

**Town Board
December 22, 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
Mark Jordan, Councilman
Nanci Moquin, Town Clerk
James T. Potter, Esq., Town Attorney

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

PUBLIC COMMENTS ON AGENDA ITEMS

Marsha Shaver Windsor Ct., Delmar – She wanted to show strong support of Verizon coming into Town. Feels that what they will offer will be far superior to any competitors.

REQUEST FROM THE COMPTROLLER TO SET A PUBLIC HEARING ON JANUARY 12, 2011 FOR THE PURPOSE OF ALLOWING THE PUBLIC THE OPPORTUNITY TO VOICE THEIR OPINION ON WHETHER OR NOT THE TOWN ALLOW VERIZON TO PROVIDE COMPETING VIDEO SERVICES TO THE CURRENT CABLE PROVIDER, TIME WARNER CABLE.

Ms. Traylor presented. In July 2010 negotiations started with Verizon. The previous Cable Administrator for the Town was Kim Ryan. She has been replaced with Michael Cohen, Chief Accountant because of his past experience as Comptroller with Time Warner Cable. Mr. Cohen and Mr. Smolinsky met with Verizon and started the negotiations. Ms. Traylor introduced the following individuals: Linc Janus, who negotiates for Verizon, Pam Goldstein the legal counsel for Verizon and Carol McTague from PSC who helped represent the municipality during negotiations. Mr. Potter has recused himself because of a conflict of interest. Mr. Silliman, Planning Board attorney, was the Town's legal representative during the negotiations.

Linc Janus continued the presentation. He said the he would be the Town's contact administrator with Verizon. He thanked the negotiating team. Verizon has been building a fiber optic network in Town which is about 65% done. It is the most advanced network in the country. The fiber network is impervious to moisture. The maintenance is less so the network is more reliable and it has high capabilities of more channels. They will provide Public Education and Governmental access channel. There will be 2 direct connections; one at the library and a new one at Town Hall with an access channel. There will be an annual grant from Verizon plus a 5% franchise fee payable on the gross and paid to the Town on a quarterly basis.

Supervisor Messina said if the Town Board supports this going forward, the contract will be available on the WEBSITE prior to the public hearing for review. It thought the competition would be good for the community.

Councilwoman Dawson asked if the Town would have the capacity for the meetings to be broadcast and if the Town was making a commitment to buying equipment. Ms. Traylor said the PEG money will be used to purchase the audio equipment for broadcasting.

Councilman Hennessey said a few residents that spoke with him were supportive of Verizon coming to Town.

A motion to set the Public Hearing for Verizon's request to become a competing video service provider in the Town of Bethlehem on January 12, 2011 at 6:00PM was offered by Councilman Jordan, seconded by Councilwoman Dawson and approved with the following vote:

Ayes: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan
Nays: none
Absent: Councilman Kotary

APPROVAL OF TOWN BOARD MINUTES FOR DECEMBER 8, 2010

A motion to approve the minutes of December 8, 2010 as amended was offered by Councilman Hennessey, seconded by Councilwoman Dawson and approved with the following vote:

Ayes: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan
Nays: none
Absent: Councilman Kotary

APPROVE ISSUANCE OF RENEWAL OF TRAILER CAMP PERMIT FOR BRECKINRIDGE VILLAGE, SELKIRK

A motion to approve the renewal of the Trailer Camp Permit for Breckinridge Village, Selkirk was offered by Councilman Hennessey, seconded by Councilman Jordan and approved with the following vote:

Ayes: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan
Nays: none
Absent: Councilman Kotary

APPROVE ISSUANCE OF RENEWAL OF TRAILER CAMP PERMIT FOR SHADY GROVE WEST, SELKIRK

A motion to approve the renewal of the Trailer Camp Permit for Shady Grove West, Selkirk was offered by Councilman Jordan, seconded by Councilman Hennessey and approved with the following vote:

Ayes: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan
Nays: none
Absent: Councilman Kotary

REQUEST FOR THE SETTING OF A PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING THE CODE OF THE TOWN OF BETHLEHEM, CHAPTER 97, SOLID WASTE, SECTION 97-18, DEFINITIONS AND 97-19, MANDATORY RECYCLING REQUIREMENTS

A motion to set the public hearing for the proposed Local Law Amending the Code of the Town of Bethlehem, Chapter 97 on January 26, 2011 at 6:00PM was offered by Councilman Hennessey, seconded by Councilwoman Dawson and approved with the following vote:

Ayes: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan
Nays: none
Absent: Councilman Kotary

PRESENTATION BY THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING ON THE STATUS OF MAJOR PLANNING INITIATIVES CURRENTLY UNDERWAY WITHIN THE TOWN

Mr. Morelli presented on the major planning initiatives.

- PaTHS for Bethlehem Committee. Established by the Town Board. The goal of the committee is to improve the bicycle and pedestrian mobility in the Town. The short term recommendations have been approved by the Board. This committee was approved as a standing committee for the Town. The priority network was established and the Town departments and Planning Board have been directed to use the priority network while looking at their projects. The resolution states that the committee will give the Town Board advisory information with regard to development.

- The 20/20 Committee was reinstated by the Town Board as the 20/20 Implementation Committee. Three sub-committees have been established. The next step is the committee will be presenting a report to the Town Board in January.

- CACC They've prepared an open space protection program, funding and tools. They have made recommendations for open space and needs. That report was accepted by the Town Board in 2009. There has been a lot of discussion as to how to proceed. There is a wide variety of opinions on the CACC Committee. The mission was to explore conservation projects and opportunities with willing land owners. They have received a report from Bethlehem Tomorrow titled Developing an Open Space Program in Bethlehem. The possibility of transferring development rights is currently being explored by Mohawk Hudson Land Conservancy and another group from Saratoga through a grant. Three projects in Town that is protecting open space are the following: Phillipin Kill 35 acres of land will be deeded to the Five Rivers or another conservation group for preservation. A Planned Development District, Van Dyke Spinney along Van Dyke Rd. will be building a sidewalk along their property and connecting with the existing sidewalk on Van Dyke Road. 24 acres of this project for senior apartments will be preserved and not built on. In the Selkirk area, Trinity Place, a subdivision in its fourth stage, received approval for a conservation subdivision for this phase and 12 acres will be

preserved as open space. Mr. Morelli recommends a discussion with Town staff, Town Board members, Bethlehem Tomorrow and large land owners to discuss the future of CACC and how to proceed forward.

- Ag and Farmland Protection Plan. There was an 18 month process to regarding the future of agriculture and farming in the Town. The mission was to develop strategies to help enhance agricultural activities in the Town. A short term recommendation is to have someone from this group to participate on the Development Planning Committee. Another recommendation was to include agri-tourism in the Zoning Law.

- Delaware Hamlet Enhancement study – The mission is to strengthen main street characteristics of Delaware Ave. With the assistance of a consultant, they've developed design standards and guidelines and a transportation improvement plan. The final culmination will be to develop an overlay district.

- Local Waterfront Revitalization Program – It began in 2006 and has dragged a little bit because of a variety of staff changes. In the past 6 months extensive work has been done and a final draft report is about to be submitted to the Department of State.

- Rt. 9W Corridor study –The study runs from Hanney Ln to Town line in Coeymans. It is anticipated this area will have significant growth in the next 20 years. They want to plan for that. The recommendations 9W Corridor Recommendations into the Town Code. They will be included in the proposed Zoning Amendments. Another issue is to develop a Thruway interchange in the vicinity of Clapper road

- Zoning Revision Update The idea is to identify and correct deficiencies. These are not major changes. After using the Code book on a daily basis and these changes are to make the Code more workable.

- CPOC – This committee reviewed the Comprehensive Plan and reported on the status of the Comp Plan. One of the next steps of the committee would be to work on an official map.

Supervisor Messina commented that a lot of good planning work is being done by staff and the Town's volunteers. Essential elements to keep in mind is economic development and community character.

Councilman Hennesey asked when the last meeting of CACC took place. Mr. Morelli said it was over a year ago. There were a number of members who terms have expired. They are wondering if they fulfilled their purpose and if the continuation of the group would be good use of staff time. They are questioning whether CACC should continue. They need to find out where the middle ground is. Councilman Hennesey was concerned that the committee hadn't met in over a year. He said there were some issues that could have been ready for implementation. He wasn't sure talking should be the next step. He said a lot of planning and outreach has been done and thought some action should be taken. He was not happy that this committee has fallen by the way side. He thought it was a priority in the Town. He wanted to know what would happen if people couldn't reach a consensus. Mr. Morelli believes that there is some middle ground. He felt that in this economic time, it may be that not all land can be protected. All the large landowners don't want to develop all their land. In the Town there are a lot of wetlands, steep slopes and very challenging undevelopable land. Councilman Hennesey said a lot of the land being protected is not enjoyable or places that people can use. Mr. Morelli said during the approval process, the Board can ask for good developable land for active play land. There was a lot of effort by a lot of people with little progress. He wants to listen to the major stake holders to see how to proceed. Councilman Hennesey said after years of study and a report and nothing happened. He wants to see concrete steps on this issue to get to a resolution. He didn't think it was only the people interested in open space that wanted a resolution on this issue. Supervisor Messina agreed with Mr.

Morelli that people need to sit down and come to consensus on how to move forward. Councilman Hennessey said there have been other difficult issues before the Board and this is an issue that needs to be addressed. Tough decisions need to be made and those decisions should be made by the Town Board. He wants distinct time frames and actions to be made. Mr. Leveille said CACC was constrained by the Town Board and the direction the Town Board gave the committee. CACC could only do what they were directed to do.

Councilwoman Dawson hopes the residents continue to be involved. There is a lot of citizen participation and a lot of the same people at the committees. She hopes that some new people come forward and be a part of the committees. People will continue to work on the issues if they see progress.

REQUEST FROM THE ADMINISTRATOR OF PARKS AND RECREATION FOR APPROVAL OF SEASONAL/PART-TIME PERSONNEL

A motion to approve the seasonal/part-time personnel listed on Ms. Lanahan's 12/22/10 memo was offered by Councilman Jordan, seconded by Councilwoman Dawson, and approved with the following vote:

Ayes: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan

Nays: none

Absent: Councilman Kotary

10 MONTH INTERIM FINANCIAL UPDATE AND EXPECTED YEAR-END RESULTS FROM THE COMPTROLLER'S OFFICE

Ms. Traylor presented. Referred to the memo that was presented. The sales tax revenue is less than expected. There is starting to be a positive trend up. During budget workshops the numbers were discussed and are very conservative. Mortgage tax trends down. Lower than any quarter within the last 4 years. Under budget but will be offset by a payment from Time Warner cable after an audit. All the numbers will be in by the 1st of March. The Town has budgeted for a shortfall. Short in general fund, breakeven in highway fund, water fund even, and some revenue in the sewer fund. Councilman Hennessey asked how the shortfall will affect the budget transfers. Ms. Traylor said the General fund will be used more than was originally budgeted for.

REQUEST FROM THE COMPTROLLER'S OFFICE FOR AUTHORIZATION TO APPROVE 2010 BUDGET TRANSFERS TO RECLASSIFY UNDER/OVER EXPENDED CATEGORIES

Ms. Traylor presented. This is the first transfer request from the Comptroller's Office. The memo will be corrected. The water fund section will be deleted from the transfer requests at this time until corrections can be made.

A motion to approve 2010 Budget Transfers, with the exception of the water fund as listed on Ms. Traylor's memo was offered by Councilman Hennessey, seconded by Councilwoman Dawson and approved with the following vote:

Ayes: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan
Nays: none
Absent: Councilman Kotary

REQUEST FROM TOWN ENGINEER TO AWARD A CONTRACT TO DEBRINO CAULKING AND APPROVE A TASK ORDER TO TOWN DESIGNATED ENGINEER, CLOUGH, HARBOUR AND ASSOCIATES FOR SERVICES RELATED TO STRUCTURAL REPAIRS OF THE KENWOOD AVE WATER TANK

A motion to award a contract to DeBrino Caulking and approve a task order to the Town Designated Engineer, CHA, for services related to structural repairs of the Kenwood Ave. water tank was offered by Councilwoman Dawson, seconded by Councilman Jordan and approved with the following vote:

Ayes: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan
Nays: none
Absent: Councilman Kotary

REQUEST FROM THE COMMISSIONER OF PUBLIC WORKS FOR THE TOWN BOARD TO AWARD THE PURCHASE OF A NEW COMBINATION SEWER CLEANER TRUCK TO WILLIAM H. CLARK MUNICIPAL EQUIPMENT OF RENSSELAER, NY. THIS NEW TRUCK WILL BE FOR THE SEWER MAINTENANCE SECTION IN THE DPW FIELD OPERATIONS DIVISIONS AND WILL REPLACE A 1992 SEWER JET TRUCK

This expenditure was budgeted. Is this a multiple function vehicle and will it make it saver for the employees. All affirmative from the Commissioner.

A motion to award the purchase of a sewer cleaner truck to William H. Clark Municipal Equipment was offered by Councilman Jordan, seconded by Councilman Hennessey and approved with the following vote:

Ayes: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan
Nays: none
Absent: Councilman Kotary

**ACKNOWLEDGE RECEIPT OF THE MANAGEMENT INFORMATION SERVICES (MIS)
2010 RFP EXCEPTION REPORT**

NEW BUSINESS : none

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Bob Jasinski – Bender Ln. Now that the Town has turned the valve with Clapper Road water with New Scotland water, the water quality seems to have changed. He asked if the staff received any complaints. Mr. Cansler said he has received positive feedback. The residents in Selkirk are getting fresher water than in the past. The water meets all the standards. Some may be getting water with less chlorine so the taste may be different than what they are used to. Mr. Jasinski asked if Mr. Cansler would make sure that no complaints were on someone desks and not getting to Mr. Cansler.

ANNOUNCEMENTS

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

Ayes: Supervisor Messina, Councilwoman Dawson, ,Councilman Hennessey, Councilman Jordan

Nayes: none

Absent: Councilman Kotary

The meeting adjourned at 7:25PM.

NEXT TOWN BOARD MEETING – Wednesday, January 12, 2011

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.