

TOWN BOARD
APRIL 22, 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

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Supervisor Cunningham welcomed everyone to a regular meeting of the Bethlehem Town Board. He asked Kathy Higgins and Kristin Wagner to lead the pledge of allegiance. The Supervisor thanked Ms. Higgins and Ms. Wagner.

The first item was public comments on agenda items. Mr. Dan Rain said he wanted to speak out in favor of the Climate Smart Community initiative resolution. He said he read it and he thinks it is an excellent thing to adopt on Earth Day. He wished everyone a Happy Earth Day.

Mr. Rain said he is dressed informally for the occasion is because he was coming in between picking up litter with his children and on his way to build a raised bed for strawberries at Elsmere Elementary School. He said he hoped the Board considers passing the resolution. Supervisor Cunningham thanked Mr. Rain.

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Mr. Robert Jasinski said by the sign, it says Climate Smart Community pledge. He said he takes it this is a pledge, asking if this no adoption of a rule or law or anything like this that will force people to do this. He asked if he was correct. Supervisor Cunningham said he was correct, noting if it was a law, there would have to be a public hearing prior to adopting anything. He noted it is basically a resolution that the Town is going to be doing things to be climate smart, energy efficient to try and reduce our carbon footprint and look for ways to use renewable energy. Mr. Jasinski said he assumes they are going to raise their right hand and say the we are going to save money doing this. The Supervisor said there is no swearing in on this.

Mr. Jasinski said his other question is request from Deputy Commissioner of Public Works to authorize the Supervisor to sign a task order with O'Brien and Gere for preparation of an individual distribution system report for the Department of Health and the EPA. He asked that be explained rather than just have a vote on it when it comes up. Supervisor Cunningham noted he would have Mr. Deyoe do an update to the Board and the residents. Mr. Jasinski thanked the Board.

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Mr. Oliver Holmes from Westphal Drive in Delmar and noted it was good to see everyone again. He said there are 2 items he would like to address. First, is there are a lot of items on the agenda in regard to the infrastructure for the Town and he would like to say he likes to see the continuing progress on that. He said when he left there was a lot of things to do and they are chipping away at it. He said that is a good thing and asked the Board to please keep that good work up in spite of some folks talking about the cost, it's important.

Mr. Holmes said second if the Climate Smart Community pledge and sees there is going to be a presentation and then want to discuss and vote on a resolution. He said Councilman Kotary shared that with him briefly before he walked in. He said it is a good start and a good point here on Earth Day to embrace that but at the same time there are a couple of lines in there that he thinks really are not very substantive in terms if it is going to be a resolution about what the Town

should do. He said specifically the second one that talks about the Town investigating climate change. He said what are you going to do about it is really more important and he does have a copy of the NYS pledge agreement and it really talks about setting goals and move to action. He said he believes that the Town should really incorporate and embrace the language that is put there to really set the stage for what we should do. He said at the moment what he thinks they have is somewhat to say not robust. He said he thinks we should make it that way. He said it really is a very important issue that we all need to contend with. He said as everyone knows, the Town has a lot of folks who have been working on this in one form or another including himself. He said he believes that what is done tonight in terms of perhaps adding some language to it that really takes from the State document, can really be very helpful in letting the Town community know where we should go with this.

Mr. Holmes said as an example of that, one suggestion would be to talk about the comprehensive plan which is a document everyone has lived with, kind of an ever green document. He said the thing to do would be to think something to ensure that all new development within the Town is energy smart at a minimum as opposed to saying it would be nice makes it a requirement for anyone wanting to do this so that it embraces the whole concept of what we should do. He said it makes everything that happens going forward greener, more energy efficient town-wide whether it be a private building or a subdivision or even should the Town decide to build something that we are all on that track. He said those were the kind of suggestions he would offer and he certainly have many more if the Board would like to talk about them at some other point. He thanked the Board. Supervisor Cunningham thanked Mr. Holmes.

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HEARING BEGAN: 6:12 p.m.

SUPERVISOR CUNNINGHAM: Next item on the agenda is a public hearing on the Community Renewal Grant application for the South Albany Sewer District. Can I have a motion to waive the reading of the Call of the Hearing and indent the Notice of Publication and the Affidavit of Publication and Affidavit of Posting in the minutes.

The reading of the call of the hearing was waived with direction to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. 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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TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

TOWN OF BETHLEHEM, ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on April 8, 2009 and April 22, 2009 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY in regard to Community Development Block Grant opportunities.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, Ext. 1183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD

TOWN OF BETHLEHEM

Kathleen A. Newkirk, MMC, RMC

TOWN CLERK

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STATE OF NEW YORK) SS:
COUNTY OF ALBANY)

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and the attached Legal Notice was published in the Town's legal newspaper, The Spotlight, on April 8, 2009 and that I posted the Notice of Public Hearing on April 8, 2009 on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this

8th day of April, 2009

/s/ Julie S. McNeil

Notary Public

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SUPERVISOR CUNNINGHAM: This is the second of 2 public hearings the Town Board is required to have in order to apply for a Community Renewal Grant for an upgrade to our South Albany Sewer District so we are open to public comments. Is there any public comment this evening? Does the Board have any questions or comments? Okay. Can I have a motion to close the public hearing?

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to close the public hearing at 6:14 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.

Town Clerk

The next item was a request from the Deputy Commissioner of Public Works to authorize the Supervisor to sign and submit the NYS Community Development Block Grant Program application for the South Albany Sewer District.

The motion was made by Mr. Hennessey and seconded by Mrs. Dawson to authorize the Supervisor to sign and submit the NYS Community Development Block Grant Program application for the South Albany Sewer District. 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 presentation on Climate Smart Communities. He said the presenter is Peter Oronowitz, Asst. Secretary of the Environment for the Governor and a resident of Bethlehem. He noted he has been kind enough to work with them on this presentation and also the resolution that will be discussed next. He said he appreciated Mr. Oronowitz's time in being here.

Mr. Oronowitz thanked the Supervisor and said he works for Governor David A. Patterson. He said he started in his office last week. He said before that he worked as the Head of the NYS Climate Change office and that office is the originator of the Climate Change pledge. He said it is a pledge that was released in conjunction with several different State agencies. He said before he gets into the pledge, he wanted to spend a couple minutes on why we are all here and what the issue of Climate Change is all about.

Mr. Oronowitz said there are some people out there that still want to debate the issue of climate change but for them in the State, the debate is really over. He said climate change is happening, the Earth is getting warmer and manmade emissions of green house gases is really the big issue. So, for them Mr. Oronowitz said the debate is really over. He said if New York doesn't get its act together and start dealing with green house gas emissions and doing the types of things that are before the Board tonight to adopt and move forward, by the end of century New York's climate will resemble that of Georgia. He said he usually gets little snickers in the crowd as the doubters and stuff. He said they did not forget Long Island when they created the map. He said it went under water due to sea level rise. He noted nobody ever gets that joke.

Mr. Oronowitz said essentially this is what happens, if they do get the act together and we start becoming more climate smart and deal with things like more efficient buildings and more efficient vehicles, more renewable energy our climate is going to be sort of the yellow category here, something resembling the Delaware area. He said what they are really trying to present is if the issue is ignored, we end up in Georgia, if we get our act together and start dealing with things sort of base line emissions, base line efficiency and base line renewable, we still get a little bit warmer than we need to be. So, what everyone needs to do, according to Mr. Oronowitz, is to roll up our sleeves and get our act together so that the climate does not move further south of where it is.

Mr. Oronowitz said what NYS has done is created the Climate Smart Community. He said it is a pledge and an opportunity to work with local governments in partnership to deal with the issues of climate. He said local action to them is critical. He said this is where climate change really gets real is at the local level and they need individuals dealing with their own carbon footprint and we need to be working with businesses, communities like farms and others who need to be installing more renewable energy technologies at the local level. He said they can only do so much at the State government so partnerships with local governments like the Town of Bethlehem are critical to succeed. He said they take this message to Washington as well. He said they just can't have a national policy that doesn't have a good robust partnership with State and local governments, they will never achieve the types of reductions that the State needs to achieve, as well as, what the President has set up for this country. He said what the President has kind of set out for and what they are trying to achieve is the type of reduction that gets them 80 percent from where we are now in greenhouse gas emissions to fewer emissions between now and mid century. Mr. Oronowitz said that is sort of the bare minimum of what we need to do to avoid moving our climate southwards to Georgia. He said the task is very difficult but partnerships are critical.

Mr. Oronowitz said there are certainly barriers, apologizing for not having a good picture of the Town Hall so they grabbed the Albany City Hall. He said barriers are obviously tremendous and he thinks what the pledge before everybody really recognizes that this is a great first step. He said it sets the town on the pathway to deal with climate in a very comprehensive manner. He said the barriers are true -- there are funding barriers, staffing limitations, expertise that is needed to tackle these issues at the local level and there is certainly the need for political will. He said he thinks it is being demonstrated tonight by the resolution that is put before the Board. He said the political will is here and what he is here to say is that the State is here to help on some of the other issues that are out there. He said dealing with funding and helping to augment staffing and providing technical expertise.

Mr. Oronowitz said the Climate Smart Communities is a policy that was developed by all the agencies that were listed on the slide that have not only technical expertise, one has financial support available for the Climate Smart Community to help towns like Bethlehem do the early development of the planning, understand exactly what the carbon footprint is and how to go about reducing it. He said to sort of answer one of the comments that was earlier about what are we going to do, where we going to do, what types of reduction we're going to do. He said that is part of the process and planning that is envisioned by the Climate Smart Community pledge. He said all the agencies that are listed are

there are available for technical resources but the State has also set aside financial resources to help communities that are adopting the pledge. He said there will be funds available for the Town of Bethlehem to help with the planning and help with the staffing and the expertise needs to ensure that the pledge.

Mr. Oronowitz said the pledge is simple and he went through the 10 point plan. He said it is to get together set some goals, form a committee - a volunteer committee of Town's people, business people and Town Board members and other interested parties to try to understand where we are now in terms of our carbon footprint in Bethlehem and where we want to go. He said set goals after that, talk about what everyone wants to do in terms of achieving the reductions, how to go about the sources we are going to hit whether it is just for municipal operations or whether we are going to get into the private sector with homes and businesses. He said that is part of the whole process and you just have to start somewhere.

Mr. Ornonowitz noted it includes decreased energy demand. He said the resolution talks about goals the Town will set for itself to reduce energy consumption not only to combat climate change but also to save everyone money. He said as you reduce energy consumption you reduce the Town's energy bill, saving everyone money. He said he thinks everybody can sign up for that.

Mr. Oronowitz said it is also encouraging renewable energy. He said to achieve an 80 percent reduction between now and mid century, for NYS it means there is no combustion in our homes and businesses -- you don't burn fossil fuels to heat them, to cool them or to power them. He said the same thing is true for businesses and the same thing for the transportation sector. He said that is the magnitude of reductions, everything is going to be electrically driven to achieve an 80 percent reduction by now and mid century. He said we have to start somewhere. He said by the way, the electrons that are powering our homes and businesses and cars, they are all carbon free too. He said part of the pledge is to get municipal governments using more renewables, making sure that there are no barriers in Town ordinances to prevent anyone from installing renewables in the homes.

Mr. Oronowitz said Bethlehem is exemplary in this category -- look at waste reduction and recycling as a key driver for reduction CO2. He said the Town does a really fantastic job of this and he did not think anyone could disagree with that.

Mr. Oronowitz said land use, we have the comprehensive plan. He said before the Board does contemplate maturing whatever we do to be climate smart, comports with the Town's land use management plan. He said, obviously, that is a step that we have already taken that has us a leg up on many other communities that have not done this.

Mr. Oronowitz said adaptation is next and the climate is going to continue to warm whether we stop emitting today or not. He said a third of the CO2 that everyone just emitted by getting here or powering the lights that we use in our daily operations, one-third of that is going to be around in 100 years. He said anything we can do to curtail emissions now is going to be important but it is not going to stave off some warming. He said part of what is being talked about is dealing with the adaptation strategies that the Town will need to take into account to deal with the warmer climate -- more extreme storm events, anecdotally you have seen it over the last 5 or 10 years in Town. He said storms are more intense, more frequent, big amounts of snow overnight that we see it spread over a week, etc. He said adapting to a warming climate is part of what the pledge is all about.

Mr. Oronowitz said this is where climate gets exciting, you hear a lot about the costs and the burden of climate change and if the emissions are regulated, this is going to cost everyone money. He said inherent in all these costs is tremendous opportunity for the green energy economy. He said look at all the different types of jobs that can be created by weatherizing homes and businesses in the Town. He said all the different initiatives to adopt different renewable energy technologies and actually put those on to municipal facilities. He said those are not jobs you outsource, those are jobs for here in the community. He said there is a tremendous amount of opportunity for innovation and high technology. He said they have

already started to see it and will see a lot more.

Mr. Oronowitz said part of what the Town is doing by adopting the pledge and putting forth the resolution tonight is to inspire, not only all the Town's people but other communities in the Capital Region to want to be like us. He said to want to have a climate smart approach to municipal operations but also involving the Town in the community conversation about how individuals and businesses can lower their carbon footprint and be part of the solution. He said part of what the great concept of the resolution is to inspire that community conversation.

Mr. Oronowitz said finally to commit to an evolving process. He said the types of plans we adopt today are going to be good for only a certain period of time. He said if we are really successful we can renew them and take the next step. He said it is not a one shot deal but an evolving process to deal with climate change over time that does not lend itself to one or two public meetings or a couple of stake holders sessions.

Mr. Oronowitz said the benefits clearly can save taxpayers money because the communities are going to try to become more efficient as a Town and the more we can reduce energy, the lower all of the energy bills are going to be. He said if the Town is reducing their energy consumption, we will all have lower municipal costs and hopefully lower tax rates. He said the energy bills should also be lower and we will improve air quality and public health. He said moving toward a Climate Smart future promotes economic growth with opportunities for businesses that are not their now.

Mr. Oronowitz gave information about contacting the Office of Climate Smart. He noted there is staff ready to engage not only with citizens but match the municipality up with funding sources that are out there. He did mention the State will have some resources available indicating the State is part of a 10 state process called the Regional Greenhouse Gas Initiative. He said the State is auctioning off emission allowances so big power plants have to buy emission allowance at these auctions for every ton of emissions they belch out. He said right now New York has just under \$90 million ready to go to help businesses, help homeowners, help municipal governments reduce energy bills. He said they also set aside a portion of those dollars to help towns like Bethlehem taking the pledge to help design the process, hire the experts and consultants that will be needed to sort of understand the carbon footprint and move forward. He said they are encouraging communities to take the pledge but the State has set aside some resources to help make the pledge real for the local towns that are doing it. He said they are hoping the NYSERDA Board will approve the plan shortly and have dollars flowing to towns like Bethlehem and others taking the pledge.

Supervisor Cunningham asked if the Board had any questions. Councilman Kotary thanked Mr. Oronowitz for coming to the meeting and they are pleased to have him as a resident also. He said he is also internationally and nationally recognized as an expert, as well as, being the Governor's leading expert. He said it was very educational, in particular, like the last slide. He said he thought it important to address a couple of the questions from earlier. He said we can become a Climate Smart community and address environmental green issues and still save taxpayer money, improve public health, as well as, promote economic growth. He said a lot of times you talk about barriers and it is an either or -- the environment or the dollar. He said he is very pleased with this program. He noted he was very pleased to hear the State will have funds available to help communities find ways to save money.

Councilman Kotary asked in regard to this program how new the program is, how many communities involved, who is involved regionally and locally. Mr. Oronowitz said the program is brand new and released in mid-February. He said 1400 letters or contacts were made throughout the State. He said the reception has been pretty strong and they have about a dozen communities that have taken the pledge to date. He said it would be great to have Bethlehem join that list on Earth Day. He said they are aiming to get 50 leading communities signed up by the end of the month that they can start working with. He said by the end of the month they

expect to have the financial plan in place at NYSERDA to start the proceeds flowing toward these leading climate smart communities so they can start the process right away. He said that is their goal.

Councilman Kotary said there would be an advantage to getting on board. Mr. Oronowitz said that is absolutely correct. He said these are the ones that they will be able to target resources to right away. Mr. Kotary asked if he could give a couple quick examples of some types of funding. He said the Board has been trying to uncover grant opportunities, State, Federal and private sector as well. Mr. Oronowitz said there are existing programs already at the NYS Energy Resource Development Authority to help municipal governments to do an energy audit. He said the REGI funds are designed to provide even more dollars to ensure that the energy audits are further spread. He said also dollars that go into helping municipal operations reduce energy consumption through weatherization projects, through increased energy efficiency of municipal operations, installing renewables on municipal buildings. He said for example if there is a desire to heavy play toward solar, there will be dollars available under the REGI proceeds to help offset if not take the entire burden of the cost off the Town to install the renewables.

Mr. Oronowitz said the idea is to really take the money that is generated by the sale of the CO2 allowances and put them back to work to not only help homeowners become more efficient but towns like Bethlehem become much more energy efficient. He said early slugs of money are dedicated toward helping the town go through a planning process, hiring the consultants, augmenting the staff resources that will be needed to begin the process of measuring the carbon footprint, benchmarking how you want to go about reducing the carbon footprints and matching them up the dollars that are available. Councilman Kotary thanked Mr. Oronowitz.

Councilman Dawson said this is very timely today. She said she did not think anyone would disagree that we need to start moving in this direction but it is difficult. She said building green is cost prohibitive and then reconsider another project. She said that is something to be balanced and would like to have that as the goal to only build green. She said practically speaking we may not be able to do the whole thing. She said the grants and financial assistance will help them get over the fiscal burdens along the way. She noted they will be happy to work with them on that. She said obviously now is not the best time because of the cost and if they can be balanced, it will be better for all. Mr. Oronowitz said he agreed and it is not easy but what they are trying to do with the proceeds that are available is to put those proceeds to work so you can take advantage at this time to do the projects. He said he thinks you see that with the Federal stimulus dollars, with what is being done with the REGI funds. He said they see a great need to put people to work for doing these kinds of projects.

Mr. Oronowitz said if they are going to put people back to work and create jobs, let's do it in a way that is much more sustainable overall for the community rather than something that is less so. He said they think it is a great opportunity to be engaging on this type of level and they have the benefit of some new resources that were not there 6 months ago. He said they will be holding quarterly auctions and these auctions do raise for New York State about \$40 million each quarter. He said there will be significant resources. He said the REGI program is a regional program in the northeast and there is a discussion about creating a Federal cap in trade program of which REGI might feather into. He said their job as State leaders is to ensure that when a Federal program comes into place, the dollars that they have right now aren't lost and they get reimbursed and have a continual flow of Federal dollars to go into these things. He said they have a long term vision of how they are going to put the proceeds to work. Councilman Dawson thanked Mr. Oronowitz.

Councilman Hennessey thanked Mr. Oronowitz noting he was very happy to have him here. He said you talk about the REGI program as if you were intimately involved in it being created, noting he has been there for years working on that. He said everyone appreciates the work he has done. He wanted also to commend Governor Patterson because ever since he was Lieutenant Governor he has been

working on the idea of getting more renewables into the portfolio which is terrific.

Councilman Hennessey said what he thinks is compelling about all of this is the idea of energy budgeting. He said in the same way we look at the dollar and cents that come through and come into the Town coffers, we will not be looking at the energy we expend and trying to figure out ways to reduce that. He said you cannot manage something unless you know what you actually have. He said he thinks everyone has missed the boat on doing that over the years.

Mr. Hennessey said they did a tour of some of the Town facilities a while back and he remembers being on one of the senior vans they were going around in and some of the people from the Department of Public Works were talking about the effects on the Hudson River shoreline. He asked with climate change coming in what kind of things can be expected to happen in that water body that is actually near us. Mr. Oronowitz said there is actually a Task Force that was created by the Legislature that Office of Climate Change is now heading up, the Sea Level Rise Task Force. He said they stop the sea level rise boundary at the Troy dam and everything south of the Troy dam all the way down to New York City and out to east end of Long Island is for them sea level. He said they are assessing right now exactly what the impacts will be along the Hudson all the Troy dam with the expected sea level rises occurring due to the warming climate. He said more ice bergs melting creating more water in the sea but also just water expands in a warmer environment. He said what you are seeing so far with climate change is not the sea level rise increase but the extreme storm events -- the flooding that has occurred along the shores of the Hudson that is due to these more intense extreme events that happen either in the winter or the summer. He said there will be a lot more of that that is going to be going on and that is pretty much what the scientists say is the sure sign of a warming climate. He said you will expect more erosions, certainly more flooding along the shoreline of the Hudson.

Councilman Hennessey asked about the salt line and it is moving north of Poughkeepsie at this point and that we can expect higher level of salinity in the shores that we are near. Mr. Oronowitz said that is part of the natural flow noting that when you have extreme events you are also going to have extreme drought events and more competition for water which plays into that very issue of the salt line intruding higher up. He said he thinks we are a bit farther away from that in regard to that being a problem for us.

Councilman Hennessey next said about the 15 percent reduction and thinks it will take action by local governments but asked about what residential homeowners can think about doing. He said one of the things he thought was compelling was a program he saw in a town in Massachusetts where they actually reconfigured their code enforcement division to give people advice when they went in to take a look at doing some building that is going on, how they can be more efficient. He asked if programs like that could work in municipalities. Mr. Oronowitz said absolutely, indicating anybody in the Town can go and actually sign up for an energy audit. He said he thought it was a \$100 fee or something to do as part of the Energy Smart programs that NYSERDA runs to conduct an energy audit of your home and give a sense of where the energy savings could be to do that sort of budgeting. He said you have to at least establish a base line of what the energy consumption is, how well the home performs and what can be done to save energy costs. He said that is one step right now that can be done and the other thing is once we get involved in this conversation about becoming climate smart, is to look at the ordinances and laws that exist in the Town to see if there are different ways we can look at modifying them to help the whole community carbon footprint reduce.

Councilman Messina thanked Mr. Oronowitz for being here tonight. He said although some of the things he might say might appear that he is not supportive of this Smart Climate initiative but that he will say them because he thinks there might be a need for a bit more work to do to make it even tighter and smarter for the community. He wanted to raise a couple issues -- Mr. Holmes who he also respects in his own right, is an energy expert and was our Commissioner of Public Works for a while and raised some concerns although supportive generally robustness of the document.

Councilman Messina said over the weekend he looked at this and when he sees words like may result and to the extent possible and encourage, he thinks they have an investigate, an endeavor and he thinks there may have a chance to actually strengthen the language and adopt a resolution that is stronger for the Town of Bethlehem. He said he would think that is what the State of New York would want the Town to go.

Councilman Messina said the other thing, he just briefly had a chance to download and look at the 22 page document that the State of New York put out with 4 agencies and the Governor signing off on that and there is a lot of detail in there. He said personally he would like to work with Councilman Kotary and others here a bit more to make sure that they are on track. He said it would seem to him that when New York gives out grant money it is going to look at the caliber and if you will, the appropriateness and the completeness of these resolutions, noting he hopes that they would. He wanted to make sure the Town does it right and that they do not frankly advance it because it is Earth Day. He said for him, having the conversation on Earth Day is pretty darn good.

Councilman Messina said another point is that he had no idea what impact this will make for the staff who will have some additional work relative to this and he thinks that is another issue that needs to be dealt with. He said by and large he is saying it is a lot of information, a great initiative. He said having worked at the Secretary of State's office as Director of Administration Management before he retired and also Deputy Director of the Coastal Program, so the energy and green initiatives are not new to him. He said he commends Councilman Kotary for what he has brought forth here. He said he would just like a little more time to work with his colleagues to take a good look at the language again and to look at what New York State has and to make sure we are in the best position to move forward because once you get a resolution and you tend not to amend it that quickly. He said the issue of diesel fuel is left out of the resolution which gasoline is in there and much of the consumption is in the area of diesel fuel. He said he would like to at least have a discussion about that in a different setting.

Councilman Messina commended Mr. Oronowitz for what he does for the State of New York and also for coming to the meeting to present this information. Mr. Oronowitz thanked Mr. Messina. Mr. Oronowitz said he thinks the resolution before the Board sets forth at least working towards the types of reductions we are going to need. He said there is certainly some of the words that are pointed out but he thinks it is a responsible sort of approach that says we are going to work in this direction. He said we are pretty confident the way he reads the resolution that there will be State resources to help the Town of Bethlehem do that but he thinks you have to be fiscally assured of that first. He said in mentioning the staff thing, this is going to require some resources from the State to help augment staffing needs, bring in some consultants to help out. He said he thinks what the resolution attempts to do is to sort of move the Town in the direction of saying we are going to take climate serious and commit to certain things but understand that we want to be a little bit responsible before we go too far down the pathway.

Councilman Messina asked about the opportunity for inter-municipal cooperation. He said it seemed to him that there may be some of those opportunities and if we had similar goals or language in our resolution that there may be a chance of that. Mr. Oronowitz said that is their real goal with the leading communities he talked about earlier. He said it is finding the leading horses that want to run on this issue and to work together with them. He said there are some communities that have adopted the pledge about a year ago, sort of test communities for them, and to build up a simple base of knowledge as to when you roll something like this out and start working with town council and others, what are the barriers that have existed. He said part of the Climate Smart Community pledge is to develop a stable full of communities that are working with us early on to help work out the kinks, the bugs and to provide learning opportunities for other communities. He noted ideally a year from now, Bethlehem will be participating in the Association of Towns meeting in a session where they talk about what we have done since the resolution. He said also working with other municipal communities

at the Conference of Mayors meetings, etc. to have more peer learning. He said the idea is to get moving now on a pledge so that you become a part of that leading stable of horses that start running in this direction. He said this is sort of the community organizer in him that likes to see it move forward in that way.

Mr. Oronowitz said by taking this approach and becoming one of the lead communities, you can provide advice and counsel back to other towns who will be a bit behind the curve.

Supervisor Cunningham asked if there were any other questions from the Board. Councilman Kotary said he appreciates what all his colleagues have said and echoed what Councilman Messina said in terms of there is a lot of work left a head of them. He said the resolution although there are different extremes, they want to try to do is take the important first step. He said he wanted to note that Mr. Oronowitz took a look at the resolution and as an expert in this, it sounded like the resolution was one that he would support as the first step and suggesting that the Town get there and then continue to work together with the State agencies with the community and hopefully there will be some good funding opportunities to develop further, more in depth, programs and policies. Mr. Oronowitz noted if he were in the Board's shoes, he would vote for it.

Supervisor Cunningham thanked Mr. Oronowitz. Mr. Oronowitz said the fact that this community conversation is being held. He said someday outside of this Board meeting, he would share what is going on elsewhere.

Supervisor Cunningham said the next item was the resolution for the Climate Smart Community initiative. Councilman Kotary thanked Mr. Oronowitz again for taking the time to join the Board to give a presentation and answer the questions. He presented the following resolution:

RESOLUTION NO. 20

RESOLUTION IN SUPPORT OF CLIMATE SMART COMMUNITY

WHEREAS, the Town of Bethlehem believes that the climate change poses a real and increasing threat to our local and global environments; and

WHEREAS, the effects of the climate change may negatively impact our infrastructure, economy, farms, food supply, ecological communities; encourage the spread of invasive species and exotic disease; reduce drinking water supplies; and pose health threats to our residents; and

WHEREAS, we believe that our response to climate change may result in opportunities that could save money, encourage the growth of livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if the emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that the Town of Bethlehem, in order to help reduce greenhouse gas emissions and adapt to a changing climate will, to the extent that actions can be taken that are consistent with good fiscal management of Town and taxpayer resources and are consistent with the Town's plans and goals as reflected in the Town Comprehensive Plan, pledge to take actions consistent with the goals outline below.

1. The Town shall set a goal of combating climate change by participating to the extent practical and fiscally prudent in programs designed for Climate Smart Communities.
2. The Town shall investigate programs to reduce greenhouse gas emissions.
3. The Town shall take steps to decrease energy demand for local government operations, with a goal of reducing consumption of gasoline and reducing electricity use by 15 percent from projected levels by no later than 2015.

4. The Town shall encourage the use of renewable energy for local government operations.
5. The Town shall investigate opportunities to realize benefits of additional recycling programs and other climate smart solid waste management practices.
6. The Town shall, to the extent consistent with the Town's Mater Plan, promote climate protection through its community land use planning.
7. The Town shall, to the extent practical and fiscally prudent, investigate, consider and plan for the effects of unavoidable climate change on Town infrastructure.
8. To the extent practical and fiscally prudent, the town shall support green economy innovations.
9. The Town shall endeavor to inform the public about steps that they can take to reduce energy use and reduce climate change.
10. The Town recognizes that research and policy on climate protection are constantly improving and evolving, and shall endeavor to remain updated on steps that the Town can take to reduce adverse climate impacts.

The foregoing resolution was presented for adoption by Mr. Kotary, seconded by Mr. Hennessey and passed by the following vote:

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

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Supervisor Cunningham thanked Councilman Kotary for taking the lead on this and he will support the initiative noting it is an important first step for the community to actually take an active role in saying we are going to be a Climate Smart Community because these are things that the Town has been working on prior to me being here and we have continued them. He said they will continue to be energy efficient and do the things needed to protect our climate. He said he is very proud to support this resolution also.

The next item was an important acknowledgement never-the-less of the 2008 Annual Report from the Town Clerk's office. Supervisor Cunningham noted this report is of the activities and he thanked the Town Clerk.

The following item was to approve the Town Board minutes of April 8, 2009.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the Town Board minutes of April 8, 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 following item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to award Contract 1 to W. M. Shultz and Contract 2 to Stilsing Electric for the Kenholm, Hudson, Skycrest and Kenwood Pump Station Improvements.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the award of Contract 1 to W. M. Shultz and Contract 2 to Stilsing Electric for the Kenholm, Hudson, Skycrest and Kenwood Pump Station Improvements.

Councilman Messina said he would be supporting this when it goes forward and in the past when discussions were held, he supported it. He said he wanted to make the point to his colleagues to consider this is a \$5.2 million improvement of a Capital nature and what he would respectfully ask is that they move forward with the plans that have been in the works for quite a while to get the comprehensive capital plan in place because instead of looking at \$5.2 million and another \$2 million there, he thinks the Town needs the Board to look at the entire thing to set priorities. He said frankly, they are getting them 1 at a time and that is not the way the priorities should be set for the Town.

Councilman Messina said also, there is the issue of funding, hoping that if they knew in a larger sense what the total capital needs were, they might actually be able to get lower bonding rates and everything else that are an additional cost to the taxpayer. He said he will support this, but wanted to make the point of moving on the capital plan that mention has been made and which should be put in place. Supervisor Cunningham thanked Mr. Messina noting that they have started working on the Capital Plan.

Councilman Hennessey respectfully disagreed with Councilman Messina indicating he has been looking into municipal bond rates and it is very important for the Town to get their bonds to the market now noting he has seen factors that indicate that the costs are going to skyrocket in the next couple years. He said he thinks putting it on the street now may have a positive net effect rather than a negative one of waiting for an entire plan to be finished and then rolling it out. He noted he will be voting in favor of this partially because he thinks the improvements need to be made now and because overall it is going to have a long term cost savings. Councilman Messina responded he hears Mr. Hennessey and he knows what the rate is now but on that if they were ready to move forward with a larger bond request, they could probably save more bucks indicating the timing is good. Councilman Hennessey said the plan is not here and he thinks they should move ahead.

Supervisor Cunningham asked if there was more discussion. There was none.

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 Erik Deyoe, Deputy Commissioner of Public Works to authorize the Supervisor to sign a task order with O'Brien and Gere for preparation of an Individual Distribution System report for the Department of Health and EPA. Deputy Commissioner Deyoe said they are proposing tonight to engage with O'Brien and Gere who is under a term contract with the Town to do water system modeling. He said in 2006, the EPA initiated the Stage 2 program under the Safe Drinking Water Act to reduce products in municipal drinking systems. He said they are going to evaluate the Town's system, submit individual distribution report which is really the next step from a previous effort they did to develop a sampling plan. He said they will submit that and Department of Health as sort of under the Stage 2 rule. He said they will use their existing water model to help them locate the sampling locations and using that test some different capital alternatives and water source alternatives. Mr. Deyoe noted there are a couple things they will do to try and get information to do some testing.

Supervisor Cunningham asked if the information that comes out of this report what is reported to the community using the Bethlehem Report as an example. Mr. Deyoe said they are not required to report on this. He said the individual system report is not required to be a part of the report yet but will be part of it next year. Supervisor Cunningham noted he wanted to point out that they do report this information. Mr. Deyoe said there is a reporting requirement as part of the Stage 2

rule that they publicly report what they find from the testing program and how they will be addressed.

Supervisor Cunningham said the report for 2008 is in the current Bethlehem Report that was delivered to homes today. Mr. Deyoe said he believed so. The Supervisor asked if there were other questions for Mr. Deyoe.

Councilman Hennessey said he saw this exceptionally disturbing program on television last night. He said the program was about clean water and about emerging things that we see in water supplies that no one knew were worries in the past and this work being done here is another example of something like that that they are just starting to understand. He said actions that we need to take to secure the water supply so it is safe for everyone. He noted this work is a great step forward to try and understand what actually is going on with our water system. He said this is terrific work and he will vote in favor.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to authorize the Supervisor to sign a task order with O'Brien and Gere for preparation of an Individual Distribution System report for the Department of Health and EPA. 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 Erik Deyoe, Deputy Commissioner of Public Works, to authorize the Supervisor to sign a task order with Barton and Loguidice PC for design and construction observation services for SCADA system improvements.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to authorize the Supervisor to sign a task order with Barton and Loguidice PC for design and construction observation services for the SCADA system improvements. 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 Director, Karen Pellettier, Senior Services Department to accept three donations to the Bethlehem Senior Chorus for the purchase of music as follows: of \$100 from the Tenants Association of Olav Sholom, \$100 from the Delmar Kiwanis Foundation LTD and \$25 from Constance Tilroe in honor of Chorus member Dick Thayer

The motion was made by Mr. Messina and seconded by Mrs. Dawson to accept donations of \$100 from the Tenants Association of Olav Sholom, \$100 from the Delmar Kiwanis Foundation LTD and \$25 from Constance Tilroe in honor of Chorus member Dick Thayer as requested by Senior Services Director Karen Pellettier. The motion was passed by the following vote:

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

The next item was a request from Chief of Police, Louis Corsi, for a budget modification to increase the Insurance Recovery Line Item and increase the Collision Repair Account in the amount of \$1,388.59.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve a budget modification to increase the Insurance Recovery Line Item and increase the Collision Repair Account in the amount of \$1,388.59 as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

The following item was a request from Administrator Nan Lanahan, Parks and Recreation Department for approval of appointment of seasonal personnel.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the appointment of seasonal personnel as listed in the Memorandum dated April 22, 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.

Supervisor Cunningham asked if there was any new business. Councilman Hennessey said a few meetings back, they did a Resolution asking for the State government to reinforce the Environmental Protection Fund. He said that effort was successful and there was a great amount of work done by a number of local communities to make it happen. He said he has a copy of a thank you letter from the Nature Conservancy.

Supervisor Cunningham made the following announcements:

- Notification received from CDTA that they are making a route change - the Fernbank Avenue route will be eliminated as of May. This was due to low ridership and if there are any issues, please call the Supervisor's office or CDTA.
- Inter-municipal cooperation is being worked on and the Town is continue to work on is support of the members of the National Guard. He said the Town has been identified as a Patriotic employer noting National Guard Member Scott Anson submitted the Town because we are supportive of our employees participating in the National Guard.
- Notified 5 members of the Town of Bethlehem ran in the Boston Marathon on Monday and they finished under 4 minutes. The Supervisor congratulated Steven Vanuk, Jeffrey Clark, Martha DeGrazzia, Allison Craig and Susan Wong. Ms. Wong is a senior citizen and she finished in 3 hours, 51 minutes, 59 seconds.
- Kathy Higgins lead the pledge of allegiance and in honor of Earth Day she planted a tree on her front lawn on Harrison Avenue.
- Selkirk Yards initiative meeting to be held April 23, 2009 at 7:45 a.m. here at Town Hall. A presentation by CSX will be done on their operations and opportunities for growth in that area.
- 20/20 Committee meeting on Friday, April 24, 2009 at 7:45 a.m. at the Elsmere Fire Department. There will be a review of the community survey.
- April 26, 2009 the Grange will be holding an open house at 2 p.m. on Route 396.
- PATHS 4 Bethlehem, the sidewalk committee, will be meeting April 28.
- On Saturday, May 2, 2009 will be started with the Timothy Mosher run will begin at the Middle School; Town of Bethlehem Household Hazardous Waste Day will be held at the Highway Department from 8 a.m. to 1 p.m; the Grange will be holding a roast beef dinner cooked by the Glenmont Job Corps in the evening.
- May 9, 2009 will be the stripper derby hosted in part by the Parks and Recreation Department at the Henry Hudson Park from 6:30 a.m. to 12:30

p.m. with a \$10 entry fee. Note was made that the application is on the website. He noted you do not need a fishing license to fish in the Hudson River below the Troy locks and is a Federal waterway.

- 20/20 public meeting at the next Town Board meeting May 13, 2009 and after the meeting at 7 p.m. the 20/20 committee will be meeting with the Town Board to do a public meeting on their work, preliminary results of their work and the survey results.
- May 16 is the next Community Clean-up Day with Councilman Dawson heading up the clean-up. Note was made this will be done the 3rd Saturday of each month until October. Anyone wishing to participate can sign up on the website or with Deb Kitchen.

The Supervisor asked if there were any public comments on non-agenda items. Mrs. Marie Capone said last Sunday she saw the garbage pickup and noted he could work for the highway. She has been talking to people about the sidewalk on Feura Bush Road noting it has been talked about for the last 15 years. She said the traffic was too fast and there was no need for it. She said if they go around and see the people running, they run in the street not on the sidewalk.

Mrs. Capone said for the size of the Town of Bethlehem we are 3 police officers short. She said there are 2 more police officers retiring at the end of June. She said every Spotlight has some drug arrests, asking how much can the Town take before the money is put where the money should go.

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Ms. Linda Jasinski said you can fish for strippers without a license this year, however, because the government loves to tax and give fees, you will need a license in the future.

Ms. Jasinski said as far as the climate change thing, she is all for saving energy and reducing waste. She said she has been doing this for years and years before it became the thing to do. She said, however, we do have to watch the pay back on some of the things that it costs us to do. She said if it takes 20 years to pay back what you are going to do, you have to think about that. She said on Earth Day as she is sitting in back and she happens to look up, she knows we have wonderful water in Bethlehem, she thinks the first thing the Town could do is put a pitcher of water with some cups so that the Board Members do not have to get the bottled water. She noted Councilman Kotary was on his second bottle. Supervisor Cunningham thanked Ms. Jasinski.

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Mr. Jarod King, 22 Paxwood Road, Delmar said he prepared a statement last summer but it has been a while since he has had time to present it. He said it might not be timely but some of the things can be done. He suggested a review of the roundabout at the intersection of New Scotland Road. He said Timothy Mosier Memorial highway and the extension of Route 85. He said the first is the design of the adjoining roadway surrounding the roundabout. He said the entrance/exit from the Price Chopper Plaza on Route 85 is raised concrete and often times justification of these obstructions is to protect pedestrians but he fails to understand how a painted sidewalk or a painted crosswalk with a sign explaining to yield to pedestrians does not serve the same purpose and would be less of a hazard to drivers and would cost less to construct than a raised concrete triangle. He said obviously this has been rebuilt so sadly the expense is already done.

Mr. King said although this may change with the building of the VISTA technology park, he has yet to see a pedestrian use this sidewalk. He said the raised concrete triangle has been removed while road construction is continuing. He said he hopes the Town will take the opportunity to replace this triangle with a painted triangle. He said the Route 85 Price Chopper exit/entrance only allows those exiting the plaza to make a right and said this makes sense during high traffic period, it makes no sense during non-peak hours. He said the only way for drivers driving to any point between Mahar Road and the roundabout including Thackeray Drive is to drive along Route 85 to Mahar Road, take a right onto New Scotland

Road. He said for those wishing to turn on Thackeray Drive or into the Hess Station or Gold Coin Restaurant must make a left and block westbound traffic. He said this design makes no sense. He said there is no reason that a small sign under the no left turn indicating when left turns are prohibited could be installed.

Mr. King said the Town has built a sidewalk along New Scotland Road from Mahar Road to Timothy Mosier highway and as in the recent past, the sidewalk has been built as the City of Albany builds its sidewalks, with raised curbs and almost no shoulder. He said because of the mobility of the pedestrians and the traffic rule that the pedestrians walk against the flow of traffic, these curbs add little to pedestrian safety but make it difficult and dangerous for cyclists who because they are operating a vehicle travel with the flow of traffic. He said moreover the lack of shoulder make it difficult for drivers to pull over and for following drivers to pass without having to enter into the lane for opposing traffic.

Mr. King said he hopes the Town of Bethlehem will refrain from building curbs in the future especially when there is adequate right-of-way. He said the roundabout has been designed in a way inconsistent with the roundabout design shown on the New York State Department of Transportation website. He said our roundabout has only 1 lane exiting from the roundabout to New Scotland Road at the southeast and northwest quadrants requiring people to change lanes when making a left from Timothy Mosier highway or Price Chopper causing confusion because this is not the way roundabouts are normally designed. He said redoing the roundabout would be prohibitively expensive but the Town should consider the appropriate changes to signage and lane markings.

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Supervisor Cunningham asked if there were other comments on non-agenda items. Mr. Daniel McKay said he is with New Scotlanders for Sound Economic Development. He thanked the Board for their time. He wanted to give an update as to what is happening in the neighboring Town indicating the Board met and by a 3 to 2 vote disallowed the 50,000 square foot - 100,000 square foot size cap proposal that many, many residents of New Scotland had proposed for the commercial district so that was voted down on a 3 to 2 vote. He said in a subsequent action by a 3 to 2 vote, a rezoning proposal on the order of 85,000 square feet per store and 250,000 square feet per development was passed and moved to Town Planning Board review which they expect will see an advisory opinion of approval and move to County Planning Board review which will come up on May 16th. He said when they finally go to public hearing on June 16th and in the opinion of his organization and many other residents in Town, the wrong size cap was passed. He said it is a much higher one than the residents think is appropriate for the site and appropriate for the neighboring hamlet of Slingerlands and thus the Town of Bethlehem.

Mr. McKay said one thing to note in the law that was passed in New Scotland, a single piece of property like the Bender Melon farm which is sort of the focal point of the last year's activity in New Scotland, in the proposal that was voted down, there would have been a prohibition against subdividing after a development proposal was allowed to go forward. He said in the law that was passed this week, the Bender Melon Farm property could be subdivided multiple times and multiple projects up to 250,000 square feet could be built within each of those subdivisions. He said it is not just one project but it allows multiple projects.

Mr. McKay said he was not here to bring bad news and say there is nothing to be done about it. He said he thinks the Town of Bethlehem has a very significant role to play should the Town Board be concerned about what is happening just over the Town line. He noted the County Planning Board review is going to be critical to this project. He urged the Town of Bethlehem to consider a role in communicating with the County Planning Board that there are concerns with the scope and range of traffic impacts, environmental impacts and any other impacts the Town Board feels affect the Town. He said he thinks the hamlet of Slingerlands will see a definite impact from this development of that size.

Mr. McKay said the Town Board is welcome to come to the public hearing -- as they have in the past and they appreciate that -- in June but the County Planning Board meeting is May 16. He thanked the Board. Supervisor Cunningham thanked Mr. McKay.

Councilman Messina asked if the County Planning Board reaches out to the adjoining communities. Mr. McKay said they do not. He said he will check on the date and get the correct date to the Board. Supervisor Cunningham thanked Mr. McKay. Councilman Hennessey said there have been other representatives from his group come before the Board. He thinks it is of deep importance for the people who live in Slingerlands to make sure they do everything they can to take a look at the project or projects in the right way. He said he thinks as envisioned right now, it would not be a positive development for Slingerlands but a negative. He hoped the rest of the Town Board members would honor his request to take some action and put one step forward to help out our neighbors. Mr. McKay said he thinks they are trying to look at for the Town of Bethlehem as well. He said he appreciates the Town Board's continuing interest. Councilman Hennessey thanked Mr. McKay and his group for everything they have done. Supervisor Cunningham thanked Mr. McKay as well.

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

The motion was made by Mr. Messina and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 7:20 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