

TOWN BOARD  
DECEMBER 23, 2009

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  
Mark Hennessey, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney  
ABSENT: Kyle Kotary, Councilman  
Joann V. Dawson, Councilman

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Supervisor Cunningham welcomed everyone to a regular meeting of the Bethlehem Town Board. He invited them to join in the Pledge of Allegiance and asked Assemblyman Tim Gordon to lead the pledge.

The first item is public comment on agenda items. Supervisor Cunningham said before beginning the regular agenda, he wanted to recognize some of the people in the community who made quite a difference for us. He mentioned the home explosion that happened on Adams Place and responders in the room were recognized for their work in making sure the residents got out safe and outcome for the people was positive. He recognized - Bethlehem Police Officer Beck and Bethlehem Police Officer Travis and presented them with a proclamation. The Supervisor noted this was a real act of heroism.

Supervisor Cunningham next recognized Telecommunicators Eric Kerr, Briana Tice, Melissa Powell, and Katie Gould. He noted this department plays a key role in getting the emergency responders to the scene. Mr. Kerr was also working as a first responder for Albany County as well an EMT and was instrumental in making sure the victim was removed from the premises and transported to the hospital, according to the Supervisor. He said they all played an important role in coordinating the emergency services in Town.

The Supervisor again congratulated everyone and thanked them for their dedicated service to the Town.

Supervisor Cunningham said he did not wish to ignore any of the first responders of the Town of Bethlehem including the Fire Departments, Highway Department, Department of Public Works and although recognizing these individuals, they wanted to recognize all the first responders who spent their Saturday afternoon going out to help the individuals and help this emergency situation. The Supervisor again thanked everyone.

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Supervisor Cunningham next asked if there were any comments on agenda items. Mrs. Marie Capone said she wrote something small. She said last Saturday her neighbor's house burned to the ground. As sad as it was, it gave her the chance to see how efficient our fire department and police department are. She said we could not ask for a better safety unit. She thanked them for protecting the community so well. She said Gregg Gould did a fantastic job directing everything. She thanked everyone. Supervisor Cunningham thanked Mrs. Capone.

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Mr. Robert Jasinski said he was here to speak against the proposal for appointment of the 3 police officers. He noted he was very uncomfortable speaking against this because he stood in their shoes over 35 years ago and he knows what the young men are feeling and what is taking place. He said he wanted to make a statement that this has nothing to do with them personally but as people he does not know them or their background and has nothing against them.

Mr. Jasinski said this is strictly a monetary point of view that he wanted to present to the Town. He thanked the Supervisor for the past couple of years noting he stood there many, many times and he was always cordial and gracious. He said they have not agreed and he has put up with him and he has put up with stuff too. He wished Supervisor Cunningham all the luck in the world and he hopes things work out for him. Supervisor Cunningham thanked Mr. Jasinski.

Mr. Jasinski handed out a statement and noted it should be in order but as usual, lots of it is off-the-cuff with him. To begin with, he said, the 3 officers under the Tier system will cost the Town approximately \$100,000 to \$200,000 over the term of their employment to Civil Service under the contract that is in force now. He said the money would be saved for the Town if the Board waits until the first to make the appointments or just after the 1<sup>st</sup>. He wanted to call attention to the Town that it will cost \$4,500 to send each Police Officer to school for 3 months. He said there will also be a cost such as pay, car, transportation, lunch and maybe a complete uniform and shoes. He said he did enjoy the shoes they gave.

Mr. Jasinski said the questions to be asked are what about the hiring freeze that is in effect, what about the budget that everyone claimed to work so hard on, what happened to Kyle and Mark Hennessey. He said they spoke about how hard they were going to work to save the taxpayers money. He said they talked the talk and now he was asking them to walk the walk. He said this is taxpayers money, they elected the Board to spend it wisely and he asked the Board to stand tall and vote no or else table this until after the 1<sup>st</sup>.

Mr. Jasinski said he has given the Board some Tier 5 information that will take place and said he would like to point out a few facts. He said the new Tier 5 legislation applies to both uniformed and non-uniform public employees and specifically reforms the pension system. He said these measures provide a new tier of pension benefits for all new employees who are members of the New York State and Local Retirement and Police and Firemen Retirement systems. He said it requires a 3 percent member contribution for the length of service and this is why it is going to cost the Town if they are appointed now. He said over \$100,000 to \$200,000 over their employment because after the 1<sup>st</sup> they will have to pay that 3 percent. He said as it is now the Town will pay the money complete. He said they will require 10 years of critical service in order to vest with the retirement system. He said it will limit the amount of overtime that will be allowed in the calculation for final average salaries to 15 percent of regular annual wages. He said this will all go into effect after January the 1<sup>st</sup>.

Mr. Jasinski said in his 2 or 3 years in standing at the microphone since Supervisor Cunningham has been here, he has kept away from the Police Department. He said he has not said anything and he has gone with it but he is real surprised at Chief Corsi for making these appointments at this time. He said either he did not know about this tier system or there are other reasons that he may not know. He asked the Board to table it or to make no appointment. He thanked the Board.

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Mrs. Capone said how many times has she said don't touch the Police Department. She said we need them, noting they are the only people in this Town that we need. She said maybe if they cut on the employment, noting they said that they have their receptionist a job upstairs and it was on the 2010 budget.

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Ms. Linda Jasinski wished Supervisor Cunningham good luck in his endeavors. She said she would like to ask that -- although understanding the need for police here and for hiring them because overtime would cost us more than hiring a new person, however, she believes they have said they are under a hiring freeze, that they were going to put off hiring the one in January.

Supervisor Cunningham asked if he could address the hiring freeze since this is the second time it was brought up. He said when they established a hiring freeze,

they were very clear that public safety was not something that they were going to compromise under this hiring freeze. So, he said that is why they are considering hiring these individuals this evening. Ms. Jasinski said she did believe the one position that was going to go for half a year was going to be put off further. The Supervisor said that has been eliminated out of the budget and is not part of this.

Ms. Jasinski said the fact of the matter is, the Police Department is one of the biggest costs we have in this Town. She noted as a taxpayer that is my money that goes to that. She said by delaying their hiring for 5 days, we will save a whole bunch on their retirement. She said that is something else she has heard all along when talking about the budget that we need to have the money to pay for our employees retirement and that is what is catching us because the retirement system is not making the money in the market that it used to. She said if the Town waits 5 days, a whole bunch of money can be saved over the course of their careers whether they stay in our Town or any other town and that definitely is something worth looking into. She said she was sure they would love to come work for Bethlehem and they will take an appointment 5 days later rather than do something else. She said that is what she is asking. She thanked the Board.

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Supervisor Cunningham asked if there were any other comments on agenda items. Officer Scott Anson, President of Bethlehem PBA thanked the Board for hiring these gentlemen noting his members appreciate the Board's support. He said these officers are not really extra but bringing the Department back to where it was. He said he is not sure under the current contract if the Town would be saving any money if you push the appointments off until after the 1<sup>st</sup> of the year because based on their contract the benefit package is pretty defined and because these members would be in his union, they would be having the Attorney through PERB make sure the benefits are in line with the contract and have the same benefits that they have. He said the fact that they are down several members obviously the Town does incur some overtime costs. He said hiring these 3 individuals will help defer that in the future, not right away because of training. He thinks it is a giant step forward that they maintain the force we have. He said they have a great impact on the quality of life to the residents of the Town. He thanked Supervisor Cunningham and Board Member Messina for their support. Supervisor Cunningham thanked Officer Anson.

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Ms Elisa Gisha noted she respectfully disagree with some of her neighbors and thanked the Board for hiring these gentlemen. She noted the Police Officers have been recognized for running in to a building that was on fire with multiple explosions and hazardous materials and chemicals in the air and she cannot support something that would begrudge them a few dollars in their retirement for the heroism and support they put forth every day on their jobs. She thanked the Board.

Mrs. Capone said she read the article in the Spotlight about Chris Hughes and he does not have a badge and a gun. Supervisor Cunningham thanked Mrs. Capone.

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

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The next phase of the meeting was not on the agenda, according to Supervisor Cunningham and that was recognition of our Town Clerk, Kathy Newkirk. He announced that this is Kathy's last Board meeting and acknowledged the bouquet of pink roses was hers.

Assemblyman Tim Gordon thanked Kathy for her service to the Town of Bethlehem and is the face of good government. He said she has been Town Clerk for 17 years. He noted she has greeted people and diligently worked to fulfill the duties of that office. She has worked hard as a member of the NYS Town Clerks Association, he said and set a standard by which all future clerks and not only in Bethlehem but in New York State, he thinks should aspire to. He noted he served

on the Town Board and noted it was his pleasure and honor to sit next to Kathy. He said driving senior van is only one of the many services Kathy provides on top of the Town Clerk's position. Assemblyman Gordon noted Nanci Moquin, her successor, will work very hard and do a fine job.

Assemblyman Gordon said Kathy has been a real gem for all these years, a great friend and presented her with a Proclamation from the New York State Assembly on behalf of the Speaker, Majority Leader Canestrari, himself and the members and more importantly the 19 million people they represent, including the thousands of people in Bethlehem. He congratulated Town Clerk Newkirk and wished her the best, thanking her for her service to the people. Town Clerk Newkirk thanked Assemblyman Gordon. She noted it has been her pleasure and honor to serve the residents along with thanking the Board for the beautiful flowers. She said she has worked 32 years for the Town in many capacities with 17 of those years at Town Clerk. She noted she has worked for 7 Supervisors and apologized to Sam that she will not be here for the 8<sup>th</sup>.

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HEARING BEGAN: 6:25 p.m.

SUPERVISOR CUNNINGHAM: Next we will reopen the public hearing to consider Local Law amending the Town Code of the Town of Bethlehem regarding new Chapter Noise Abatement Containment.

I just want to read some of the changes we made to the original version based on the comments made here at the public hearing that we held 2 weeks ago. In Section K no. 3 there was a request to change the word reasonable to normal, the change was made to read both reasonable and normal as far as noise goes. Section K no. 3 there was also a concern regarding agricultural exemptions outside agricultural districts. The language was added to include lands classified as agricultural use by NYS Office of Real Property Services. And, what that does is allow for lands that are not in a Ag District but are being farmed and recognized as farms to be included in the exemption.

There was a question regarding dirt bikes and ATVs and although the noise created by a dirt bike or ATV during the restricted times will be included under the noise ordinance, at this time dirt bikes and ATVs are not being included as part of the noise ordinance. My sense was that it was a separate issue and the Board will address that probably in the future, I guess.

There was a request Section E no. 2 regarding using dba instead of db for the decibel readings. We made a change from 75 decibels to 65 dba, which is the level at which you hear and that was based on a discussion our Town Attorney had with Mr. Bagdon.

TOWN ATTORNEY POTTER: Yes, Mark.

SUPERVISOR CUNNINGHAM: Mark Bagdon who is an expert in this area. 65 was a number he indicated to us was a reasonable of noise to... for residents to tolerate. So, we're using that. Again if that is something we find is too high or too low in the future we can go back and adjust it but we are using 65 dba in the noise ordinance. Section K no. 6 there was a question as to whether the language in that section meant intent of purpose. We changed the section to read emergency maintenance or construction activity only and added a number 9 in Section K to indicate that we were exempting only trash pickup, snow removal and paper delivery as noises for that section. We were specific in our exemptions in that area. If we learn there are additional exemptions that need to be made based on... these are things that we could identify so we put those in there. We can add exemptions if the need arises in the future.

There was an issue regarding a zoning law which allows tighter restrictions when issuing a zoning special use permit on decibel readings. At this time we were leaving that alone to allow the Zoning Board to have more control if they felt it was appropriate for the decibel readings against what is currently in this proposed local

law.

Section K no. 1 the word construction was added. There was a question regarding excluding areas that are less densely populated. We did not exclude areas. It is my sense that all residents in the Town of Bethlehem regardless of where they live should be protected under the law so we did not exempt certain areas of Town.

There was a request to include wind chimes into the ordinance and to change the ordinance dba reading levels to both daytime and nighttime. As I have indicated early on, the ordinance isn't designed to eliminate noise in the Town it is really got a specific purpose and that is to help the police to restrict noise basically during what are considered quiet hours late at night where those noises can be avoided and so we didn't change that to include the daytime hours either.

There was a request for a separate committee to look at the noise ordinance. We did have a committee that was established in 2007. They finished their work in 2009. I think if the Town Board and the Town determines that once this goes into effect there should be a committee to review it that will probably be an appropriate time to reinstitute a noise ordinance board.

There was a question regarding the number of pages and the changes to the local law. The comment was that there were 4 pages and there was a departure from the 8 page proposed local law. The current one has 5 pages. The original draft had 5.75 pages, I just wanted to clarify that and this version is the version that basically we worked on to come to a conclusion to put something in place. So, we didn't really measure it by pages but really the content of the local law.

Section D no. 2 we added a definition for what dba means for decibels and Section E no. 6 we removed language... we removed words or any work generating to ensure that we didn't allow... or to ensure that we excluded construction work and other noise during this restricted periods.

So, those were the changes that were made and so now we have before us the revised local law which I am hoping to be able to move forward this evening. So, I'll take comments... first I will ask the Board, does the Board have any comments?

COUNCILMAN MESSINA: Jack, I've got just a couple comments or suggestions. I think this thing is getting shaped up really well. I think we are better moving in the direction of getting something implemented even though we've all acknowledged that we might want to make changes over time but there are a couple points I would like to suggest bringing to the Board's attention.

On Item E unreasonable noise prohibited, matter 3, noise from vehicles. It seemed to me that more appropriate described noise from vehicles on public highways because that is specifically where Section 386 and 387 of the V & T law relate. So I think that clarifies things for our officers and also the public looking at this. So, I would make that suggestion.

The next one is in that same Section E related to noise from construction and I think I may have sent an email in to you on this, I hope I did anyways. And, that is the noise from construction talks about a 10 p.m... no noise between 10 p.m. and 6 a.m. I don't know why that is 6 a.m. because 6 a.m. is kind of an early start time.

SUPERVISOR CUNNINGHAM: The discussion on that as I recall was that we get roofers that in the summer have to start very early because of the heat. And that was one of the reasons we went to a 6 a.m. time on that. And, I thought we had that discussion a long time ago regarding that.

COUNCILMAN MESSINA: Okay. I don't remember that discussion.

SUPERVISOR CUNNINGHAM: So, is 6 a.m. an unreasonable... 7 a.m. a reasonable time for construction work to start in the summer time work.

COUNCILMAN MESSINA: I think for the homeowners living next door it might be reasonable.

SUPERVISOR CUNNINGHAM: Usually construction work is not... most people do not have construction work going on, it is usually temporary and that is why I thought 6 a.m. is reasonable.

MRS. CAPONE: 6 a.m. is when the garbage come.

COUNCILMAN MESSINA: I wanted to bring it up. This is not going to have an impact on me supporting this but it seemed to me that 7 a.m. was consistent with some other areas. If the will of the Board is 6, I can go with that.

SUPERVISOR CUNNINGHAM: Okay.

COUNCILMAN MESSINA: And, the only other point I would like to emphasize is I think there may be a reason for the Board to consider dirt bike and ATV regulations separately down the line.

SUPERVISOR CUNNINGHAM: Okay, Sam.

COUNCILMAN MESSINA: Thank you, Jack

SUPERVISOR CUNNINGHAM: Thanks, Sam. Mark did you have any suggestions or comments?

COUNCILMAN HENNESSEY: The only comment I would make is that the improvements to this ordinance are good ones. I think we should move forward with it. I would like to close the public hearing.

SUPERVISOR CUNNINGHAM: I think the public has a say in that but we'll let them. Okay, are there any comments from the public? You have to turn that around, I'm sorry, it is all twisted around.

MR. LAFORTE: Kathy, congratulations it's been a long time.

TOWN CLERK NEWKIRK: Thank you, John, I appreciate that.

MR. LAFORTE: I'm John LaForte and I live at 153 Dumbarton Drive. And, I was aware that there was a noise ordinance committee but I assumed that they would address the more extreme abuses and so I didn't follow it and I'm not familiar with the language of the law. But I read the Times Union article and became alarmed at what it appeared to be the requirements of this law.

For example, it says that in effect you can't use your lawn mower after 8 o'clock.

SUPERVISOR CUNNINGHAM: Well, I believe if you were mowing your lawn and your lawn mower was making more than 65 dba that they would make a restriction on that.

MR. LAFORTE: Okay, I am not aware of how loud my lawn mower might be but it appeared from the article that mowing your lawn after 8 o'clock was banned and there are a lot of people who get out of work and in the summer time would like to make use of all the daylight hours and work until 9 o'clock doing yard work or building a shed or whatever. And, by the same token, I would gather there would be a concern for using your snowblower.

SUPERVISOR CUNNINGHAM. Snow blowers are exempt.

MR. LAFORTE: All night long?

SUPERVISOR CUNNINGHAM: All night long.

MR. LAFORTE: Okay, that's good.

SUPERVISOR CUNNINGHAM: You can still snow blow at 3 a.m. In fact, you can come snow blow my driveway at 3 a.m. I won't even get up and complain.

MR. LAFORTE: That's fine. And, then I heard tonight about wind chimes. Now, this is really getting to be a silly season when we are starting to worry about things like that. You know, we have... I had a dog one time and the dog would bark in the back yard, had it tied up, a neighbor called and told me that it was bothering her and I brought the dog in. That's a reasonable approach. We have a child who rides a miniature motorcycle around his house during the summertime and it may not exceed 65 dba but it can be annoying when you hear vroom, vroom, vroom and, you know, around and around he goes. And he has worn a path around the house between our houses but as my father used to say, the children will go but the grass will come back. So, we may be annoyed by noises that are not in excess of 65 dba, the occasional high school party, the barking dog. I know and I think a more reasonable approach between people of good faith can control that. I don't think we need an ordinance because if you pass an ordinance someone is sure to call the police. If he is not invited to your backyard party, he is going to be in the right to call the police and the police come and you have a ticketed... and a lot of hard feelings.

I don't think this ordinance is ready to be passed. I don't know that it ever is. It is a very difficult thing to pass a noise ordinance and make everybody happy. Sometimes you have to just let things die a natural death and this is one of those things that should die a natural death.

SUPERVISOR CUNNINGHAM: Thank you. In response to that last comment regarding the lawn mowers, our Town Attorney is recommending that we include the language that says...

TOWN ATTORNEY POTTER: Yes, basically what it would say is that the time limit for power tools would be between 7 a.m. and the later of sunset or 8 p.m. That way if... there is a short period of time during the year probably late May to early July where the sun sets after 8 p.m. but that would give you a definitive time limit that would enable you to mow your lawn up to sun set even though that is after 8 p.m. So, that would be the way to address Mr. LaForte's comment if the Board were so inclined.

MR. LAFORTE: Just... it also brings out the contradiction between construction noise and resident noise. Why is there a difference? Why is it okay for construction noise to occur after 9 a.m. and residential noise can't occur... until after 8 a.m.? I'm sorry...

SUPERVISOR CUNNINGHAM: Construction noise starts at 6 a.m., residential noise at 7 a.m.

MR. LAFORTE: Not p.m. There is an hour's difference between construction noise and residential noise.

SUPERVISOR CUNNINGHAM: Correct, that's because they start an hour earlier.

MR. LAFORTE: What...

SUPERVISOR CUNNINGHAM: Because construction work usually starts very early in the summer, they start very early.

MR. LAFORTE: Why don't I, as a resident, have the same privilege?

SUPERVISOR CUNNINGHAM: Making sausage here.

MR. LAFORTE: Yeah, this is public comment.

SUPERVISOR CUNNINGHAM: As I said, this thing is not designed to solve every issue in Town, it's never going to solve every issue in Town. If we don't

have a starting point, we won't get to a finishing point. This can always be amended, the Town will always be open to amending it and we can appeal it if it doesn't work for us.

MR. LAFORTE: That's my point, you say it can always be amended and these things have an awful lot of inertia. Once they are in, they're imbedded. And, the law is the law and we expect the law to be adhered to. So, you pass it, it's a law and you expect it to be entered. I'm sorry.

SUPERVISOR CUNNINGHAM: I'm sorry.

MS. JASINSKI: I totally agree with the previous speaker there and I would like to see power tools in there but again, I would also like to see that a resident can do their own work and it be allowed at 6 a.m. I mean I'm out at 5 a.m. on some summer mornings because of the coolness and country we get up early. But, yeah, I mean some people do their own work and maybe they want to get an hour in before they go to work or something like that so.

Could you please clarify something, I read the Times Union article again too and I was confused. Could you please clarify the actual hours that are listed in this.

SUPERVISOR CUNNINGHAM: It all depends on what we are talking about. In general this is designed... the purpose of this... or the approach here is to limit what is really nuisance noise or unreasonable noise, avoidable noise between 11 p.m. and 7 a.m. where it is disturbing someone else and they're asking that that noise be stopped. If you are out mowing your lawn at 6 a.m. and you don't have a neighbor within a half mile of your house, nobody hears it, nobody is going to come in and stop you. The police are not going to come down and see you or pull you over. This is only to allow the police when they are in a situation where they have to respond to a call to have a tool necessary in order to manage that situation because frequently we get there and we don't get cooperation. It is usually as I mentioned last time, it's usually late at night, usually alcohol involved and we usually don't get cooperation and we have no way to enforce what we are trying to do. And, we are trying to do it usually for the neighbors nearby.

MS. JASINSKI: Does the accusers... does the accuse get to know who the accuser is who called to make the complaint?

SUPERVISOR CUNNINGHAM: That I don't know.

MS. JASINSKI: Well, I think that that would be something that definitely should be in there. You should know who is complaining. I mean, there's all unintended consequences that are going to happen with this and I'm sure the neighbor who is pissed off at the other neighbor is going to be calling about some inconsequential little thing and we're going to be taking our fine Police Officers and sending them out there when they could be doing other things.

SUPERVISOR CUNNINGHAM: We're doing that now. We do it now.

MS. JASINSKI: But, you know and the previous speaker was right. I mean the wedding party or the graduation party that happens once during the summer that might go a little late, neighbors should be responsive to that and say hey, it happens once in a while I can put up with it. The other thing is how do we know as citizens whether our lawn mower is above 65 dba or not and you can tell me the sound of the jet and all the other things I've heard about these things but I really don't know how loud my tools are.

SUPERVISOR CUNNINGHAM: My understanding is that 65 dba is what is a reasonable noise. I don't believe your lawn mower exceeds that.

MS. JASINSKI: You haven't seen my lawn mower.

SUPERVISOR CUNNINGHAM: Yeah but you also have a big yard. Don't forget...

MS. JASINSKI: You know us farmers, we put everything together and...

SUPERVISOR CUNNINGHAM: Okay.

MS. JASINSKI: The only other thing I want to bring up now, the agricultural exemption or normal things they are for people in the agricultural district.

SUPERVISOR CUNNINGHAM: And, for people who are not in the district but are in the agricultural... in the agricultural... recognized in ORPS as ag assessment.

MS. JASINSKI: Okay. Then I think you really need to get on your ORPS data base there because I know of many properties who are listed as agricultural doing absolutely no agricultural activities and I know of agricultural properties that are not listed as such. And, it also includes those that are in where agricultural is zoned as use rights, the rural areas and that kind of thing.

SUPERVISOR CUNNINGHAM: Yes.

MS. JASINSKI: Thank you.

SUPERVISOR CUNNINGHAM: Okay, thanks. Other comments?

MRS. DEFRANCO: I want clarification also because I was speaking to a few people between the last public meeting and now. There was a misunderstanding. Does this... will this law include any daytime restrictions?

TOWN ATTORNEY POTTER: Yes it does. What this says for the daytime there is a objective standard based on what a reasonable person of normal sensibilities would deem to be a reasonable noise. That applies 24 hours a day, that standard of unreasonableness. In addition, to give the police a further tool, after 8 p.m. you also have the decibel limitation. So that anything above 65 dba would be an unreasonable noise after 8 p.m.

MRS. DEFRANCO: Okay, so it really isn't just a night time ordinance. If someone is really being abusive noise wise to a neighbor or...

TOWN ATTORNEY POTTER: Correct.

MRS. DEFRANCO: The police do have a tool to use during the day time if they judge it to that standard.

TOWN ATTORNEY POTTER: Yes, they do.

MRS. DEFRANCO: Okay, great. Thank you.

SUPERVISOR CUNNINGHAM: Other comments? Bill, did you want to make a comment?

BILL: No thank.

SUPERVISOR CUNNINGHAM: If there are no other comments, can I have a motion to close the public hearing?

The motion was made by Mr. Messina and seconded by Mr. Hennessey to close the public hearing at 6:50 p.m. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Hennessey.

Noes: None.

Absent: Mrs. Dawson, Mr. Kotary.

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Town Clerk

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For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 518-439-4955.

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Supervisor Cunningham made a motion to adopt Local Law 4 of 2009 amending the Code of the Town of Bethlehem adding a new chapter, Noise Abatement and Containment as amended earlier and adding Section 3 the word motor vehicle on public highways and adding in Section 5 the text to read, this shall prohibit before 7 a.m. and after the later of sunset or 8 p.m. The motion was seconded by Mr. Hennessey and passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Hennessey.

Noes: None.

Absent: Mrs. Dawson, Mr. Kotary.

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The next item was to approve the Town Board minutes of December 9, 2009.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the Town Board minutes of December 9, 2009 as submitted. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Hennessey.

Noes: None.

Absent: Mrs. Dawson, Mr. Kotary.

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The next item was a presentation and update by Commissioner of Public Works, Josh Cansler, and Deputy Commissioner of Public Works, Erik Deyoe, on the Town of Bethlehem Capital Plan. The Supervisor said as an update, they have been working on trying to get a Capital Plan together in the Town here for the last 2 ½ years. He said what is being presented is the foundations for something that will be for many years and will be a living document for the Town. It is the interim status report for the staff, the Supervisor noted. He said the report contains information on the Town owned properties and the ongoing costs to maintain the buildings and infrastructure. He noted it was an incredible amount of work on the part of many people, particularly Commissioner of Public Works, Josh Cansler and Deputy Commissioner of Public Works, Erik Deyoe. He thanked everyone. The Supervisor acknowledged Gil Boucher, Building Inspector, also did a lot of work on this report.

Commissioner of Public Works Cansler indicated he wanted to thank Deputy Commissioner of Public Works Deyoe also because he did the lion's share of the work compiling a document that is presented. He proceeded to explain the report and review some of the information contained in the report. He outlined the process they used to put the report together and reviewed the recommendations. He also mentioned the purpose of a Capital Plan and the need to layout future expenditures that will be necessary.

Deputy Commissioner of Public Works Deyoe reviewed additional information which he called a needs assessment for the future. He said it included the inventory of all the buildings owned along with the fleet equipment. He noted there is also financial information contained in the report along with possible funding mechanisms. He noted there is about a billion dollars worth of replacement costs in all the items outlined in the report, not including the land that is occupied. He said it is a very substantial amount if broken down per resident - about \$30,000 per resident. He noted it is a big undertaking to manage this.

Deputy Commissioner Deyoe noted the fleet perspective was broken down by department and make and model along with mileage on the vehicles.

Deputy Commissioner Deyoe said to summarize, the Capital Projects represent a total of about \$145 million dollars for the 10 years ahead. He said they are pretty substantial numbers in 10 years. He said in the construction world it is not a big number. Supervisor Cunningham said this is all in, no prioritization, no

exclusions and also an estimate. Mr. Deyoe said absolutely, it is based on an estimate. Councilman Messina asked if this included the facilities. Mr. Deyoe said it does not include the facility needs assessment portion.

Deputy Commissioner Deyoe next reviewed the recommendations and said it is a long term initiative. He noted they also suggested a look be taken on what funding opportunities may be available. He said they will continue to look at their fleet management program, as well as, the infrastructure needs of the Town.

Supervisor Cunningham asked if the Board had any questions for Deputy Commissioner Deyoe. Councilman Hennessey said he looked at Capital Plan summary and looks like in 2011, there is a big total, asking why that is. Mr. Deyoe said they are looking at taking on 2 major water projects in 2011. He said the replacement of the New Salem Water Treatment plant and adding some pretreatment capability at the Clapper Road plant.

Councilman Messina asked Commissioner Cansler about the 16 people that worked on this committee if they thought about organization structure that might help this move forward. Commissioner Cansler said their plan at this point is to continue with the organization structure they now have in place. He said obviously they are open to other suggestions, noting there will be some changes. He said they really haven't anticipated any changes in how they are going to go about going through it. Supervisor Cunningham said it has been kind of dynamic depending on what the task was at the time and he thinks at this point given what they have got, moving forward with this. He said there are a lot of other things that could be added to the Capital Plan. He said the next point is to prioritize the projects and determine which ones will be done and that is going to be a Board function. He said the other part of it is going to be working to determine the annual cost so that can be calculated into the annual budget.

Commissioner Cansler said one of the things that is misleading about how they presented it is they will meet on a monthly basis with the entire committee but there is a lot of work that goes on behind the scenes and generally depending on what the task is, whoever has the expertise works on that. He said there are some committee members that just provide guidance and direction as they go through the process where some of the others are heavily involved in the actual work producing the Capital Plan.

Supervisor Cunningham added first to thank everyone and indicated this is a starting point and what is missing out of this plan is how much it will cost annually and how will it be paid for. He said that is the nuts and bolts of the whole thing. He said next up to the Town Board to look at prioritization of projects and determine which project in there are real and which ones are going to have to be set aside because the numbers are pretty significant and the revenues do not exist at this time to cover those costs. He said there is at least a starting point at this time and at some time the Board will need to adopt a Capital Plan, noting hopefully that can be done in the coming year or so.

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Supervisor Cunningham said there are 3 items for appointment of Police Officers to our Police Department. He said currently there are 3 vacancies and these individuals have gone through a rigorous interview process and other testing to get to the point of where they are. He said this process was begun back in August and there has been some comments regarding Tier 4 and Tier 5. He said when this process started Tier 4 and Tier 5 were not a consideration of their appointment. He said there was a resident who was up earlier who pointed out accurately as we recognize some of the police officers today that we are asking these individuals to train and protect our residents, to do things like run into fires and save people. He said from his perspective he is not comfortable with making a decision on their hire date based on what tier they get into for the retirement. He said they do not know how much Tier 5 is going to cost, it is not established yet. He also noted one of the individuals is already in Tier 4 so it is not even a relative issue. He said there are 2 Town Board Members missing, however, the law requires that 3 Board Members approve a motion, so tonight there is a need for 3 affirmative motions to move this forward.

Supervisor Cunningham made a motion to incorporate all 3 appointments -- Arthura Naplitano, Robert C. Baldwin, Jr. and James E. Corrigan to the position of Police Officer effective December 27, 2009 -- for the Police Department as requested by Chief of Police, Louis Corsi.

Councilman Messina said it seemed to him that it was part of his responsibility on the Board is looking at the entire community and all of the Town's programs along with fiscal responsibility that should be demonstrated - which is key today. He said the Police Department has an operating budget that is about 60 percent of the General Fund and about 18 percent of overall budgeting noting it is a key piece. He said there is justification for him to tell everyone and to act here to disapprove 1 or more of these positions based on the fact that 2 of the positions are budgeted. He said the Town Board establishes the budget so it is the will of the Board that sets that threshold. He said by the 3<sup>rd</sup> position being added here annually with salary and fringes, it increases the cost roughly \$80,000 above where the budget is. He said when he looks at the fiscal accountability side, that is kind of knawing at him a bit but his job as a Town Board Member is to look beyond that as well in terms of safety and program performance and over the long run. He said he is supporting the filling of these positions because he looked at the resumes and sees that they have both the education background, the leadership in at least 2 cases and the information technology skills which can help the Town in many different ways.

Councilman Messina said he honestly believes these gentlemen will be outstanding compliments to our police force. He said he has had discussions with Police Chief Corsi and will have many more in the future on taking honest, detailed looks at operations and budgets of the police force as in other areas and always trying to improve efficiency while maintaining the quality of the delivery of the fine police officer service we have in this Town. So, over the next couple of years and starting very soon, the Chief and command staff will have conversations. He said he makes no assumptions about where they go except that is what they should do as managers and leaders.

Councilman Messina said the other piece is he does not know the magnitude of the dollars but he does know that we are acquiring a higher level of overtime than we should simply because we do not have enough patrol officers on staff to avoid that. He said he understands some overtime is driven by contract and that is a fact but he is talking about if there were more officers on the ground that would be reduced. He said that is on his mind and the last piece is -- Supervisor Cunningham over the past year and other Town Board Members have talked about the need, desirability to improve diversity in our police force. He said that is something that has to be done and he thinks there are ways that the Board can be more assertive about that. He said discussion has been held with other communities on how these opportunities may be found. He noted these appointments do not meet that goal but accomplished bringing fine, qualified, competent people that live in our community to our police force. He said he supports that.

Councilman Messina said he had to mention one thing and that is the fiscal accountability side tells him that given the fact that these positions are reasonably paid and he has a responsibility for the costs of the Town over time and that we do have a tier change occurring within a week and a half or so, he would propose for the consideration of his colleagues that the appointment be delayed until January 7, 2010, noting he does not think that would impact the new officers to be very much but it sends a signal that they are being fiscally conscious and trying to respect what their goals are here too. He said other than the effective date, he intends to be fully supportive of this and he asked that everyone understand where he is coming from. He thanked Supervisor Cunningham.

Councilman Hennessey said in reviewing the resumes of the people that are being hired, he noticed that there was a Bethlehem Hockey coach, a former Elsmere Fire Department and current Delmar Rescue Squad member and bronze star winner. He said this is the quality of individual that they would like to have

on the police force. He said he also trusts the Chief and Deputy Chief and all the members of the Police Department that are in attendance. He asked for a show of hands from the audience of the persons who support the appointment of the police officers. Councilman Hennessey said to let the record state that from him too, that these are fine future police officers and there was a great show of support at the meeting. He thanked everyone for coming to join the Town and noted he will be supporting this motion with the stated effective date.

Supervisor Cunningham said there was a motion to move this effective December 27, 2009. Councilman Messina said he would support this. Supervisor Cunningham thanked Councilman Messina.

The motion was seconded by Mr. Hennessey and passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Hennessey.

Noes: None.

Absent: Mrs. Dawson, Mr. Kotary.

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Supervisor Cunningham congratulated new Police Officers, Arturo Napolitano, Robert C. Baldwin, Jr. and James E. Corrigan. Chief Corsi took a minute to thank the Board for their consideration and noted this is very important for the Department. He said the staffing levels are below their 2006 levels and have been operating with excess overtime and that is not any way to run a Police Department which has been discussed. Chief Corsi noted this is the future of the Bethlehem Police Department. He said these are probably the finest individuals that he was able to recruit in the 6 years as the Chief. He said they look forward to a long and successful career with these men.

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The next item was a presentation by Comptroller Traylor on the third quarter results for the 2009 budget. Comptroller Traylor reported to the Board and public on her first year as Comptroller and the end of a very tough fiscal year for the municipality. She exhibited information and reviewed it. She reiterated the fact that a short fall in sales tax revenue as expected happened. She said the changes may have helped. She said the third quarter sales tax revenue came in and the amount was short compared to last year. This loss impacts decisions according to Comptroller Traylor but reductions in spending have been realized. She said they heard from Albany County that the mortgage tax revenues are up. She said this little increase helps the General Fund.

Comptroller Traylor said the park revenues are down due to the wet summer. She said this cannot be controlled and people did not show up at the golf course or pool.

Comptroller Traylor said vacant positions have not been filled and reigned in spending within the departments. She said the Town is in good shape for the end of the year. She said it is a difficult thing to predict. She said predicting where the Town will end up is very difficult. She said she has a sense as the close out of December is done and all the revenues and expenditures come in, they do have a fairly good sense of where the Town will end up. She exhibited slides showing the current standing with the budget amendments. The Comptroller noted she left information for the Board and if they had any questions please contact her.

Councilman Hennessey said he was not going to ask the normal magic crystal ball question but generally did she see signs of recovery. Supervisor Cunningham noted what they did see a slight recovery in is the mortgage tax revenue. He said it was higher than anticipated and highest they could have anticipated. He said that is due in part because of refinancing and now they said the housing market has turned around. He said that \$8,000 bonus has helped there. He said he does not know what happens after this. He said as far as sales tax revenue all he could say is he was at the mall the other day and it was pretty dead

for this time of year. He said Christmas shopping may increase the amount a little.

Comptroller Traylor said she knows Mr. Kotary had a discussion with her earlier this year and we all see the cars parked at Colonie Center and think there will be a lot of sales tax revenue but there is no way to know if people are walking out of the stores with packages. She said it is her understanding that a lot of the sales tax revenues is derived from high ticket items -- boats, cars, campers. She said you can tell in the summer months that amount was down. Supervisor Cunningham said and part of that number also reflects the fact that gasoline was up to \$4 per gallon.

Comptroller Traylor said it was fiscally prudent to modify the budget when they did and the Town is still under what they had hoped for. She said you do not know it may end up with a nice check in January and she will be reporting good news to the Town. Supervisor Cunningham said the other thing they were commenting was had the amended budget number been reached, there would be no use of Fund Balance this year. He said that is a real testament to all the department heads and employees of the Town who have listened when they are told you cannot spend money. He said they worked a lot sharing resources across departments, held the line on bringing in new employees when there was a vacancy and have done a lot more with a lot less and it is reflected in the numbers. He thanked everyone who has worked hard to make the numbers work. He thanked Comptroller Traylor.

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The next item was a request from Comptroller Traylor to approve Budget Transfers. Supervisor Cunningham noted this is being postponed until January 2010.

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The next item was a request from the Commissioner of Public Works, Josh Cansler, to award the purchase of a new Utility Service Truck to Robert Green Truck Division for \$55,748. Supervisor Cunningham noted this was a budgeted item that was not under State contract. He said his understanding is that the current truck has to be replaced, it is rusting out. He said he also knows this number is below the budgeted number.

The motion was made by Mr. Hennessey and seconded by Mr. Messina to approve the aware of purchase of a new Utility Service Truck to Robert Green truck Division for \$55,748 as requested by Commissioner of Public Works, Josh Cansler. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Hennessey.

Noes: None.

Absent: Mrs. Dawson, Mr. Kotary.

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The following item was a request from Erik Deyoe, Deputy Commissioner of Public Works, to accept a right-of-way and storm water parcels for the Mystic Woods Subdivision.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the acceptance of a right-of-way and storm water parcels for the Mystic Woods Subdivision as requested by Erik Deyoe, Deputy Commissioner of Public Works. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Hennessey.

Noes: None.

Absent: Mrs. Dawson, Mr. Kotary.

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The next item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to accept a right-of-way for a turnaround on Albright Place, Hudson Glen Subdivision.

The motion was made by Mr. Hennessey and seconded by Mr. Messina to approve the acceptance of a right-of-way for a turnaround on Albright Place, Hudson Glen Subdivision as requested by Erik Deyoe, Deputy Commissioner of Public Works. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Hennessey.

Noes: None.

Absent: Mrs. Dawson, Mr. Kotary.

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The following item was to approve the appointment of season personnel effective January 1, 2010 as requested by Nan Lanahan, Administrator, Parks and Recreation Department. Supervisor Cunningham said this item requires some explanation. He said normally when his daughter is being appointed he abstains from the motion, however, if he does not vote no one can be appointed because of the need for 3 votes to pass this. Town Attorney Potter said the Supervisor asked him this about 2 minutes ago and he has not had an opportunity to research it. He noted the Supervisor and the Town Board Members have a right to vote on their own salaries because there is nobody else to do it so based on that, inasmuch as you could vote on your own salary, it is his opinion without research that he could vote on your daughter's salary without any prohibited conflict of interest.

The motion was made by Mr. Hennessey and seconded by Mr. Messina to approve the appointment of seasonal personnel effective January 1, 2010 as listed on the Memorandum dated December 23, 2009 from Administrator, Nan Lanahan, Parks and Recreation Department at the titles and salaries listed. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Hennessey.

Noes: None.

Absent: Mrs. Dawson, Mr. Kotary.

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The next item was a request from Karen Pellettier, Director, Senior Services Department, for acceptance of a donation from Avila Retirement Community in the amount of \$100 for the purchase of music for the Bethlehem Senior Chorus.

The motion was made by Mr. Hennessey and seconded by Mr. Cunningham to approve the acceptance of a donation from Avila Retirement Community in the amount of \$100 for the purchase of music for the Bethlehem Senior Chorus as requested by Karen Pellettier, Director, Senior Services Department. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Hennessey.

Noes: None.

Absent: Mrs. Dawson, Mr. Kotary.

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Supervisor Cunningham asked if there was any new business from the Board. Councilman Hennessey noted even though Assemblyman Gordon presented a Proclamation to Town Clerk, Kathleen A. Newkirk, MMC, RMC, for her many years of service, the Town Board wanted to also recognize some of the great work she has done. He noted his wife would tell him he was remiss if he did not recognize Kathy since she is a big fan. On behalf of all those Kathy has helped over the years and welcomed into the community, who she has brought on board in so many different ways, the Board wanted to thank her. Town Clerk, Kathleen A. Newkirk, thanked the Board.

Councilman Hennessey said there are a few people in his life who he has to thank a great deal for many of the things that have happened to him. One of those people, according to Mr. Hennessey, is Town Supervisor, John Cunningham. He said Jack has been a good friend, a leader in this community and someone who has donated a lifetime of service in all the years he has put in and who we all appreciate

for all the great things he has done. Mr. Hennessey said he will miss having Jack here noting he will always be his friend. He thanked Supervisor Cunningham and noted he feels the community will thank him for all that he has done as Supervisor. The Supervisor thanked Councilman Hennessey.

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The Supervisor asked if there were any comments on non-agenda items. Mrs. Marie Capone said she has been doing Town Board since 1978, longer than anybody in the building. She said she knows what she is talking. She noted Mr. Bruce Secor, Commissioner of Public Works, was here for 17 years and was an RPI graduate. She said things did not go bad because he did it, took care of it ahead of time. She said we have sidewalks up the yang-yang in this Town but we still have water at the corner of Borthwick and Delaware that has been there for at least 3 to 4 years. She said Kyle Kotary knew it. She said there is water on Delaware across the street from here, between the street and highway constantly. She said in the winter it is dangerous for the people.

Mrs. Capone said the gentleman was talking about a new town hall. She said there is an office upstairs that is having a 4<sup>th</sup> employee there. She said that would be better run if there were 2. She said they have a lot of people in this building that don't do much of anything. Mrs. Mendick, according to Mrs. Capone, is the only office here that you go there and you don't hear a sound and they are doing their business. She said they are not the kind of people that eat donuts and coffee in the morning when they come to work. You have people in that office, Mrs. Capone said, that make \$56,000 a year that drive the bus because they don't want to be here, they want to be on the bus and a volunteer could do it for nothing.

Mrs. Capone said the building is not too small, you have too many people that don't do anything. And, she said, the Police Department when he had to talk about money he never talk about the increase of population in the Town even though the one that took Mrs. Kehoe's place said there is less taxes. Well, people cannot afford to live here, according to Mrs. Capone, so they go. It is not an Einstein moment, she said.

Mrs. Capone said when the Republicans left here, they left the Town a lot of lot of money and it disappeared very fast. She said the first Democrat that was Supervisor here, the first thing she did was she hire 5 electricians, 5 men that worked upstairs to put lights around the building so at night the building reflects. Supervisor Cunningham said there are no lights around the building noting she has said this numerous times. He said there is a spotlight that shines on the building. Mrs. Capone said she had proof and asked Town Clerk Newkirk about it. Mrs. Newkirk said she did not see it all around the building. Mrs. Capone said she would show it to the Supervisor. The Supervisor said the spotlight shines on the front of the building.

She said that was \$750,000. She said after that we all got new police cars, new highway truck and everything. She said the money is gone and now we don't have a pot, where did the money go. Well, she said, the Democrat took care of it. So, now we are going to put their hope on Mr. Messina, she said. Mrs. Capone said if there is one thing he can tell him, it is that the Republican successfully every day walked around the building and looked in the offices to see what is being done. She said he will be surprised at how many people are not doing much of anything. Okay. She said she did not want to take all of the time. Supervisor Cunningham said it was too late, she already did. She said she took 10 minutes and the Supervisor took 2 hours. Supervisor Cunningham said she should run for Supervisor. Mrs. Capone said she did not want to, noting she was asked before and no, she does not vote, not an American citizen and she is proud of it. Supervisor Cunningham wished Mrs. Capone a good evening.

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Ms. Jasinski said she wanted to keep him here for the whole night. She remarked she will miss Town Clerk Newkirk because she has been helpful in things even when it is not her office she is able to direct you where to go. She

said it has been a pleasure working with her and having you serve the Town. Town Clerk Newkirk thanked Ms. Jasinski.

Ms. Jasinski said if the cost of gas goes up then it costs more for your gas and there is that unintended consequences. She said that was a very nice ploy that Councilman Hennessey did noting nobody since she has been attending Town Board meetings has asked the people in the audience what they thought and supported. And, she said, you can now see how many people are left in the audience because all the friends and families of the police officers who raised their hands because, of course, they supported the appointments but it made it look very good. She thanked Mr. Hennessey.

Councilman Hennessey said he wanted to say for the record just so everyone knows which way it lays. He asked Ms. Jasinski what Tier of the Retirement System she was in. Ms. Jasinski said she is in Tier 3, noting she missed Tier 2. Councilman Hennessey asked Mr. Jasinski what tier he was in. Mr. Jasinski said that takes a little more information than just what tier he is in. He said when he retired he was in Tier 1 noting he got no incentives, no veteran's credits. He said he got nothing and walked out of the office because like he has the feeling knowing how Mr. Cunningham feels and everything because I didn't have the backing. He said when you have to lick the envelopes yourself to send bids out and you've got dummies who are walking the concourse down there drinking coffee and they don't stay at their desk, the money didn't mean that much. He said he walked out just under regular retirement Tier 1. He said Mr. Hennessey should try and live on his salary.

Ms. Jasinski said not only that but when they did take away the contributions for Tier 3 because the stock market was doing so good, she did say to everyone that was a foolish thing to do because the stock market will not always be doing good. And, he did not have to contribute any more. Councilman Hennessey said he is a member of the State Retirement System, noting he wanted to be honest, many of the people in the room are too. He wanted to make sure everyone was on the same page that as these privileges have been extended before so these privileges have been extended to people he thinks if you look at the resumes of these people, they have proven that they want to be heroes and they have been in the past. Ms. Jasinski said that is what the job is. Councilman Hennessey said he could not split the hair for 5 days to figure out some uncertain tier that honestly the pieces are not in place yet. Ms. Jasinski said she understands that. Mr. Hennessey said he could not do that in good conscience. Ms. Jasinski said, however, it does not seem that he is watching the tax payers money either. Supervisor Cunningham noted one of the individuals is already in Tier 4. Ms. Jasinski said that was fine and he could have been appointed that one and held off on the other two. She said that was just her point, the Town Board is responsible for watching the tax payers money and spending it wisely. She said that is her hope for the future administration. Supervisor Cunningham said he hopes so too since he is just a tax payer too.

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Mr. Jasinski said he wished to thank Supervisor Cunningham personally for the years that he has had here. He noted he thinks he has done a good job noting he does not know all the ins and outs since he is not privy to that. He said it has always been a pleasure to talk to him and discuss things. He said Supervisor Cunningham has always said that the office was open. He thanked the Supervisor and wished him well. Supervisor Cunningham thanked Mr. Jasinski.

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Mr. George Leveille, Gladwish Road, thanked both Supervisor Cunningham and Town Clerk Newkirk noting he has worked side-by-side with both noting they are tremendous public servants and the Town has been very fortunate to have them here. He extended both best wishes. Supervisor Cunningham and Town Clerk Newkirk thanked Mr. Leveille.

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Mr. Jim Potter, 89 Mosher Road, said he has never had the opportunity to be on the other side of the microphone. He said he had the pleasure of working with Town Clerk Newkirk for 6 years and he has never been so impressed with someone's professionalism. He said she has been tremendously helpful to everyone. He said he came as a Town Attorney, not fully knowing the responsibilities of the job and she was tremendously helpful to him and tremendously served the citizens of the Town of Bethlehem. Town Clerk Newkirk thanked Town Attorney Potter noting she really appreciated that.

Town Attorney Potter said he has had the pleasure of serving with 2 Town Supervisors and said he has a sense of the ins and outs of the workings of the job. He said it is a tremendously difficult job. The Town Supervisor is responsible for an \$18 million dollar budget, a tremendous number of employees and answer to over 20,000 citizens. He said in 2 years he has seen Supervisor Cunningham make some very difficult and decisions for all the right reasons. He said he applauds him for his service and wished him best of luck. Supervisor Cunningham thanked Town Attorney Potter noting he appreciated that.

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Supervisor Cunningham made the following announcements:

- Noting we are in the holiday season, Town hall will close at noon tomorrow and be closed all day on Friday for the Christmas holiday. He said it will also be closed on January 1, 2010. He noted Supervisor elect Messina will be having his swearing in ceremony at 2 p.m. open to the public.
- The tax bills are being mailed late this year because the County did not provide the information needed to get on the tax bill to get them out. He said at this point the tax bills are anticipated to be in everybody's hands by January 7, no later than January 7. He said the information for the tax bill is available on line December 31, 2009. He said you would go to [townofbethlehem.org](http://townofbethlehem.org) and go to the Assessor's page and follow the links to get to your tax bills or you can call the Tax Department. He said they will arrive later in January. He said what is really important is we are not allowed to extend the due date. He said the due date for tax bills is still February 1<sup>st</sup>. He said regardless of when you receive the bill, the due date remains February 1<sup>st</sup>. The payment must be received by February 1<sup>st</sup> or have it postmarked by February 1. Late fees cannot be waived and there are no exceptions.

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Supervisor Cunningham noted this was his last meeting and he wanted to take a moment to thank all the Town employees and the Department heads for all the hard work and assistance and support over the last years. He also thanked the Town Board for their support and wish Councilman Messina the best luck in his years as Supervisor, noting he will have a lot of fun as Town Attorney Potter mentioned.

In particular, Supervisor Cunningham thanked all the residents of the Town for their ongoing support indicating he got a lot of letters and emails and a lot of phone calls. He said he does get a lot of complaints but he also has a lot of people who contact and say he is doing a good job here and he appreciates that. He said it is a hard job and so hearing from people that they are doing the right thing is very encouraging. He said finally he wanted to thank the viewers on Channel 18. He said it is amazing, the number of people he has run into that watch this meeting on Channel 18. He thanked everyone who does not always get to the meeting to participate but keeps abreast by Channel 18. He said he wanted to thank cameraman Dave for being here.

Supervisor Cunningham again wished everyone Merry Christmas and Happy New Year. He thanked everyone.

The motion was made by Mr. Hennessey and seconded by Mr. Messina to adjourn the regular Town Board meeting at 8:10 p.m. The motion was carried by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Hennessey.

Noes: None.

Absent: Mrs. Dawson, Mr. Kotary.

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Town Clerk