

TOWN BOARD
FEBRUARY 13, 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: Good evening and welcome to a meeting of the Bethlehem Town Board. Deputy Director of Economic Development and Planning, Michael Morelli led the pledge of allegiance.

The Supervisor said the first item was for public comment on the agenda items.

Linda Jasinski spoke regarding the Farm and Open Space Protection Program indicating she would like to bring up that they are the real stakeholders. She would like the Town Board to consider having the advisory committee consist of more farmers and farmland owners. The CACC also has people included on this committee that are more interested in having trails and have idea on what farming is about. They have introduced ideas like a farm market and buying into the market at the end on the season and they do not realize that these soils don't produce tomatos and squash, they produce hay and corn. They have horses, cattle and sheep.

Rich Mendick spoke regarding the Farm and Open Space Plan that there is \$25,000 expenditure and wanted to know what the company is planning on contributing and what are their qualifications.

Bill Kelleher spoke about spending \$330,000 on emergency generator, that means you have made a decision to keep the Clapper Road Water Plant in operation. It also means that you intend to use the Clapper Road water supply to serve the entire Town, which was the original intent of the designers. He said this was done by an unanimous vote of the Town Board back in 1994 that this water supply was to be used by the entire Town. It was not an industrial water supply and, therefore, was only one reason to put an emergency generator in there in the first place and that is if it was to be used as a public water supply for the Town. The pipeline from the river to Clapper Road was designed for 12 million gallons per day and the plant was designed to double capacity and that included the emergency generators. He asked if the City of Albany can provide us emergency water and do we need to spend this additional money. Cogen has a back up pond. He asked in the event of a black out couldn't Cogen provide their own water and electric. How many times have we needed to operate the emergency generators at Clapper Road Water Supply? What is the frequency of testing of the emergency generators? A record must be kept for standby parts for these generators.

Supervisor Cunningham stated that the Clapper Road Plant is an asset to the Town and we maintain that asset. The generator down there reached its useful life and we cannot get parts for it and that is why we are replacing it. Mr. Kelleher asked if the emergency generator be sized to serve the complete years with the ozone equipment. Has the iron sludge problem been solved and how much has it cost the Town? Supervisor Cunningham responded not yet. Mr. Kelleher asked

what is going to be done with the \$1.5 million dollar pretreatment equipment and chemicals that are going to be necessary. Supervisor Cunningham stated that decisions have not been made and we are still working with the Engineers and talks are ongoing. Mr. Kelleher asked how much would it cost to replace the 5 horizontal well pumps? Don't you think it is about time that you think about closing this plant down?

Bob Jasinski thanked Mr. Messina for cutting his vacation short to make the Town Board meeting. He questioned the request from Chief of Police to transfer funds for repairs. Supervisor Cunningham stated that it is usually some type of damage to the vehicle. Mr. Jasinski said maybe there should be some type of training. He asked if the amount of money was higher from Time Warner and if number was based on the number of people.

Judith Kehoe stated that the amount is slightly higher. In the fourth quarter it is about \$2,000 higher than the previous quarter. This is based on the number of households who subscribe and it does generate additional revenues and that franchise fee is part of that.

The first item on the agenda was to approve the Tow Board minutes of January 9 and January 23, 2008.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the Town Board minutes of January 9 and January 23, 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 on the agenda was the Town of Bethlehem hereby resolving to voluntarily recognize the New York State Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO as the exclusive representative for a bargaining unit consisting of Lieutenants employed by the Bethlehem Police Department, all other Police Officers, Sergeants, Deputy Chief and Chief of Police and all other Town employees being excluded.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the New York State Law Enforcement Officers Union, Council 82, AFSCME, AFL-CIO as the exclusive representative for a bargaining unit consisting of Lieutenants employed by the Bethlehem Police Department, all other Police Officers, Sergeants, Deputy Chief and Chief of Police and all other Town employees being excluded. 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 on the agenda was a request from Director, Economic Development and Planning, George Leveille to authorize the commencement of development of Farm and Open Space Protection Program (Open Space Plan) and task the CACC with serving as the Study Advisory Committee to the DEDP.

Mr. Leveille stated they worked on an outline for the scope of services with an open space study along with CACC. They are looking into funding sources with New York State Agriculture and Markets. With the advice of CACC we have agreed to have a homegrown process and have outlined the general scope that shows the general things that you would normally look at. We recognize that we wanted the study to be uniquely the Town's. They had them assist in preparing a plan, and issued a request for qualifications in October and received four responses.

Behan Associate was one of the two finalists and Behan Associates was the one who had the most experience in New York State with the Open Space Protection Planning. Behan Associates has been involved in Clifton Park, Queensbury, Guilderland and several other areas. His proposal to work, as a mentor to assist staff in developing a program in understanding and interpreting data that was collected is a cost effective way to get this process completed. The Supervisor asked if Behan Associates worked with Clifton Park. Mr. Leveille stated that the Town of Clifton Park developed an Open Space Plan primarily for the western part of the Town and their open space planner spoke with CACC on Monday night. He said he was very informative about the things that they have done and the approaches are very similar to ours respecting the rights of property owners, and looking for willing landowners to be involved. The initial phase is to understand what the community is saying about open space, what the priorities are then to step back to decide where to do more work, and look for resources to implement the work.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the development of an Farm and Open Space Protection Program (Open Space Plan) and task the CACC with serving as the Study Advisory Committee to the DEDP as requested by George Leveille, 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 next item on the agenda was a request to authorize the Town Supervisor to enter into a contract with Behan Planning Associates, LLC for consultation on the Farm and Open Space Protection Plan not to exceed \$25,000.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to enter into a contract with Behan Planning Associates, LLC for consultation on the Farm and Open Space Protection Plan not to exceed \$25,000 as requested by George Leveille, 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 next item on the agenda was a request for approval of appointment of John C. Capron, Barbara Hodom and John H. Cunningham to the position of Municipal Marriage Officer for the Town of Bethlehem expiring January 31, 2010.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the appointment of John C. Capron, Barbara Hodom and John H. Cunningham to the position of Municipal Marriage Officer for the Town of Bethlehem expiring January 31, 2010. 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 on the agenda was a request for approval of three (3) consecutive 4-week trailer permits beginning February 6, 2008 through April 30, 2008, for premises 19 Hackett Street, Selkirk.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the three (3) consecutive 4-week trailer permits beginning February 6,

2008 through April 30, 2008, for premises 19 Hackett Street, Selkirk as requested by Mark Platel, Assistant Building Inspector. 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 on the agenda was a request from GIS Specialist, Jason Baum for approval of award of bid for one (1) Trimble 5800 Dual Channel GPS Receiver and Supplemental Equipment to Waypoint Technology Group, LLC at a bid price of \$19,302.

Councilman Kotary asked that Mr. Baum give some background on the GIS context. Mr. Baum explained how the GIS works and how it is applied to the infrastructure management or capital planning. The need analysis that was completed by the Department Heads asked for the top 3 most important items and those items were infrastructure, water, sewer and storm water. From there we got a grant to scan the engineer drawings that are submitted at the end of every subdivision where everything went in the ground, water and sewer. They are normally 1 to 50 scale -- 1 inch equals 50 feet --so there is a little chunk of the Town. If you want to look at it from putting out all those drawings --5,000 drawings going back to the 1940's of where the infrastructure is in Town -- that is the way when people want to look it up they look up one of those old drawings and they see a little bit of the Town. At the same level of precision you want to be able to see things Town wide. So the record drawings were scanned into the computer and now we are prepared to go out and locate the infrastructure which refers to hydrants, manholes valve covers, catch basins (items in the ground) and be able to go out with the GPS Unit. That is how this applies and gets an accurate position of where it is and go back to the drawing here and indicate where the valve is, GPS it, add it to the drawing. End result is Town wide digital mapping and indicate once this is complete looking into the future, the age and material, diameter, replacement costs, budgeting costs, future improvements, what if scenarios, -- once in the computer the possibilities for using it as a management tool and a decision support tool are there.

The motion was made by Mr. Hennessey and seconded by Mrs. Dawson to approve the award of bid for one (1) Trimble 5800 Dual Channel GPS Receiver and Supplemental Equipment to Waypoint Technology Group, LLC at a bid price of \$19,302 as requested by Jason Baum, GIS Specialist. 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 on the agenda was a request from Commissioner of Public Works, Josh Cansler for approval to go to bid for Water Meters. Could advertise on February 20, 2008 and open bids on February 27, 2008.

The following resolution was offered by Mr. Hennessey and seconded by Mr. Kotary :

WHEREAS, the Town desires to advertise for bids for Water Meters, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 20th day of February, 2008 and that bids be received up to 2:30 p.m. on the 27th day of February, 2008 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

The next item on the agenda was a request from Josh Cansler, Commissioner of Public Works, for approval to go to bid for Chemicals. Could advertise on February 20, 2008 and open bids on March 4, 2008 at 2:30 p.m.

The following resolution was offered by Mr. Hennessey and seconded by Mrs. Dawson:

WHEREAS, the Town desires to advertise for Chemicals, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 20th day of February, 2008 and that bids be received up to 2:30 p.m. on the 4th day of March, 2008 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Noes: None.

Absent: None.

The next item on the agenda was a request from Town Engineer, Erik Deyoe, to award contracts for the New Salem Well Improvements to Kingsley Arms, Inc. for Contract 1G (\$526,000) and Brunswick Electric for Contact 1E (\$17,794), as well as, authorize the Supervisor to enter into contracts with them.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to award contracts for the New Salem Well Improvements to Kingsley Arms, Inc. for Contract 1G (\$526,000) and Brunswick Electric for Contact 1E (\$17,794), including authorizing the Supervisor to enter into contracts with them as requested by Erik Deyoe, Town Engineer. 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 on the agenda was a request from Erik Deyoe, Town Engineer, for approval of funding and authorization to advertise for bids for Clapper Road Water Treatment Plant Generator Replacement.

Councilman Messina stated that sometimes the state contracts are not the most cost effective. Mr. Deyoe stated the State contract was 25% lower than the manufacturers list price and also by doing this we are saving the markup that a contractor would charge us.

Supervisor Cunningham stated regarding items that were brought up by Mr. Kelleher for the public water supply. This water supply does service a portion of the Town of Bethlehem does it not? Mr. Deyoe said yes it does. There are 40 or 50 customers, it is more than just an industrial source. There are an active number of tests performed and there is an active preventative maintenance program, and a service contract with Atlantic Detroit Diesel. The equipment is serviced actively and the existing generator happens to be a bad generator. The model and make have had reoccurring problems for any owners and OGS have been through rehabbing and replacing and they are now replacing the generators because they are

not serviceable items. Supervisor Cunningham said there will be 2 new generators to replace the old generator.

The following resolution was offered by Mr. Kotary and seconded by Mrs. Dawson:

WHEREAS, the Town desires to advertise for Clapper Road Water Treatment Plant Generator Replacement, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 20th day of February, 2008 and that bids be received up to 3:00 p.m. on the 27th day of March, 2008 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The next item on the agenda was a request from Town Engineer, Erik Deyoe, for acceptance of drainage easement for 2A Plymouth Avenue, Delmar.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to accept the drainage easement from Daniel J. Ryan Jr. of 2A Plymouth Avenue, Delmar, New York as requested by Erik Deyoe, Town Engineer. 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 on the agenda was a request from Chief of Police, Louis Corsi, for approval of budget transfer for repairs to police vehicle.

The motion was made by Mr. Messina and seconded by Mr. Kotary for approval of budget transfers for repairs to police vehicle in the amount of \$1,225.67 as requested by Louis Corsi, Chief of Police. The motion was passed by the following vote:

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

The next item on the agenda was a request from Nan Lanahan, Administrator, Parks and Recreation Department for approval of appointment of Seasonal Personnel.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary for approval of appointment of Seasonal Personnel as listed in the Memorandum dated February 13, 2008 at the titles and salaries listed as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

The next item on the agenda was a request from Nan Lanahan, Administrator, Parks and Recreation Department for approval to go to bid for

Portable Toilets. Could advertise February 20, 2008 and open bids on March 4, 2008 at 3:30 p.m.

The following resolution was offered by Mr. Messina and seconded by Mrs. Dawson:

WHEREAS, the Town desires to advertise for Portable Toilets, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 20th day of February, 2008 and that bids be received up to 3:30 p.m. on the 4th day of March, 2008 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The next item on the agenda was a request from Administrator, Nan Lanahan, Parks and Recreation Department for approval to award the bid for Sodium Hypochlorite Solution to the low bidder, Slack Chemical Company, Carthage NY.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the award of bid for Sodium Hypochlorite Solution to the low bidder, Slack Chemical Company, Carthage NY as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

The next item was to acknowledge receipt of the 2007 Annual Report from the Parks and Recreation Department.

Councilman Messina complimented Nan Lanahan, Administrator, Parks and Recreation Department and her staff for all the extra work for the Viet Nam Moving Wall, the Colonial Acres Golf Course and the increase with parks and programs from 304,811-312,498.

Councilman Hennessey questioned regarding the decrease of 50% in the number of children that participate in our summer programs. Mrs. Lanahan stated the YMCA has had an impact on our summer programs. They are pulling in about 150 kids per week into a nice big facility that has a large indoor facility that has all the amenities such as swimming lessons, etc. We have been struggling with use of school facilities through all the bond work and moved from place to place, so this has impacted us so for the same cost they are providing a bigger program. This year we are looking to make changes, Mrs. Lanahan said.

The next item was to acknowledge receipt of the 2007 Annual Report from Town Clerk, Kathleen A. Newkirk.

Next the Supervisor acknowledged the receipt of quarterly franchise fees from Time Warner Entertainment Advance/Newhouse Partnership for the period October through December 2007 in the amount of \$117,037.52.

The Supervisor noted the Town of Bethlehem Website has added a banner across the top when there is a Town emergency. The banner will have information about the emergency or the banner will give Town Program information.

There is also an online newsletter if you go to our website www.townofbethlehem.org and go to the home page, there is the newsletter link at the bottom of the website. You can sign up for our electronic newsletter and it will be delivered to your e-mail box on a monthly basis, the Supervisor said.

Next was the public comment on non-agenda items

Mrs. Cappone stated that she thought it was unfair that things are put on the computer and not everyone has a computer to know what is going on. Supervisor Cunningham stated that the Library has a group of computers that are available to the public. Mrs. Cappone said that there are people who don't want to use them. Supervisor Cunningham said it is available if you want it.

Linda Jasinski next asked how do I get on my computer to find out about the emergency when the electricity is out? The Supervisor said you can call us.

Supervisor Cunningham asked if there were other questions. There were none.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to adjourn the regular Town Board meeting at 6:55 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