Marie Capone said she had quite a few things to talk about. She said if the flowers and flags were not used on the poles, you could save the money and put it in the budget and it would help the people that are overtaxed.

Mrs. Capone said on the road to Price Chopper there are 2 rows with grass in the middle, asking if the grass could be cemented because at night almost every night there are deer there and people that travel and truckers are very scared of the deer. She said they owe it to the community to do that.

Mrs. Capone said there was talk about the parade last Friday and noted Kim Ryan did not do her job. She said it was her job to notify CDTA, she did not. She said the roads was closed and the bus would come over and they did not know where to go and how to deal with the people.

Mrs. Capone said there was talk about the meeting on January 6 and asked if there will be the publication of the Town employees salary like has been done for the last 25 years. Supervisor Cunningham said the employees salaries are available by a FOIL request. He said you just need to file that request with Town Clerk Newkirk and the information will be available. Mrs. Capone said that was not the point, it was always made available to the public like the agenda is in the back. She said anybody could pick it up but since his administration, it's a touchy subject. Supervisor Cunningham said as was explained before, to the degree that they can provide any privacy to the employees of the Town of Bethlehem, they do that. He said any and all salary information is available to the public at any time, you just need to file a FOIL request with the Town Clerk and she will get the information.

The Supervisor said 2 other points for clarification, CDTA was notified regarding the parade and the grass that has been placed in the middle of the Timothy Mosier Highway -- the macadam was removed in order to put grass in so we won't be paving that over.

Mrs. Capone asked what he was going to do with the deer that are there, what's more important the cars or the deer or people that drive there. Supervisor Cunningham said he would consult with the Highway Superintendent and maybe they can come up with a plan. He thanked Mrs. Capone.

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Mr. Robert Jasinski said he had an inquiry from a couple residents on Curry Road on what is taking place on the septic field there. He said they are still hauling the sludge. He said they would like to know whether you have gotten the money and whether you have planned in the future to replace it before winter sets in. Supervisor Cunningham said they are under an order by DEC to repair that situation down there and have until 2010 to get that completed. He said they did not get the Small Cities Grant and they are working on other avenues. Commissioner of Public Works, Josh Cansler, said they are working with Clough Harbour, the consultant, to see if there are some other grants out there to help the Town out. He said as mentioned they Small Cities Grant was not received and they are looking at other avenues to pay for the project. Mr. Jasinski said he is assuming they will be attacking that problem in the spring. He said time is not going to give the Town any blessing that it can be done very soon or immediately. Supervisor Cunningham noted he did not think they would have it done during the winter and there is a whole bunch of issues surrounding this that have made it difficult to get it accomplished quickly. He said they could be talked about.

Mr. Jasinski said the residents are telling him that the tanker trucks are down there and it is constantly pumping and they are concerned. He said if there is a problem in the winter time, it is going to be costly for the Town. He thanked the Supervisor and Commissioner Cansler.

Mrs. Capone said if there is ever an accident on that road, we will sue you for the maximum and she has all these witnesses. Supervisor Cunningham thanked Mrs. Capone.

Ms. Linda Jasinski said she understands they are trying to give the Town employees some confidentiality in their salaries, however, you can get on the website and see all New York State salaries - every person in it. She said you can also get the contracts and what they are for, when they expire and she thinks that would be a great thing for the Town to put somewhere on their website so the public can come in, see what kind of contracts we have, how much we are paying our people and know where our money is going to. The Supervisor thanked Ms. Jasinski.

Mrs. Capone said what is wrong there is that when she talks about on the website, she caters to only one side of the community - the people who have computers. She said the people who don't have computer have to go without it. She said this is not fair. She said there are all kinds of people in the community, it's a community.

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

The Supervisor asked for a motion to adjourn to Executive Session to discuss personnel promotions.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve adjourning to Executive Session to discuss personnel promotions. 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 Mrs. Dawson and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 6:30 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

There was no formal action taken at the Executive Session.