Town Supervisor
Sam Messina
Town Board Members
Joann Dawson
Mark Hennessey
Mark S. Jordan
Kyle Kotary

TOWN OF BETHLEHEM

TOWN BOARD AGENDA

Wednesday, December 8, 2010
6:00 PM

Public comment on agenda items

Approval of TB minutes for 11/23/10

Request by the Supervisor to appoint John Guastella to the 20/20 Implementation Committee.

Request by Town Engineer to approve term agreement with Industrial Instrumentation, Inc. for Instrumentation and Control Services and to authorize Supervisor to sign agreement.

Request from the Administrator of the Parks and Recreation Dept. for approval of seasonal personnel.

New Business

Public comment on non-agenda items

NEXT TOWN BOARD MEETING – December 22, 2010

Disabled individuals who are in need of assistance in order to participate should contact the Town Clerk's Office at 439-4955 Ext. 1183. Advanced notice is requested.

Town Board
November 23, 2010

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 6:00PM.

PRESENT: Samuel Messina, Supervisor
Joann Dawson, Councilwoman
Mark Hennessey, Councilman
Kyle Kotary, Councilman
Nanci Moquin, Town Clerk
James T. Potter, Esq., Town Attorney
ABSENT: Mark Jordan, Councilman

Supervisor Messina called the meeting to order and lead the Pledge of Allegiance.

PUBLIC COMMENTS ON AGENDA ITEMS

Bill Kelleher – He doesn't think the Town should become involved with replacing the dikes. He thought it would cost 10 to 15 million dollars. He thought the ACOE should be the ones to replace the dikes because they were the ones that originally put them in. He has warned the Town for 15 years that these dikes should be replaced to keep land from being eroded. He said other ways to stabilize the shore line should be looked at. The dikes were originally placed to keep land from being eroded. The dikes have failed because of wood decay. The Vlomans Kill is adding to the erosion. In the 1980's the ACOE said the maintenance of the dikes was abandoned and the river would be allowed to return to its natural state, creating more wetlands. He was against the floating fishing pier. He thought the waves on the river would cause an unsafe condition for the people on the fishing pier. The river rises and falls with the tide, as will the gang plank.

Marie Capone – she asked what PaTHs 4 Bethlehem was – why not use words. Supervisor Messina said it was a committee that has been working on rail systems and paths. She said 20/20 is running everything. The Town had a man that was doing it and doing a perfect job and the people of the Town like him. She asked what an RFP was. Supervisor Messina said that was a Request for Proposal. Ms. Cappone said the man the people of the Town like very much is Mr. Morelli.

PUBLIC HEARING ON 2011 SEWER TAX ROLLS

Supervisor Messina said a copy of the tax rolls was attached to the agenda

A motion to waive the reading of the public hearing, indent the notice public hearing notice and the notice of publication was offered by Councilman Kotary, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: Councilman Jordan

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 Tuesday November 23, 2010 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider the 2011 Sewer Tax Rolls.

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

Individuals with disabilities who are in need of an accommodation 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

Nanci Moquin
TOWN CLERK

Dated: October 28, 2010

STATE OF NEW YORK) SS:
COUNTY OF ALBANY)

Nanci Moquin, 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 November 3, 2010 and that I posted the Notice of Public Hearing on November 3, 2010 on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

Nanci Moquin
Town Clerk

Sworn to before me this
November 29, 2010.

Julie Sagendorph
Notary Public

The hearing was opened to the public for comment.

There was no comment from the public.

A motion to close the public hearing was offered by Councilman Kotary, seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: Councilman Jordan

A motion to approve the Sewer Tax assessment rolls for 2011 as presented and authorize the resolution to that effect was offered by Councilwoman Dawson, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: Councilman Jordan

Resolution No. 33

WHEREAS, assessment rolls for the year 2011 have been prepared by the Town Board for and in connection with the Bethlehem Sewer Districts which said rolls were completed and filed with the Town Clerk of said Town, and

WHEREAS, due notice of the completion of the assessment rolls and of the time and place when and where this Board would meet to hear and consider any objections that might be made to said rolls and for the purpose of reviewing, correcting and amending the same, was duly given by the Town Clerk by publication of due notice in THE SPOTLIGHT, a newspaper published in the County of Albany and the Town Board met at the time and place specified, and the hearing was duly had upon said assessment rolls,

NOW, THEREFORE, BE IT RESOLVED, that said assessment rolls be and they hereby are approved, affirmed and adopted by the Town Board as filed.

The foregoing resolution was presented for adoption by Councilwoman Dawson, seconded by Councilman Kotary and duly adopted by the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: None

ABSENT: Councilman Jordan

Dated: November 23, 2010

APPROVAL OF TOWN BOARD MINUTES FOR NOVEMBER 10, 2010

A motion to approve the Town Board minutes of 11/10/10 was offered by Councilman Kotary, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: Councilman Jordan

REQUEST FROM SUPERINTENDENT OF HIGHWAYS TO AWARD BID FOR AND PERMISSION TO PURCHASE A USED BULLDOZER FOR USE BY THE HIGHWAY DEPARTMENT

A motion to award the bid to Robert H. Finke and Sons and grant permission to purchase a used bulldozer for use by the highway department was offered by Councilman Kotary, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: Councilman Jordan

REQUEST FROM THE SUPERVISOR FOR TOWN BOARD SUPPORT FOR THE APPLICATION SUBMITTED BY SARATOGA PLAN IN CONJUNCTION WITH THE MOHAWK HUDSON LAND CONSERVANCY TO EXAMINE THE IMPLICATIONS OF A TRANSFER OF DEVELOPMENT RIGHTS (TDR) IN SARATOGA AND ALBANY COUNTIES

Supervisor Messina said the deadline for the application was December 10, 2010. None of the costs will be funded by the Town. Jill Knapp, the executive director of Mohawk Hudson Land Conservancy presented. She said that Saratoga PLAN wants to do an analysis up in the Saratoga community and they wanted to add a community in Albany County. This is a joint program that Saratoga PLAN will be submitting. The organization is looking for a letter of support from Bethlehem. They aren't asking for money just a little planning staff time. Possibly a University of Albany grad student will do most of the work. The letter of support from the Town will help the grant move forward. It is funded by the EPF, State Environmental Protection fund. This was 2009/ 2010 funding and the assumption is the money is still there.

Councilman Kotary asked about the matching funds that were needed for the grant. Ms. Knapp said that was a 25% match. Saratoga PLAN has a foundation that has already agreed to come up with the match. Saratoga PLAN is the equivalent of the Mohawk Hudson Land Conservancy in Albany County. Ms. Knapp said this two (2) year grant and Saratoga PLAN will be the trust and both organizations will do outreach in the two (2) counties. Councilman Kotary asked if the Town had land that was identified in 2009 under the NYS Open Space Plan which seemed to be requirement of the grant. Ms. Knapp said it was not specific land but criteria and she said the Hudson Valley fit the criteria. She said the grant is not a guarantee but they have done well in the past.

A motion to authorize the Supervisor to sign the letter of support for the application submitted by Saratoga PLAN in conjunction with the Mohawk Hudson Land Conservancy to examine the implications of a transfer of development rights in Saratoga and Albany counties was offered by Councilman Hennessey, seconded by Councilwoman Dawson:

Discussion: Councilman Hennessey said it was good idea to be doing this on a regional basis.

The motion was approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: Councilman Jordan

PRESENTATION BY THE RPI LIGHTING RESEARCH CENTER, IN CONJUNCTION WITH THE NYS DEPARTMENT OF TRANSPORATATION AND THE NYS ENERGY RESEARCH AND DEVELOPMENT CENTER TO REQUEST THAT THE TOWN OF BETHLEHEM PARTICIPATE IN THE RPI RESEARCH STUDY ON ROUNDABOUT LIGHTING AND VEGETATION

John Bullough from the RPI Lighting Research Center presented. The Lighting Research Center is part of the School of Architecture, the research focus is energy efficiency, visual performance and safety. This particular project is a joint effort with NYSERDA, NYSDOT and SUNY's College of Environmental Sciences and Forestry, experts in plants and roadside vegetation. GE lighting is also contributing to the project. In a previous project, the lighting center investigated different lighting and vegetation on a variety of roadways. From the results of the project, roundabouts emerged as a type of roadway that could benefit from new approaches in lighting and roadside vegetation. The current way to light roundabouts is with numerous overhead pole lights with yellow lights. They are energy intensive. He said roundabouts can be confusing and road side vegetation could be a visual cue for direction. He said there is a potential for using pedestrian level lighting because many roundabouts have crosswalks in locations where drivers don't expect to see them. The use of landscape lighting with vegetation in the center could improve visibility of pedestrians. Vegetation could also be used to screen oncoming headlight glare. A light source that is a white color helps with visibility and visual effectiveness. NYSDOT and NYSERDA are now looking into implementing some of these ideas as a test case in a real world application along a roundabout. The project they want to bring to the Town involves demonstration activities. The first would be a one (1) night demonstration using LED white light street lights on a roundabout and then ask for feedback from residents that use the roundabout. The spring of next year is when this demonstration will take place. The second demonstration would contain pedestrian level landscaping and lighting along a roundabout. Again they would like feedback from the local community and NYSDOT. Based on those

demonstrations and the feedback they receive, they would plan a longer demonstration of at least a week using a combination of landscaping and lighting that was identified through the feedback. They would record the energy use. They have identified the roundabout at Rt. 85 and Rt. 140 as the place to use for these demonstrations. The demonstrations are temporary and the area will be returned to the pre-existing state. NYSDOT will be overseeing the installation of these demonstrations. RPI would welcome input from the Town if they want but it's not mandatory. In the interest of being a good neighbor, they would be willing to a community meeting to inform the local residents of what is going on. They hoped that the Board would support this project.

Councilman Hennessey said about two (2) years ago during an ice storm, the lights went out in Bethlehem. He said he went outside and looked up and noticed all the stars without the street lights. He thought this demonstration might help mitigate light pollution. He would be interested in how that would be effective. Mr. Bullough said the question of light pollution as well as energy efficiency is important and they are figuring out ways to measure that.

Councilman Kotary asked how the focus group would work. Mr. Bullough said it wouldn't be a set group, just typical drivers that would use the roundabout. He asked if they looked at how the lighting and landscaping would affect the different styles of roundabouts. Mr. Bullough said they knew that not everything would affect each roundabout the same. The roundabout chosen had more complexity and therefore would give more information. Councilman Kotary asked if there would be another public forum to reveal the results of the demonstrations. Mr. Bullough said they could come back to the Board. They wanted this demonstration to lead to something practical. He said the information could translate into lighting in general.

A motion from the Board to proceed with the project was offered by Councilman Hennessey, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: Councilman Jordan

REQUEST FROM TOWN ENGINEER TO ACCEPT TWO PROPOSED DRAINAGE EASEMENTS AT 6 AND 8 DELSMERE AVENUE

A motion to accept two (2) proposed drainage easements at 6 & 8 Delsmere Avenue was offered by Councilman Kotary, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Kotary
NAYES: Councilman Hennessey
ABSENT: Councilman Jordan

REQUEST FROM TOWN ENGINEER TO ENTER INTO A CONTRACT FOR THE HENRY HUDSON PARK SHORELINE STABILIZATION STUDY WITH OCEAN AND COASTAL CONSULTANTS ENGINEERING, P.C. FOR $31,000 AND AUTHORIZE THE SUPERVISOR TO EXECUTE A CONTRACT FOR THIS WORK

Supervisor Messina said the funds would be provided from a NYSDEC grant in the amount of $24,750 and the matching dollars from the Town is $8,000 that will come from the Parkland funds.

A motion to enter into a contract for the Henry Hudson Park Shoreline Stabilization Study with Ocean and Coastal Consultants Engineering for $31,000 and authorize the Supervisor to execute a contract for this work was offered by Councilman Kotary, seconded by Councilwoman Dawson;

Discussion: Councilman Hennessey asked if any of the questions raised by Mr. Kelleher could be addressed. Ms. Lanahan said they hoped to look at the issues that Mr. Kelleher raised. They are looking at alternatives to the concrete. The consultant they are recommending has a lot of experience with issues on the Hudson River. They have knowledge of the estuary system and the wake and the wave. Mr. Penman said DEC had done a study for different types of stabilization of the shoreline. The purpose of the study is to look at all the alternatives while taking into consideration all the uses. They will also be looking for other funding. Councilman Hennessey asked if the study would tie us into having to make the improvements. Mr. Penman said the study was to look at the alternatives. The Town was looking at mid to late spring to be done with the study. The consultant would come back before the Board with a report on the study. Different types of stabilization could be used at different points. Ms. Lanahan said the hoped to phase the project. Councilman Kotary said this study would also look at access points.

The motion was approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: Councilman Jordan

REQUEST FROM THE COMMISSIONER OF PUBLIC WORKS TO AWARD THE PURCHASE OF A NEW CRANE/SERVICE TRUCK TO VAN BORTEL FORD FOR $124,000

This purchase amount was included in amount of the bond that was approved by the Board on May 12, 2010.

A motion to award the contract to Van Bortel Ford for the purchase of a new crane/service truck for $124,000 was offered by Councilman Kotary, seconded by Councilman Hennessey;

Discussion: Councilman Kotary asked if the old crane was being disposed of. Mr. Cansler said it would go to auction. They want to replace the old truck because of a safety issue and the truck can't lift the equipment the Town owns. Ms. Traylor said this truck was a part of a BAN that the Town has secured for heavy equipment purchases. A sewer vac truck will also be purchased from this BAN.

The motion was approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: Councilman Jordan

REQUEST FROM PATHS 4 BETHLEHEM COMMITTEE TO ADOPT THE ESTABLISHMENT/PURPOSE OF THE PATHS 4 BETHLEHEM COMMITTEE RESOLUTION, INCLUDING THE BETHLEHEM EVALUATION PROCESS FOR NEW PATHWAY INVESTMENT, AND BICYCLE AND PEDESTRIAN PRIORITY NETWORK

Mr. Leslie, Senior Planner, presented. The PaTHs 4 Bethlehem Committee has completed the following: they have had a public hearing, they have drafted a resolution to make the committee a standing committee and they held a public meeting presenting the priority network and the evaluation process. Two of the most important things the resolution does are implement the use of the priority network and the evaluation process. The Planning Board and the Town Departments are directed to use the priority network when they evaluate projects and grant applications.

Councilman Hennessey thanked Mr. Leslie and the PaTHs Committee for his work and noted that some changes had been made to the document to reflect feedback they had received from the southern part of Town. He thought it would help the Town with future grant applications. Mr. Leslie said the priority network plan would be passed along to the County for them to take into consideration when planning road improvements. Councilman Kotary supported the resolution.

Supervisor Messina said there were 3 vacancies on the PaTHs Committee and those will be posted.

A motion to adopt the PaTHs 4 Bethlehem Committee Resolution, including the Bethlehem Evaluation Process for new Pathway Investment and Bicycle and Pedestrian Priority Network was offered by Councilman Kotaty, seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: Councilman Jordan

Resolution No. 34

TOWN OF BETHLEHEM
RESOLUTION
ESTABLISHMENT/PURPOSE OF THE PATHS 4 BETHLEHEM COMMITTEE

WHEREAS, a goal of the Town of Bethlehem Comprehensive Plan is to improve mobility – the ability of people, regardless of age and status, to engage in desired activities throughout the Town; and,

WHEREAS, the Town of Bethlehem Comprehensive Plan recommends maintaining and enhancing bicycle and pedestrian connections within neighborhoods, and between neighborhoods and hamlet centers; and,

WHEREAS, the Bethlehem Town Board established a PaTHs 4 Bethlehem Committee (Pathways to Homes, Hamlets, and Healthy Hearts Committee) on February 11, 2009 to address bicycle and pedestrian mobility in the Town; and,

WHEREAS, the Bethlehem Complete Streets Resolution adopted August 12, 2009, recognizes bicyclists and pedestrians as equally important as motorists in the planning and design of all new street construction and street reconstruction undertaken by the Town; and,

WHEREAS, the PaTHs 4 Bethlehem Committee (PaTHs Committee) recommended in its *Accomplishments, Recommendations, and Next Steps Memo* to the Town Board, dated August 16, 2010, said Committee to be established as a standing Committee by resolution and assign Committee member terms, and identify the Committee's purpose; and,

WHEREAS, the PaTHs 4 Bethlehem Committee (PaTHs Committee) recommended in its *Accomplishments, Recommendations, and Next Steps Memo* to the Town Board, dated August 16, 2010, the establishment of a Bicycle and Pedestrian Program addressing the 3 E's, Engineering, Education, and Enforcement for bicycle and pedestrian mobility; and,

WHEREAS, the Town Board at its August 25, 2010 meeting directed the PaTHs Committee to draft a resolution establishing the Committee as a standing committee.

NOW, THEREFORE, BE IT RESOLVED, that the PaTHs Committee is hereby established as a standing committee and its purpose is to provide advisory information to the Town Board with regards to development and implementation of a program addressing safe and efficient bicycle and pedestrian mobility in the Town

including, but not limited to, Engineering, Education, and Enforcement; and be it

FURTHER RESOLVED, that any PaTHs Committee shall work towards completing tasks as assigned/directed by the Town Board; and be it

FURTHER RESOLVED, that any PaTHs Committee shall include eleven citizen (11) members that represent a cross-section of the community as appointed by the Town Board, which may include, but not limited to, representation from School Districts, bicycle community, pedestrian community, senior organizations, land conservancies, etc.; and be it

FURTHER RESOLVED, that any PaTHs Committee have a defined term of service staggered in length among the various members. Initial terms of service shall consist of (2) two years for (6) members and (3) years for (5) members. Subsequent terms of service shall consist of (2) years; and be it

FURTHER RESOLVED, that in the event of a vacancy on any PaTHs Committee, the Town Board shall appoint a new member to fulfill the unexpired term; and be it

FURTHER RESOLVED, that the Town Supervisor may appoint Town Staff to assist any PaTHs Committee and the following Town Departments may serve as technical resources: Department of Economic Development and Planning, Public Works, Parks and Recreation, Police, and Highway, at the discretion of the Town Supervisor; and be it

FURTHER RESOLVED, that the Town Supervisor may appoint a Committee member as Chairperson; and be it

FURTHER RESOLVED, that any PaTHs Committee may reach out to other organizations and stakeholders, including but not limited to NYSDOT, Albany County, and CDTC for professional expertise in bicycle and pedestrian mobility; and be it

FURTHER RESOLVED, that any PaTHs Committee shall meet once a month (as necessary); and be it

FURTHER RESOLVED, that any PaTHs Committee shall give public notice of its meetings; and be it

FURTHER RESOLVED, that any PaTHs Committee shall post a meeting summary of its meetings to the Town's website; and be it

FURTHER RESOLVED, that any PaTHs Committee, upon expiration of its existence or completion of its mission or part thereof, shall issue a written report to the Town Board of the activities it undertook; and be it

FURTHER RESOLVED, that any PaTHs Committee shall not have independent regulatory powers; and be it

FURTHER RESOLVED, that any PaTHs Committee shall work towards developing the Long Term Recommendations as outlined in its *Accomplishments, Recommendations, and Next Steps Memo* to the Town Board, dated August 16, 2010; and be it

FURTHER RESOLVED, that any PaTHs Committee shall maintain the Town of Bethlehem Bicycle and Pedestrian Priority Network and review appropriate changes, as it deems necessary, on an annual basis; and be it

FURTHER RESOLVED, that Town Departments shall use the Town of Bethlehem Bicycle and Pedestrian Priority Network when following the "*Evaluation Process for New Pathway Investment Procedures/Users Guide*", during development of bicycle and pedestrian grant applications, and addressing the Town's Complete Streets Resolution; and be it

FURTHER RESOLVED, that the Town Planning Board shall refer to the Town of Bethlehem Bicycle and Pedestrian Priority Network as a planning tool to assist in determining the need for bicycle and pedestrian accommodations during its review of site plan and subdivision applications (and other applications), and be it

FURTHER RESOLVED, that any PaTHs Committee shall maintain the "*Evaluation Process for New Pathway Investment Procedures/Users Guide"* and review appropriate changes, as it deems necessary, on an annual basis; and be it

FURTHER RESOLVED, that Town Departments shall use the "*Evaluation Process for New Pathway Investment Procedures/Users Guide"* during the development of bicycle and pedestrian grant applications, and when prioritizing pathway investment projects, and be it

FURTHER RESOLVED, that a copy of this resolution shall be provided to all members appointed to any PaTHs Committee.

On a motion by Councilman Kotary, seconded by Councilman Hennessey, and by a vote of 4 for, 0 against and 1 absent, this RESOLUTION was adopted on November 23, 2010.

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Mr. Leslie asked the Board to task the Committee with working on the long term recommendations.

A motion to task the PaTHs Committee to work on the long term recommendations was offered by Councilwoman Dawson, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: Councilman Jordan

TOWN BOARD DISCUSSION OF THE TOWN OF BETHLEHEM PURCHASING DIVISION POLICY AND PROCEDURES, AND IN PARTICULAR, SECTION VIII, 8, EXCEPTIONS TO THE RFP REQUIREMENT

Supervisor Messina said the Board had acted on the policy at the last meeting with an amendment to exclude the section dealing with proprietary software. He had sent around some language for the Board's consideration.

Councilman Hennesssy said he had received the language that afternoon and suggested additional language to be placed at the end.

" An annual report, detailing the name of the vendor, the type of acquisition and price for such purchase as well as compiling documentation supporting such purchases will be presented at a Town Board meeting no later than January 1 of each year in which a purchase was made during the previous year. "

He said a lot of purchasing goes on that the Board doesn't see. It would be good to have a report on such purchases. Councilman Kotary's addition was to require that an RFP process be undertaken in any case. He agreed with the addition but he wanted as much out in the open as possible. If his language was added, he could support it.

Councilman Kotary said the discussion is about trying to find the right balance between having an open RFP process for transparency and to make smart decisions dealing with proprietary software. His language states that it would be OK to go directly to purchase a proprietary piece of software as long as the original foundation or platform went through a RFP process. He said some of these software vendors don't play nice and sometimes they create systems that don't work with one another. They don't want software that doesn't work with the platform the Town already owns. It would end up costing the Town more money. When there are multiple vendors that could supply certain software, then the Town would use the RFP process. When there is only a single source vendor that could supply what the Town needs, an RFP would not be used.

Councilman Hennessey said Councilman Kotary's language needed to be added in after the word platform.

Supervisor Messina said they were now mixing a procedure with a reporting requirement. He said reporting requirements don't show up in any other portion of the document. If it was important to the Board he would support it.

The section now reads as follows:

Exceptions to the RFP Requirement

A. Certain proprietary software. Although initial decisions to purchase proprietary software (license and supported by the company who created the software) should conform to the RFP requirement, subsequent purchases of integrated software modules may not be subject to the RFP process if it is deemed and documented to be contrary to the public interest to deviate from an adopted business platform which was originally acquired through an RFP process. All purchases of software must have been budgeted and require the approval of the Director of MIS.

At the end of this, Councilman Hennessey's statement would be added.

It was confirmed that the reporting was only for computer software. Ms. Traylor said reporting typically ends on December 31. Councilman Hennessey said that was his intention and he expected the Comptroller to review that report.

A motion to add the language back into the Town of Bethlehem Purchasing Division Policy and Procedures as presented was offered by Councilwoman Dawson, seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
NAYES: none
ABSENT: Councilman Jordan

NEW BUSINESS

none

PUBLIC COMMENT ON NON-AGENDA ITEMS

Marie Capone: Sam talked about the budget and how he couldn't do it without the department heads. Isn't that what they are paid for? Mr. Morand talked about the budget and he was told it would be discussed when the Board got to it and then it wasn't. When Karen Pellitier retired, my daughter applied for the position. She didn't get it because she wasn't civil service. They didn't look at her background. She has worked four months in the summer for two (2) years at the Attorney General and all her cases were senior citizens.

John Lutz – Commissioner in the Elsmere fire district and spokes person for the Bethlehem Town Wide Collaborative fire district planning task force. In July the fire districts and EMT had agreed to participate in a master plan task force. An RFP had been developed and sent out. Six firms had replied and three firms were interviewed by the task force. Manato was selected to complete the master plan. The task force had met with Manato to begin the master plan process. Over the next six months the 10 specific issues in the RFP should be addressed and will become part of the master plan. They will continue to try and receive funds from the state to pay for the study. Both the ambulance providers in Bethlehem have declined to participate. The commissioners have spoken with them to try and encourage them to participate. When the Master Plan is completed they will report back. Mr. Lutz said the Supervisor has given them some contacts at the Department of State to help with the grant applications. Mr. Potter asked if the ambulance districts were willing to participate in the study if there wasn't a financial obligation. Mr. Lutz said they would.

Bob Jasinski: He has told the Board before about an issue that concerns him. There is a farmer, Mr. Stanton, that continues to spread liquid slurry on land that he rents. There is a Christmas tree farm in Bethlehem and this liquid slurry is being spread near that tree farm. It smells very bad. He asked if it was OK in this Town for a non-resident to spread liquid manure. He thought it was bad timing on the part of Mr. Stanton considering that people would be looking to cut down Christmas trees. Supervisor Messina said he would follow up.

ANNOUCEMENTS

A motion to adjourn into executive session for the purpose of acquisition of property was offered by Councilman Kotary, seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary

NAYES: none

ABSENT: Councilman Jordan

A motion to adjourn the Town Board meeting was offered by Councilman Kotary, seconded by Councilwoman Dawson and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary

NAYES: none

ABSENT: Councilman Jordan

The meeting adjourned at 7:40PM.

EXECUTIVE SESSION

A motion was made by Councilman Kyle Kotary and seconded by Councilwoman Joann Dawson to authorize the Supervisor to execute a letter of commitment needed for the town of New Scotland application for financial assistance from the New York State Environmental Facilities Corporation (NYSEFC) for a proposed New Scotland Water District.

The vote taken:
Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Kotary
Nayes: None
Absent: Councilman Jordan

A motion was made by Councilwoman Dawson and seconded by Councilman Kotary to adjourn the Executive Session at 7:55 PM.

The vote taken:
Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey
Councilman Kotary
Nayes: None
Absent: Councilman Jordan

TOWN OF BETHLEHEM
Agenda Attachment Release Exemption Checklist

In accordance with the policy set forth by the Town Board on October 13, 2010, prior to a Town Board meeting the Town Clerk or designee, may deny public access to records that fall into the following exempt categories. As the Department Head, if you feel that the attachment for your agenda item falls within one of these categories, please check the line next to the category you feel the attachment falls into. The checklist will then be posted instead of the attachment. If the Town Clerk or designee disagrees with your assessment, the Town Clerk or designee will contact you prior to the release of any information.

☐ **Federal or State Exemption –** items that are specifically exempted from disclosure by state or federal statute.

✔ **Personal Information –** information that, if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of the State Public Officers Law section Article 6 and 6-A. Also, for the intents of this policy, disclosure of any record related to a minor shall not be subject to disclosure.

☐ **In-Progress Contract Information –** Information that would impair present or imminent contract awards or collective bargaining negotiations provided that in the case of contract awards upon opening of bids in a competitive procurement such possible impairment will be considered extinguished.

☐ **Trade Secrets –** items that are trade secrets or are submitted to an agency by a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise – provided that materials that fall under this category are trade secrets which are clearly and specifically delineated to the Town of Bethlehem in writing by the commercial enterprise.

☐ **Law Enforcement Documents –** Information that is compiled for law enforcement purposes and which, if disclosed, would:

a. interfere with law enforcement investigations or judicial proceedings;
b. deprive a person of a right to a fair trial or impartial adjudication;
c. identify a confidential source or disclose confidential information relating to a criminal investigation; or
d. reveal criminal investigative techniques or procedures, except routine techniques and procedures

☐ **Life or Safety –** Information that could endanger the life or safety of any person, entity or critical infrastructure.

☐ **Examination questions –** Examination questions or answers which are requested prior to the final administration of such questions.

☐ **IT Security Reasons –** Information that would jeopardize the Town's capacity to guarantee the security of its information technology assets, with such assets encompassing both electronic information systems and infrastructures.

Item on the Agenda

Request of the Supervisor to appoint John Guastella to the 20/20 Implementation Committee.

Sam Messina

Department Head

Please check the appropriate reason(s), include the Line Item's text / description and indicate the Department Head that made the decision to keep the attachment(s) unavailable to the public. Save this filled in form to your network drive and then attach it to your Agenda Item within the Lotus Notes application.
(This box will not print.)

Sam Messina
Town Supervisor

Josh Cansler
Commissioner

Paul Penman, PE
Town Engineer

TOWN OF BETHLEHEM

Albany County - New York
DEPARTMENT OF PUBLIC WORKS
445 DELAWARE AVENUE
DELMAR, NEW YORK 12054
Engineering Division (518) 439-4955 x1135
Fax: (518) 439-5808
Email: ppenman@townofbethlehem.org

MEMORANDUM

TO: Supervisor Messina & Members of the Town Board

FROM: Paul Penman, PE
Town Engineer

DATE: November 30, 2010

SUBJECT: Request to approve term agreement for instrumentation and control services.

REQUESTED ACTION:

1. Approve term agreement with Industrial Instrumentation, Inc. for instrumentation and control services and authorize the Supervisor to sign an agreement on behalf of the Town.

BACKGROUND:

The Department of Public Works (DPW) regularly utilizes the services of an instrumentation and control services at the Town's Water and Wastewater Treatment Plants, as well as other water and sewer facilities to service and repair critical equipment. In accordance with the Town's procurement policy in place at the time of issuance, the DPW developed an RFP for these services. The RFP was sent to five firms. The list developed was based on a number of considerations, which included technical qualifications, resources and familiarity with the Town's existing facilities. Two firms, Industrial Instrumentation and VSG Enviromation, responded to the RFP.

The Engineering Division and DPW have reviewed these proposals and evaluated their qualifications. Both firms meet the qualifications required in the RFP, however, Industrial Instrumentation's hourly rates were 12% to 70% lower than VSG's hourly rates, as well as a lower mobilization charge. In addition, Industrial Instrumentation has previously worked successfully as the Town's Process and Control consultant.

RECOMMENDATION:

Based on their proposal, the Department of Public Works, recommends that the Town Board enter into a term agreement with Industrial Instrumentation, Inc as the Town's Instrumentation and Control's Consultant and authorize Supervisor Messina to execute a term agreement on behalf of the Town.

The proposed term agreement is the same agreement, which has been previously utilized on similar agreements. The term of the agreement is one year with the ability to renew annually. Individual tasks and scopes would still be subject to review and approval in accordance with the Town's procurement policy.

Please feel free to contact me if you have any questions in regard to this agreement.

cc: J. Cansler
N. Moquin
J. Potter
S. Traylor
R. Sayward