

TOWN BOARD
JANUARY 23, 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
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Mark Hennessey, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney
ABSENT: Samuel Messina, Councilman

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Supervisor Cunningham welcomed everyone and noted the meeting would be started with the pledge of allegiance led by Boy Scout Troop 58 of Elsmere.

The Supervisor said the first item was for public comment on the agenda items. Mrs. Capone said this is the first item, the 20/20 Advisory Committee. She said it looks like an eye exam. The Supervisor said it looks like an eye exam but it's representative of looking forward and being visionary and looking towards the year 2020. He said he would be talking a little bit about it when he gets to it on the agenda.

Supervisor Cunningham asked if there were any other comments. There were none.

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Supervisor Cunningham said the meeting will begin with Bethlehem 2020 Advisory Committee and appoint members to that committee. He said over the last couple of months, he has been working on an initiative which he is calling Bethlehem 2020 because it is visionary and because it looks toward the year 2020. He said since he became Supervisor 9 months ago, he has learned a lot about the opportunities and stresses that we have here in Town government and they are looking at ways to start to manage and move forward with some of the issues. He said the issues revolve around infrastructure, facility needs and also the programs that are run for the community. He said he has put together a plan which he is calling the Bethlehem 2020 Advisory Committee. He said he has asked a group of 25 community leaders and former Town officials, business leaders, and government leaders to come together over what he plans to be about an 18 month period and look at the needs of the community and come back to the Town Board and make recommendations to them on how they believe the Town should move forward.

The Supervisor said this is an advisory committee, not a policy making committee. He said the Town Board will still remain fully in charge of all policies that are set forward. He said what they are looking for, although he thinks there is a very talented group in the town hall – and he considers himself talented also – he is looking to people who have some experience and will add some depth to what he is trying to accomplish. He said there has been some real success with the comprehensive plan but they have to look at how the Board as a government are going to meet the needs of the community as the Town grows and as the comprehensive plan is implemented.

Supervisor Cunningham asked the Board to make a motion to approve the establishment of the Bethlehem 2020 Advisory Committee and appoint members to the committee -- Theresa Egan, Co-Chair, who has a wide experience with the Town since she was his predecessor and Kenneth Ringler, Co-Chair who also was Supervisor, has experience with State government and familiar with the issues to be dealt with. The individuals on the committee are as follows:

Mort Borzykowski

Peter Conway

Joann Cunningham
Cathy Griffin
Richard Kotlow

Lisa Evans
Terry Hannigan
John Piechnik

Committee Members continued:

Ted Putney
Patty Salkin
Suzanne Traylor
Bob Verstandig, Jr.
Steve Baboulis
Jim Blendell
Susan Hagar
Bob Ward

Pam Robbins
Brian Stenson
Bert Trombly
Christo Zemerling
Keith Bennett
Steve Coffey
Jim Lytle
Ann Wendth.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the establishment of the Bethlehem 2020 Advisory Committee and approve the appointment of the previously listed members. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

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Supervisor Cunningham thanked all the individuals who have agreed to commit their time and talents to the community in order to make this initiative a success. Mrs. Capone asked if these were paid positions. Supervisor Cunningham said it is not, it is an advisory committee and by law they are not allowed to be paid. He said these are volunteers and they are volunteering their time and talent to the community because they are stakeholders in the community and they are interested in seeing the Town succeed.

Supervisor Cunningham moved the last item to the top. It was to authorize the Town Supervisor to enter into an agreement with the Bethlehem P.B.A. to modify its employment contract with the Town of Bethlehem pursuant to the terms of the Memorandum of Agreement dated January 23, 2008. The Supervisor said there has been hundreds of hours put into negotiating a new Police Contract with the Town policemen. He said he is really excited about what has been accomplished with the Police Union.

The Supervisor noted the contract this year was for a 4 year term and that is not normally the case with Union contracts. He said the Police Department agreed to work with the Town to get a 4 year contract and in return the Town is providing the Police Union with a police retirement program. He said the State Legislature allows municipalities to provide a retirement benefit to police and firefighters that is not available to other municipal workers.

Supervisor Cunningham said it allows the Town the right to give them after the 20th year a 1/60th addition to their retirement from years 20 to 30. He said this benefit is provided to police organizations throughout the region – Town of Guilderland, Town of Colonie, City of Albany – but most of the communities in this area provide this benefit to their police department. He said our Union did not have this benefit and it puts the Town at somewhat of a disadvantage when we were trying to recruit individuals into our Police Department because they weren't able to get the same benefit they could get where they were.

The Supervisor said in order to get this benefit, they worked very close with the Union and the Union realized that the cost to the Town was significant and therefore, they were willing to come to the table to make concessions in order to make this plan work for both the Town and them. He said to that he thanked the Police Union – Scott Anson, Mike Berben and Chris Hughes – and thanked the Police Chief, the negotiators – the Deputy Supervisor Dan Plummer and Tom Liger and all the other individuals including Judi Kehoe who worked extraordinarily hard to get this contract together.

Supervisor Cunningham said the Town is providing the benefit and it is a 4 year contract. In order to get this benefit to the Police Union, the Union has agreed for the first 2 years of their contract to take no salary increase and for the second 2 years they will take a 2 percent and a 2 ½ percent. He said this compares to recent years where they took on average 4 percent increases – a 3 and a 2 percent within 1 year. He said it is a significant savings to the Town and it's a significant sacrifice by the Police Union in order to secure this benefit. He said they have also worked closely with the Town to align their health plan with the remainder of the Town so they have the increase in the co-pay to \$15 from \$10 and also agree to have individuals pay 5 percent of their health insurance costs and the health insurance plans that require dependent coverage will go to 16 percent which is equivalent to what Town employees pay today.

Supervisor Cunningham said they have also agreed, which is every important, to the Town and mention a little about this – tomorrow morning he will be meeting with the County and the State to announce a grant that is being awarded to the County to look at doing a health insurance consortium for communities within Albany County. The Police Unions agreed that if the Town wants to move ahead with that plan and that plan is equivalent to what they currently have through their current program, that they would allow the Town to move ahead without reopening police negotiations. He said that is a big plus to the Town because it gives a lot of latitude and possibly saving taxpayers a lot of money.

The Supervisor said those are the terms of the agreement and proceeded to ask for a motion.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the Town Supervisor entering into an agreement with the Bethlehem P.B.A. to modify its employment contract with the Town of Bethlehem pursuant to the terms of the memorandum of Agreement dated January 23, 2008.

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

Councilman Kotary said he wanted to thank everyone for their tireless efforts, many hours of work. He said any time you have contract negotiations, there is an awful lot that goes into it, not only time but blood, sweat and tears as they say. He said he thinks at the end they have a contract that is really good for the employees, good for the Town and said he is really pleased and certainly prepared and will support this contract.

Supervisor Cunningham asked for a vote. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was a request from Chief of Police, Louis Corsi, for approval of acceptance of a donation of \$500 from Citgo Petroleum Corporation.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the acceptance of a \$500 donation from Citgo Petroleum Corporation as requested by Louis Corsi, Chief of Police. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The following item was a request from Louis Corsi, Chief of Police. for acceptance of donation to DARE in the amount of \$50 from Nancy Farr.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to accept the donation of \$50 to DARE from Nancy Farr as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

The next item was a request from Chief of Police, Louis Corsi, for approval of transfer of funds for collision repairs in the amount of \$2,098.05.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the transfer of funds for collision repairs in the amount of \$2,098.05 for repairs to a police vehicle as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

The next item was a request from Josh Cansler, Commissioner of Public Works, for approval to go to bid for Materials for the year 2008.

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

WHEREAS, the Town desires to advertise for bids for the purchase of Materials for the year 2008, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 30th day of January, 2008 and that bids be received up to 2:30 p.m. on the 12th 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. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: Mr. Messina.

The following item was a request from Louis Corsi, Chief of Police, for acceptance of resignation of Telecommunicator.

The motion was made by Mr. Hennessey and seconded by Mrs. Dawson to accept the resignation of Telecommunicator Steven Kellogg, effective January 31, 2008, as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

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

The next item was a request from Comptroller, Judith Kehoe, for approval of final 2007 Budget Transfers. Supervisor Cunningham asked Comptroller Kehoe if she wished to talk about the transfers. Mrs. Kehoe explained this is the final housekeeping item relative to the 2007 budget. She said they have had their final payroll charges posted and collecting invoices that they needed to throw into 2007 and these should be the final totals. She said for each of the funds the net impact is zero to the overall total for expenditures. She said they are really just moving

budget line items that were under expended to cover items that were over expended.

Comptroller Kehoe said in the case of the Highway Fund, they were hoping to purchase a large piece of equipment out of the machinery code, \$89,000 provided, however, they wanted to buy the equipment off of the State Contract and the contract was not available as of the end of the year. She said they asked to transfer that into the reserves and later in 2008 Highway Superintendent Sagendorph will be coming to the Board once the contract is available.

Mrs. Kehoe asked if there were any questions. There were none and Supervisor Cunningham thanked the Comptroller.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the final 2007 Budget Transfers as listed in the Memorandum from Comptroller Kehoe dated January 17, 2008. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was a request from the Human Resource Committee for approval of Workplace Violence Prevention Policy, in accordance with recently enacted legislation by New York State.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the Workplace Violence Prevention Policy in accordance with recently enacted legislation by New York State and requested by the Human Resource Committee. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The following item was a request from the Human Resource Committee for modification to policy on compensation for part-time positions.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the modification to the policy on compensation for part-time positions, as listed in the Memorandum dated January 17, 2008, requested by the Human Resource Committee. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was a request from the Human Resource Committee for adoption of a Transitional Duty Policy, in accordance with a recommendation from the Town's workers' compensation carrier.

The motion was made by Mr. Hennessey and seconded Mrs. Dawson to approve the adoption of a Transitional Duty Policy in accordance with a recommendation from the Town's workers' compensation carrier and the Human Resource Committee. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The following item was a request from the Human Resource Committee for adoption of guidelines on the assignment of communication devices, such as radios, cell phones, PDA's and laptop computers.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve adoption of guidelines on the assignment of communication devices, such as radios, cell phones, PDA's and laptop computers as requested by the Human Resource Committee. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was a request from the Human Resource Committee for adoption of guidelines to be used during the recruitment of new employees, relative to the granting of vacation time and the setting of salaries.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to adopt the guidelines to be used during the recruitment of new employees, relative to the granting of vacation time and the setting of salaries. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The following item was a request from the Human Resource Committee for approval of title or grade changes, based on the annual review of requests received from department heads.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the title or grade changes, based on the annual review of requests received from department heads and requested by the Human Resource Committee. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was a request from Town Engineer, Erik Deyoe, for acceptance of deed from Glenmont Mobil, 415 Route 9W, Glenmont.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the acceptance of a deed for an all purpose easement from Glenmont Mobil, 415 Route 9W, Glenmont, NY as requested by Town Engineer Erik Deyoe. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The following item was a request from Town Engineer, Erik Deyoe, for acceptance of deed from Capital Communications Federal Credit Union Bank, 384 Bender Lane, Glenmont.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the acceptance of a deed sidewalk easement from Capital Communications Federal Credit Union Bank, 384 Bender Lane, Glenmont, NY as requested by Erik Deyoe, Town Engineer. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

Supervisor Cunningham said that completes the agenda portion of the meeting. He asked the Members of the Board if there was any new business or comments. There were none.

The Supervisor made 2 announcements – Primary Day is February 5, 2008 and there are 2 polling place changes. He announced that if you vote in Districts 5 and 19 that normally vote at the Middle School, the vote will be done at the at the Bethlehem Central High School for the Primary election only. He noted a card should be received from the Albany County Board of Elections. The second announcement the Supervisor noted was that there are historic trolley tours of Bethlehem taking off out of the General Municipal Parking lot adjacent to Applebee’s Funeral Home. He said they are very interesting and hosted in part by the Town Historian, Susan Leath and Kathy McCarthy who was with the Bethlehem Spotlight. He said he hopes everyone gets an opportunity to take advantage of those.

The Supervisor said next is the public comment on non-agenda items. He asked if anyone had any comments. Mr. Parker Mathusa said he was here on behalf of the Bethlehem Grange. He read a letter that will be sent to Councilman Kotary for his generosity. He said the letter thanks Mr. Kotary for transferring the prize of the Christmas raffle to the Grange. He said the prize was 150 gallons of heating oil, donated by George Frueh and Sons Heating Oil Company of Glenmont. He said the heating oil will be used to heat the Grange hall this winter and thereby enable the Grange to host more Junior Granger and local citizen events than was otherwise planned due to the cost of heating the hall. He said many of the people of Bethlehem are most pleased by this generosity and that of the Frueh Oil Company which is enabling the Grange to provide greater social and learning experiences to the people of Bethlehem during the long winter period.

Mr. Mathusa said they hope they will see Mr. Kotary at the Grange for the forth coming dinners and other public events. He thanked Councilman Kotary again on behalf of Mary Starr, Master.

Ms. Linda Jasinski asked if the meeting schedules for the 2020 Advisory Committee will be posted. Supervisor Cunningham said they will but the dates have not been set yet but believes the first one will be February 13th or 14th. He said they will be posted to the web and put them on the bulletin board at Town Hall and announce them at the meetings.

Ms. Jasinski at the last Town Board meeting, the Board went into an Executive Session for the discussion of personnel matters. Supervisor Cunningham said that was correct and those personnel matters were just voted on -- the list of the Human Resource Committee. He said those were the issues.

Ms. Jasinski said okay but she wanted to bring to the Board’s attention from the Open Meetings Section of the Department of State one of their FAQ’s – “citing personnel matters is not sufficient ground for going into Executive Session. The motion to go into Executive Session should be more specific, for example, the motion could be made to enter into Executive Session to discuss the employment history of a particular person. The person would not have to be identified”.

There are actually 8 subjects, Ms. Jasinski noted, that can be discussed behind closed doors. The include --matters which imperil the public safety; any matter which may disclose the identity of a law enforcement agency or informer; information relating to current or future investigation or prosecution of a criminal offense; discussion regarding proposed, pending or current litigation; collective negotiations; the medical, financial or employment history of a particular person or corporations; or matters leading to the appointment, employment, promotion,

demotion, discipline, suspension, dismissal or removal of a particular person or corporation; the preparation, grading or administration of exams; and the proposed acquisition, sale or lease of property. She said she would like ask the Board that they be a little more specific about the Executive meetings since that is required by the Open Meetings Law. Supervisor Cunningham thanked Ms. Jasinski.

Mrs. Marie Capone said she was looking and could not question this before they saw it on the Board but why did the Town employees get increase in salary but the cop will get it in 3 years from now. Supervisor Cunningham said the Police Officers bargain as a bargaining unit with the Town and they are union. He said the union negotiated that agreement with the Town. He said the union itself voted on this agreement and they have agreed to those terms.

The Supervisor said the reason they agreed to the terms is because they value the retirement benefit the Town is funding for them. He said they have agreed to help the Town to manage the cost of that by taking no salary increases in the first 2 years of their contract. Mrs. Capone asked who was President of the Union. Supervisor Cunningham said it is Scott Anson.

Supervisor Cunningham asked if there were other questions. There were 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