

TOWN BOARD
JUNE 11, 2008

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 6:00 p.m.

PRESENT: John H. Cunningham, Supervisor
Samuel Messina, Councilman
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Mark Hennessey, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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Supervisor Cunningham welcomed everyone to a regular meeting of the Bethlehem Town Board. He invited Anthony Morrell, Elsmere Fire Department, to lead the pledge of allegiance.

The Supervisor asked if there were any comments on agenda items. Mrs. Marie Capone said there was an item recommendation from Asst. Director of Economic Development and Planning asking who are these people going to be on the committee. Supervisor Cunningham said he will give the names when he gets to the item. He said he does not have them right in front of him.

Mrs. Capone said on next page you are going to hire somebody and appoint a Clerk I temporary asking who is the name of the clerk. The Supervisor said the name is Leah Mosall, noting it is a temporary position for the summer. She said she does not care, during the Republican administration everything was in the open. When there was a vacancy, it was advertised in the Spotlight. There was a small group of people that interview people and everybody knew what was going on. It's not the Republican administration anymore.

Mr. Robert Jasinski said there is a request from Deputy Commissioner of Public Works for authorization of a task order with Clough Harbour and Associates to provide engineering and survey services for the realignment of sections of Weisheit Road. He said he thought that was filled in and work had been done with our own people. The Supervisor said that was correct. Mr. Jasinski asked what this was going to cost. Supervisor Cunningham said there is just a survey being done from his understanding. He said it is a survey of the completed work. Mr. Jasinski asked about using Clough Harbour and Associates. The Supervisor said that was correct and noted there are no surveyors on staff. Mr. Jasinski asked if this was a bid. Supervisor Cunningham said they are one of the TDEs and we did not have to bid that out, just hire them. Mr. Jasinski noted that does not have to be bid out. The Supervisor said there is a 5 year bid cycle on those.

Mr. Jasinski next asked about the appointment of the Clerk I Temporary, asking what the salary was on this item. Supervisor Cunningham said it was \$9.50 an hour. Mr. Jasinski verified that this was for the summer months. The Supervisor said yes, just a summer internship. Mr. Jasinski said he guesses the Economic Development and Planning Department is doing some work over time that they must need help or they can't handle it. He thanked the Board.

Ms. Linda Jasinski asked which agenda should be followed – the one that was here or the one that was on the internet that has a whole bunch more. Supervisor Cunningham said it was the one on the internet not the one handed out.

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

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Hearing began: 6:10 p.m.

SUPERVISOR CUNNINGHAM: Okay, next item is the public hearing on amending the Code of the Town of Bethlehem regarding fees.

The reading of the call of the hearing was waived on motion of Mr. Hennessey and seconded by Mr. Kotary 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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 11th day of June 2008 at 6:00 p.m. to consider a proposed Local Law Amending the Code of the Town of Bethlehem, Chapter 128, Zoning, Section 128-83 dealing with penalties for offenses.

All interested persons 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 are in need of assistance in order to participate should contact the Town Clerk 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 May 28, 2008 and that I posted the Notice of Public Hearing on May 28, 2008 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

11th day of June, 2008.

/s/ Julie S. McNeil

Notary Public

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SUPERVISOR CUNNINGHAM: Can I ask Mr. Potter, can you just give the Board an update on what this is about?

TOWN ATTORNEY POTTER: This is a local law to amend the penalties for Zoning Law violations. What you want in your enforcement provision is some teeth but what we have currently really takes quite a bite. In theory for a violation of the Zoning Law, you could have a penalty of up to 6 months in jail which would constitute a misdemeanor. As we looked at that with our Code Enforcement people, that seemed a little severe and beyond what the Town would ever seek by way of an enforcement penalty.

So, what we have proposed is to reduce the penalty down to a maximum of 15 days per violation. In theory, if the violations continue, you could have a successive series of 15 days penalties. What this does is it reduces the overall potential for sentence and it also takes a violation out of the misdemeanor category. Currently a

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jail sentence of 6 months would constitute a misdemeanor under New York law. A jail sentence of 15 days puts us into a violation and the law refers to a violation so this creates consistency between the sentence and the label for the sentence.

And that essentially is the change that is proposed.

COUNCILMAN DAWSON: The fine changed?

SUPERVISOR CUNNINGHAM: I believe the fine was reduced.

TOWN ATTORNEY POTTER: Was the fine reduced?

SUPERVISOR CUNNINGHAM: I believe it was.

COUNCILMAN DAWSON: This is for \$350 or 15 days.

TOWN ATTORNEY POTTER: Right.

SUPERVISOR CUNNINGHAM: Okay, does anybody have any questions on that? Any comments from the public?

MR. JASINSKI: Yea, one comment. Bob Jasinski. Have you posted these fees in a public posting, for instance in say the Spotlight or the Ravena paper or anything like this? I mean because you are making a change. I take it you are also going to also enforce these violations.

TOWN ATTORNEY POTTER: Well, the enforcement ultimately is going to be up to a court. The judge imposes the sentence.

MR. JASINSKI: I understand that.

TOWN ATTORNEY POTTER: The existing fines which as Joanne pointed out are higher, are actually within our Zoning Law which we passed last year.

MR. JASINSKI: I understand what you are saying, Mr. Potter. But, who is going to bring this before the judge? Is it going to be your Building Department?

TOWN ATTORNEY POTTER: Your Code enforcement... yes.

MR. JASINSKI: Right.

TOWN ATTORNEY POTTER: Your Building Department and in the event that it were to go to a trial, one of the assistant Town prosecutors.

MR. JASINSKI: Now is the public aware of all these fees?

TOWN ATTORNEY POTTER: Absolutely, it's in... it's in our Code. Yea, it is in the Zoning Law.

MR. JASINSKI: The Zoning Law.

TOWN ATTORNEY POTTER: Yes.

MR. JASINSKI: And, you're going to enforce all of them?

TOWN ATTORNEY POTTER: Well, we certainly do our best to enforce. There's always prosecutorial discretion associated with enforcement.

MR. JASINSKI: All right, it's selective. Okay, thank you.

TOWN ATTORNEY POTTER: No, it's not selective.

SUPERVISOR CUNNINGHAM: Okay, are there other comments from the public on this item? Comments from the Board?

COUNCILMAN HENNESSEY: Yep, over here, Sam, just one second. Why the change now?

TOWN ATTORNEY POTTER: There is one current enforcement proceeding that's pending that brought it to our attention that perhaps the potential is too severe if a maximum sentence were to be imposed. So, we thought based on that it was appropriate to reduce it down to 15 days.

COUNCILMAN MESSINA: I would just like to add to that that I think it's fortunate that these provisions of enforcement with respect to Zoning, don't have to be litigated and enforced legally often. It still makes sense to have them on the book and probably that is somewhat of a deterrent to this sort of action. So, I think reducing it based on current information is a good idea too.

TOWN ATTORNEY POTTER: That's very true. As I understand it in most instances, in fact, almost never do we have to enforce our Zoning Law. Usually the Zoning Enforcement Officers bring to the violator's attention the fact that there is a Zoning Law violation and normally there is voluntary compliance.

SUPERVISOR CUNNINGHAM: Okay. Good, thank you. Any other comments?

Can I have a motion to close the public hearing?

The motion was made by Mr. Messina and seconded by Mrs. Dawson to close the public hearing at 6:15 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

Supervisor Cunningham asked the Town Board if they wished to take action on the previous proposal for a Local Amending the Code of the Town of Bethlehem regarding fees.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the Amend Section 128-83 of the Code of the Town of Bethlehem, Zoning dealing with penalties for offenses. 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 approve the Town Board minutes of May 14 2008.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the Town Board minutes of May 14, 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 following item was a request from Town Supervisor John H. Cunningham, to recognize Poplar Drive West from Elsmere Avenue to Ridge Road as Sgt. Shawn Martin Memorial Way. Supervisor Cunningham invited Anthony Morrell to come up and give information about this item and welcomed Paul and Dawn Martin, parents of Shawn Marin, who were in attendance.

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 439-4955.

Mr. Morrell said he would give some background on this item. He noted Shawn Martin was killed in action in Iraq about a year ago. He said during the process of going through the funeral and burial, it stuck in his mind going past Tim Mosier Memorial sign on Cherry Avenue that they should do something for Shawn. He said he spoke with the Elsmere Fire Department and asked if he could use the letterhead to send a letter to the Supervisor, the Highway Department, State Highway to see if something could be done. He said they struck out with the Highway Department and the County. He said the State Highway said it was too involved to get anything done. He noted they wanted to get something done before the anniversary arrived.

Mr. Morrell said he talked to Mr. Sagendorph and it was decided that something small could be done. He said the fire department assigned him as Chairman and gave a committee to work with. One of the men of the committee, Mr. Morrell said, came up with an equitable part. He said the first thought was to put it on the rail trail but that was not coming around for maybe 10 years from now, maybe never. Supervisor Cunningham said they are working on it. Mr. Morrell said they wanted to put something in the area. He noted Shawn grew up on Plymouth Avenue and his whole life was Plymouth Avenue and the firehouse. He said he remembers him on a fire call coming down Elsmere Avenue, parking the truck, running over the railroad tracks and Shawn would always beat his father.

Mr. Morrell said that was how they got to this point. He said this would be on West Poplar Drive and run just before the 2 buildings – the fire house and the American Legion Hall – and all it is going to do is designate that area the Shawn Martin Memorial Way.

Mr. Morrell gave a little feed back about what happened over in Iraq and the kind of soldier Shawn was. He said they were running a detail to go ahead of the convoy and do away with the roadside bombs. He said Shawn and his partners were doing a pretty good job of knocking these things out but they came up to one that was not going to detonate for them. He said his second in command said he would go up and check it out but Shawn would never let anyone go without a partner. He went with him and when they got to the spot somebody off in the distance was watching and set the bomb off. He said it killed both of them.

Mr. Morrell said a copy of the letter was given to the Board Members and noted he was sure if Shawn was here and if anybody came up to him and asked what could you do for your country, he would say pick up your sword and follow me. He thanked the Board. Supervisor Cunningham thanked Mr. Morrell.

Mr. Morrell unveiled the sign that will be placed on West Poplar Drive. He said one the plaques will be placed at the side of St. Stephen's Church and one will be at the corner of Ridge Road and West Poplar Drive. He noted both plaques will be on the Town right-of-way. He said these are not large but nice plaque. He said he would like permission to mount the 2 signs on 4 x 4 wooden poles painted white with a gold knob on the top and a place to put 2 American flags on each side behind the plaque. He thanked the Board.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to recognize Poplar Drive West from Elsmere Avenue to Ridge Road as Sgt. Shawn Martin Memorial Way as requested by Town Supervisor and brought forth by Anthony Morrell of the Elsmere Fire Department.

Councilman Dawson asked if this Memorial Way was open to he public. Mr. Morrell said it is open to anyone who would like to come. Supervisor Cunningham announced that the unveiling of the plaques will take place on June 21, 2008 at 11 a.m. at the corner of Poplar Drive West and Elsmere Avenue. He noted in the event anyone is concerned, the address Poplar Drive West will not change for post office reasons. He noted this was recognition of Shawn and recognize his heroism and appreciate having him and noted to Mr. And Mrs. Martin that the Board is sorry for their loss.

Councilman Messina extended thanks to the Elsmere Fire Department and particularly, Mr. Morrell's leadership in moving this forward. He said sometimes good ideas do not go to where they should and in this case it did because of his efforts. He thanked Mr. Morrell.

Councilman Kotary thanked Mr. and Mrs. Martin for coming. He said he thinks as everyone has said, he thinks this is very important. He said everyone is proud of Shawn's service and commitment to his country and he thinks this is a small but very important way to honor him. He said he is proud to fully support this. Supervisor Cunningham thanked everyone.

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 the presentation of the independent auditor's report for the year ended December 31, 2007, by Comptroller Kehoe and by the auditing firm of Teal, Becker & Chiamonte, CPA's, PC. Supervisor Cunningham invited Comptroller Kehoe to come forward for the presentation. Mrs. Kehoe said the audit has been completed. She said in terms of the actual financial results, there isn't anything significantly different from the preliminary year end report that was given several months ago. She said the management discussion and analysis was in the front of the report is really the high level overview of what the results mean. She said there are some summary statistics in there to make it easier to understand.

Mrs. Kehoe said the big news at this moment is that from a fiduciary responsibility that the Board has over the Town's finances, you authorize the engagement of Teal, Becker and Chiamonte to conduct their independent audit of the books and records and they have completed that audit and issued their standard opinion. She said other than the qualification on our choice to exclude fixed assets from the scope of the audit, it's a clean opinion. She said the report is prepared using an other comprehensive basis of accounting which is they take the State Comptroller's requirements for submitting financial information to the State and that's what the auditors do their work upon. She said that is a clean opinion from them as to those results. She said the auditors are Katie Duran and Sara Lawyer, indicating they are both in attendance and unless there are specific questions for her on the report, she wished to turn this over to Katie Doran for an overview of what they encountered during the audit.

Ms. Doran said as the Comptroller mentioned, the numbers in these financial statements have not changed since the preliminary numbers that were received earlier by the Board. She said they did their audit field work. They did not propose any adjustments that needed to be made so the numbers are the same. She noted the Board has audited financial statements, reports that are called single audit reports and a single letter that is required communication with the Board charged with governance of the Town. What this letter says, according to Ms. Doran, is that there are several points. She said one outlines what their responsibility is under generally accepted auditing standards and government auditing standards. She said their responsibility is to express opinions about whether these financial statements are fairly presented.

Ms. Doran said in doing their audits, they consider the system of internal controls but they are not expressing an opinion on the controls. She said they do tests of controls for the purpose of auditing the compliance with the requirements for the Town's Federal grants too. She said while they do their audit, it does not relieve the Board charged with governance of their responsibility for these financial statements. She said the ultimate responsibility of the financial statements rests with the Board as the governing Board of the Town. Ms. Doran said their auditing procedures do not relieve the Board of those responsibilities and of the responsibility of maintaining a system of internal control.

Ms. Doran said they did perform their audit in accordance with the plan, scope and the timing that they had previously communicated in their engagement letter and in the discussions with Comptroller Kehoe prior to the audit. She said they are required to report to the Board if there are any significant audit findings. She said management, which includes the Board and the employees of the Town are responsible for the selection and use of appropriate accounting policies. She said no new accounting policies were adopted during the year and the application of existing policies was not changed during 2007. She said they did not note any transactions entered during the year that there be a lack of authoritative guidance. She said they would be required to communicate that to the Board.

Ms. Doran said the financial statements, as any financial statements, contain accounting estimates. She said they are an integral part of the financial statements and they are based on knowledge and experience of past and current events and assumptions about future events. She said they did not note any particularly sensitive estimates that would affect the financial statements that they would be required to disclose separately.

Ms. Doran said they did not encounter any significant difficulties dealing with management and performing and completing their audit. She said they would be required to communicate that to the Board if they had. She said, in fact, if they had encountered any difficulties, they would not have waited til now to report that to the Board. She said they would have contacted the Board earlier to report that. She said they would be required to report that.

Ms. Doran said they would be required to report any likely misstatements identified during the audit or significant misstatements. She said they did not note any misstatements or identify any misstatements during the audit that they would be required to report to the Board. She said they would be required to report any disagreements they might have with management over the selection or application of accounting principles and she was happy to report that they did not have any disagreements with management.

Ms. Doran said management did make certain representations to us in a representation letter that's dated June 5th. She said this representation letter stated that among other things they provided all the financial information to them and accepted responsibility for the financial statements, noting they are standard representations that they request from all audit clients and are required to request in accordance with generally accepted auditing standards. She said management did provide those representations to them.

Ms. Doran said if they were aware that management had consulted with other accountants, like shopping around for the correct audit opinion, they would be required to report that to the Board. She said they are happy to note that they are not aware of that at all. Ms. Doran said any discussions they had with management were in the ordinary course of their engagement and were not a requirement for them to be hired to do the audit. She said that is the contents of the letter.

Ms. Doran said as they move on, as Comptroller Kehoe mentioned, the audit report that is attached to the financial statements is a clean report. She said there is the exception, scope of limitation, that has been in the audit report for as long as she has reviewed them regarding the audit of fixed assets, the Town has decided that it is not economically feasible to hire us -- because it is not required -- to do an audit of the fixed assets. She said therefore, they have to include that as an exception in the report. She said other than that the report is a clean report on the financial statements which are fairly stated in accordance with the accounting requirements of the Office of the State Comptroller. She said she would not review them because the Board is familiar with them. She said if there are any questions, certainly the Board can feel free to ask.

Ms. Doran said these financial statements are the responsibility of the Town Board and are not theirs. She said they do the audit but the numbers and the notes to the financial statements belong to the Town. She said the only thing really in the audit that belongs to them as auditors is the audit report. She said that is what they

are responsible for. She said that audit report has the only qualification in there the qualification for the fixed assets and it is a clean report.

Ms. Doran said the Board also has something different this year than last year. She said it was in the prior years but this year they were required to do what is called a single audit. It is an audit of the Federal grants, Ms. Doran noted, because the Town expended more than \$500,000 of Federal grant money, the Federal Government requires you to have a single audit of the compliance with the terms of the grant and a report on the internal controls. She said they did do those reports. Ms. Doran said they are required to audit the expenditures and to audit some of the programs as what is called major programs. She noted the reason the Town had spent more in 2007 was that the Town received and spent \$264,000 of FEMA public assistance grant which was a change from the year before. She said the Town has always had Federal money that is spent for Section 8 Housing Program and some other smaller programs including grants through the Department of Transportation but what increased to the \$500,000 threshold this year in 2007 was money that was spent through the FEMA public assistance program.

Ms. Doran said they concentrated their single audit efforts, although they examined the system of internal control for the other programs but they concentrated their compliance efforts on that as a major program. She said they are required to report any findings and question costs on a report to the Board and they have a report on the financial reports entitled, Findings and Question Costs, but they had no findings and question costs. She said they were pleased to note that. She said those internal control reports and single audit reports are also unqualified boiler plate reports which they were happy to note.

Ms. Doran said she knows the Board has a full agenda, noting she did not want to take a lot of time. She said she did not want to skip over anything but since the Board is familiar with all the numbers, she would be happy to answer any questions.

Supervisor Cunningham said he wanted to clarify on the FEMA money that is from money received for the April 2007 storms. He said that is not a recurring issue. Ms. Doran said yes and no, they hoped it would not be recurring.

Councilman Kotary said he does not have any questions but he had a comment. He wanted to first of all thank Ms. Doran for presenting an excellent report, as well as, presentation. He congratulated Comptroller Kehoe, noting the Town passed with flying colors. He said there were 3 things he wanted to point out that struck his attention and they involve issues that come up on a regular basis not only for the Board but he thinks any municipality or government. He said the first thing he wanted to point out was how closely once again the budgeted revenue predictions, estimates, came to the actual which is something that is talked about particularly considering the economy. He said he thinks it is very difficult to predict but once again the numbers show that the Town is getting very sound estimates on which to build the budget each year. He said that is important.

Mr. Kotary said the second thing is in terms of expenses and again, budgeted versus operating. He said very interested to find that once again very pleased, the operating expenses in each of the 4 main categories – General, Highway, Sewer, and Water – came in under budget. He said he wished to recognize the Department Heads and others who have worked with the Board to make sure that they not only come up with a good sound balanced budget each year but work throughout the year. He said as the Board knows and for those regular attendees at our meetings, there are often things, emergencies and unpredictable events, that force the Board to have to expend money but once again he thinks that is a testament to everybody's hard work to keep the line on expenses.

Councilman Kotary said the third thing was fund balance. He said this comes up many times a year and he wanted to point out again that the fund balances in all 4 categories are well over the 15 percent, accepted standard which is even in some cases the high end. He said 21-24, almost 19 and 20 percent, which again he thinks is healthy as they balance both trying to keep enough funds on hand

for the emergencies and for the capital and other things being talked about, but also using it each year to help keep taxes down to a minimum. He said in the last 2 years he has been on the Board, they have kept tax increases to under 3 percent which he thinks when you look at the current cost of gasoline, chlorine and other things that are up 100 percent some of the materials, it is very difficult to do. He said all of that is to say that these 3 things are looked at and discuss throughout he felt was important to point out. He said they are all good indicators, in his opinion, of the health of the Town's finances.

Supervisor Cunningham asked if there were other comments. He thanked Comptroller Kehoe for all her hard work in managing the budget and dollars of the Town, noting she does an excellent job. He said she keeps the Town in good stead and appreciates all her work. He also thanked Ms. Doran. Ms. Doran thanked Comptroller Kehoe and her staff, indicating they give a list of things that they will need and they anticipate things that they have not even asked for. She said they are always extremely helpful with getting the records that are needed, along with taking very seriously – noting they can tell when they come in to do their work – the controls that are in place and should be in place and their responsibility with the finances of the Town.

The following item was a recommendation from Assistant Director, Michael Morelli, Department of Economic Development and Planning, for formation of a Study Advisory Committee for the Delaware Avenue Hamlet Enhancement Study. Supervisor Cunningham said this was a Tier 2 recommendation of the Comprehensive Plan and the work on doing the study began before he was Supervisor. He said the delay in launching the study was primarily CDTC who was one of the primary funders of the study. He said they had so many things on their plate, particularly our Route 9W study, that they wanted to push this off until that work was more complete. He said they have reached a point where they are available to start working with the Town. This proposed committee is going to work on this study. He introduced the committee members.

The motion was made by Mrs. Dawson and seconded by Mr. Messina to approve the formation of the Study Advisory Committee for the Delaware Avenue Hamlet Enhancement Study as follows:

Virginia Acquario	Howard Glassman	Mark Kelly
Steve Bolduc	Robert Horn	Barbara Ostroff
Tom Drake	Dianne Barber Kansas	Henry Peyrebrune

As requested by Michael Morelli, Assistant Director, Department of Economic Development and Planning.

Councilman Dawson said it was mentioned in the Memorandum that perspective consultants were to respond by June 6, 2008 and asked if there were any responses. Mr. Morelli said it is being done through CDTC and actually they have 6 qualified consultants. He said the next step will be to select one out of the six to lead this study. Supervisor Cunningham said that is CDTC's consultant. Mr. Morelli said it is, they put out the request. Mrs. Dawson asked is CDTC will make the decision on choosing the consultant. Mr. Morelli said there will be a consultant team including Town staff – both himself and Rob Leslie – noting it would not be the Study Advisory Committee but it would be CDTC, NYSDOT, Town staff to make that determination. He said they will review the applications and make a selection. Mrs. Dawson further asked if he knew when this might be done. Mr. Morelli said he exchanged some emails with CDTC and they are expecting maybe by the end of this month to be able to do that.

Supervisor Cunningham said included the other agencies that will be involved in this CDTC, CDTA, NYSDOT, Capital District Regional Planning Commission, Town staff. He said all the groups will also be working with this team as an Advisory Team to the Town Board. Mrs. Dawson asked if the date has been set for the first meeting. Mr. Morelli said they have not, noting they are waiting for this to launch the next step.

Supervisor Cunningham said as he said, CDTC is trying to get some stuff off their plate to get to this. He said they have been pushing from this end and they are at a point where they can start moving ahead but do not have a date yet. Mrs. Dawson said it is an ambitious agenda if you stick to the proposed 8 to 12 months. She said she was sure people were anxious to get started.

Mr. Morelli added that the 2 representatives from CDTC are also Town residents. He said that is kind of an added bonus.

Councilman Hennessey asked if examples of other projects that CDTC has worked on that maybe the Board would know about. He said this might give the Board some sense of where this might go. Mr. Morelli said they are the Regional Planning Commission for the entire Capital Region area so they have done projects all over the tri-county area. He said they are doing the Route 9W study – a little bit different study than Delaware Avenue just given the nature in the differences between the 2 roads – there are a lot of them and they are the municipal planning agency and that is where the grant money comes through. He said they did Pearl Street, little neighborhood design areas in Cohoes, Scotia. He offered to provide a list but they are very familiar with this process and they have done a number of them in the Capital Region area.

Mr. Hennessey said he had just one follow-up. He knows this is not our money but it is our money, this area, asking how much is in this project. Mr. Morelli said there was actually some Town money. He said when the grant was received almost 2 years ago, it was a \$75,000 grant that was applied for, CDTC is putting up \$45,000 and the Town had committed \$30,000 which was already earmarked. He said it was earmarked last year. He said when the application for the grant was made, there was a matching grant to make your application competitive.

Councilman Kotary asked if it is envisioned that a charette would be used or some sort of process that was used when the Slingerlands hamlet was discussed and if so, when you think of that 8 to 12 month time frame, would there be some visuals. Mr. Morelli said they think a visual preference survey will be used where they would open it up to the public and let people kind of evaluate or judge what various looks could be. He said some of the considerations might be the look of a main street, more like Central Avenue in Colonie, what is attempting to be achieved. He said he thinks based on the results from the comprehensive plan, he thought it was like 85 percent. He said it was unanimous that the people were looking for a main street look, more pedestrian friendly, some design standards to make businesses hopefully more attractive to customers and make it more pedestrian friendly, public transportation – kind of rising as an issue as gas prices continue to rise and people are looking for alternatives – bicycle friendly and so on. He said he thinks a visual preference survey or a charette, something along those lines is something they were going to push the consultant for. He noted they have talked to CDTC already and they are very supportive of that idea.

Councilman Kotary asked Mr. Morelli to give everyone a sense when it is said the hamlet area. He noted it is a lot more than the 4 corners. Mr. Morelli said it really is. He said the hamlet actually extends from the Town line up just past Adams Street. He said it is commercial hamlet up to about Gochee's and from there it is zoned hamlet. Phase 1, according to Mr. Morelli, would go from Adams down to Elsmere Avenue and what they are hoping to do is once this is completed, they hope to dove tail into continuing the study with another grant application or in-house or whatever from Elsmere Avenue down to the Town line and pick up the side streets so they are not just looking at this linear study, Delaware Avenue only. He said they would look at Hudson Avenue, the street parallel on the east side as well.

Supervisor Cunningham thanked Mr. Morelli.

The motion was passed by the following vote:

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

Noes: None.
Absent: None.

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

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the appointment of seasonal personnel as listed on the Memorandum dated June 11, 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 was a request to set public hearing on adoption of local law to prevent change in assessment methodology for properties converted to condominium for June 25, 2008 at 6:00 p.m.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve setting a public hearing for June 25, 2008 at 6:00 p.m. to consider a proposed local law to prevent change in assessment methodology for properties converted to condominiums. 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 Nan Lanahan, Administrator, Parks and Recreation Department for acceptance of a donation for a park bench. Supervisor Cunningham said the amount was \$270 from Mrs. Betty Stewart.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the acceptance of a donation of \$270 from Mrs. Betty Stewart for the purchase of a park bench commemorating the 25th anniversary of her daughter and son-in-law 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 following item was a request from Deputy Commissioner of Public Works, Erik Deyoe, for authorization of a task order with Clough Harbour & Associates to provide engineering and survey services for the realignment of sections of Weisheit Road.

The motion was made by Mr. Messina and seconded by Mr. Kotary to authorize a task order with Clough Harbour & Associates to provide engineering and survey services for the realignment of sections of Weisheit Road as requested by Deputy Commissioner of Public Works, Erik Deyoe. 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 Town Supervisor, John H. Cunningham, to adjust Town Hall hours from 8:30 AM – 5:00 PM to 8:30 AM – 4:30 PM effective July 1, 2008. Supervisor Cunningham said up until January 1st of this year Town Hall hours were 8:30 to 4:30. He said when the organizational meeting was done, the hours were extended until 5 p.m. as an effort to find out if Town Hall needed to be opened more hours for the public. He said the idea was to do this for 6 months to see how it worked. The Department heads reported back to him that there is very little residential activity in the building between 4:30 and 5:00 and there were scheduling problems with vacation and trying to adjust to cover until 5 p.m. Therefore, the request has come and he has agreed if the Town Board will agree also, to change those hours back to 8:30 to 4:30. He said they will be providing either automated or actual human phone service until 5 o'clock for access to someone in the building.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the Town Hall adjustment of hours back to 8:30 a.m. to 4:30 p.m., effective July 1, 2008 as requested by Supervisor Cunningham. 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 George Leveille, Director of Economic Development and Planning, to appoint Clerk I, temporary.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the appointment of Leah M. Mosall, 138 Kenwood Avenue, Delmar, NY to the position of Clerk I temporary, effective June 12, 2008 with an expected end date of August 8, 2008, at a salary of \$9.50 per hour 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.

Supervisor Cunningham asked if there was any new business from the Town Board this evening. There was none.

Supervisor Cunningham said before public comments, he made the following announcements:

- Thank you to Seniors Department in regard to the recent heat wave and they spent many hours on the phone checking with seniors throughout Town to make sure they had air conditioning or were comfortable. He said there was a lot of success there and no issues with the seniors.
- June 21, 2008 is Community Clean-up day, the monthly effort to identify and clean-up areas of the Town. He said if anyone is interested in joining to help accomplish this, please go on line or contact Debbie Kitchen. Volunteers will be contacted on the location and the area to be cleaned. The time is 9 a.m. to noon. The Supervisor said they would really appreciate any help anyone can give.
- Shawn Martin dedication will be on June 21, 2008 at 11 a.m. at the corner of Poplar Drive and Elsmere Avenue.
- New pool pass system. Supervisor Cunningham said the pool opened last Saturday and it was 90 degrees and a lot of people had to come and get pool passes. He noted everyone did get their pass and get to go to the pool to cool off. He reminded residents if you are interested in swimming and do not have a new pool pass, please go to the Parks Department and get one.

The office is open until 6 p.m. during the week and 10 a.m. to 2 p.m. on Saturday and Sunday.

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Supervisor Cunningham asked if there were any public comments on non-agenda items. Mrs. Marie Capone said with the noise ordinance, regulation, you are going to need to hire more cops and she does not see it coming. She asked how you are going to apply it if you don't have the cops to help you out. Supervisor Cunningham noted there is no recommendation back and noted she was ahead of the curve on this one. He said as soon as they have that information, they will be looking at those issues also.

Mrs. Capone next spoke about that the Board will not understand. She said many, many years ago they passed a law that if you have people put chemical on your lawns, you have to inform your neighbors 24 to 48 hours before. She said this is not being done. Supervisor Cunningham said he would look into it that he was not aware of it. Mrs. Capone said none of the Board was aware of it but the Town Clerk remembers it. She said it should come back because people need it.

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Mr. Robert Jasinski said Mr. Cunningham is the Supervisor, noting he is the boss man. He said he runs the operation here. Supervisor Cunningham said okay. Mr. Jasinski said when he sits at home just before church and looks at the TV to see what goes on and everything, there are many times that people do not come up to the mike and this is even some of his own people. He said Erik Deyoe, Mike Morelli, they come up to the microphone constantly but you have other people that sit back there and they say something and it's not picked up and put on TV. He said he wished the Supervisor would correct this, as boss man he can do that. Supervisor Cunningham said he will attempt to correct this. Mr. Jasinski said he did not think Mrs. Dawson's mike was on when she was talking before. Supervisor Cunningham said it was not at one point but he asked her to turn it on. Councilman Dawson said he was correct. Mr. Jasinski said to the Supervisor that it was his job and he holds him responsible. Supervisor Cunningham said he would work on that. Mr. Jasinski thanked the Board.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary 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