

TOWN BOARD
FEBRUARY 11, 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
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Mark Hennessey, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney
ABSENT: Samuel Messina, Councilman

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Supervisor Cunningham welcomed everyone and asked Mr. NeJame to lead the pledge of allegiance.

The Supervisor read a Proclamation declaring February 28, 2009 as Community Kindness Day in the Town of Bethlehem. He encouraged everyone to perform an act of kindness on that day.

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Supervisor Cunningham asked if there were any comments on agenda items. Mrs. Marie Capone asked Town Attorney Potter about the request by the Supervisor for authorization for signing an agreement for Economic and Development Planning consulting service with Leveille, Development and Planning and if it was a conflict of interest. Town Attorney Potter said actually it is not. He said the Supervisor asked about that and it would only be if Mr. Leveille were authorizing work to be given to him or if he were in some way involved in the approval of the contract. He said they have specifically looked into that and done a fair amount of research. He said he concluded and reported that he did not see a conflict of interest there.

Mrs. Capone said next was the item from Human Resource Manager for Terry Ritz. She said Terry Ritz is the best thing this organization has ever done. Supervisor Cunningham said he tells him that every day. She said it is somebody local that knows what is happening that has grown up here. She said it was the best thing.

Mrs. Capone asked about the request from Town Senior Planner and Chairman of the Citizen Advisory Committee on Conservation to establish a Pedestrian/Bicycle Pathways Committee stating why on earth do you need more sidewalks to upkeep and to have to take care of in the winter when we have no money and you make us pay for something we don't want. She said the one on Feura Bush Road we don't want it, they want to save the money but one day they will have to charge you for that.

Mrs. Capone said the next item was the request from Deputy Commissioner of Public Works to approve the Safe Road for the Grant School supporting Orchard Street sidewalk project. She said we don't need sidewalks on Orchard Street.

The next item, Mrs. Capone questioned was the request from Deputy Commissioner of Public Works to accept easement for right-of-way along and authorize payment to landowner for land acquisition. She said we don't need to spend the money. She said in your house you have a lot of... you make over \$100,000 so you can purchase and get anything but we don't and the community does not. She said we need the money so will you stop spending it for just spending it. Supervisor Cunningham thanked Mrs. Capone.

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The Supervisor asked if there were any other comments on agenda items. Mr. William Kelleher said he would like to comment on the designated engineers. He read portions of his submission to the Town Board as follows:

The Town Board should approve the use of a single Licensed Engineering Firm for engineering services in connection with the Town's water supplies and distribution systems. A typical engineering contract should be used to cover those projects less than one million dollars. For those projects above one million dollars a separate contract should be used for each specific project. The statute of limitations must also be specified in each and every contract.

Mr. Kelleher asked if there were any questions on this information. Town Attorney Potter said a lot of contracts being referred to in this memo were entered into years ago, long before anyone here was involved. Mr. Kelleher said if the Board reads this, there were no engineering contracts. He said the very most important one 13.9 million dollars that was spent on this failed Clapper Road water supply there was no engineering contract whatsoever. He said it was Mike Tyson handshake. Town Attorney Potter said he was sorry but in any event, that was years ago. He said with respect to the Town designating engineering contracts, they spent a lot of time last year to come up with a standardized contract for the smaller projects. He said Mr. Kelleher was absolutely right for the larger engineering projects, they are looking at the contracts and look at insurance issues with respect to those and be vigilant about the statute of limitations issues. He said they are looking into this.

Mr. Kelleher said they were on the same waive length and a lot of the Town Board Members were not around when there was this clash over the Clapper Road water supply and we should use it to make sure we never do it again.

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Mr. Norman Morand asked about the agreement with George Leveille and whether there was a retainer fee involved. Supervisor Cunningham noted he would go through all the details when he gets to the item. Mr. Morand said when he gets to the item, there is no chance for anyone to comment on it because the comments are now. He said if he asks a question at that time, he would be told he was out of order. Supervisor Cunningham noted he could ask the questions now and he will make sure he will address them when he gets to the item. Mr. Morand asked if he would have a chance to comment. The Supervisor said no, during the public comment period he could make comments or ask questions. Mr. Morand said he just asked a question. Supervisor Cunningham said during the public comment period you come up and make your comments. He said if there is a question about the agenda item, he will address it during the agenda item and he can come up at the end of the meeting and make other comments regarding the item. Mr. Morand noted by then the Board has already approved it. The Supervisor said that was correct, it would be either approved or disapproved, but in the process of doing the agenda and the meeting is in process, there is no public comment period.

Mr. Morand said he understand that, noting he has been coming to the meetings for a number of years now. He said he asked a simple question, what does he have to do request 2 years in advance to get an answer on something when he does not know what is coming up. Mr. Morand asked if he was going to tell him the fee. Supervisor Cunningham noted he would go through the item when he gets to it in the agenda. He said this is not a press conference, it is a comment period. Mr. Morand said okay, he made the comment.

Mr. Morand noted the increase in Terry Ritz's salary when you have an \$800,000 shortfall, a sales tax shortfall based on Connors's statement, yet the Board keeps spending more money that the Town does not even have.

Mr. Morand said he thought all the mercury items in the plant were taken care of. He said there was a letter out saying that we settled an agreement with the State of New York, paid a fine and then on top of that we replaced the instruments and now you have more instruments to be replaced. Supervisor Cunningham noted

they did not say they replaced the instruments. He said they noted they reached an agreement with DEC and are in compliance with the agreement and this is part of the compliance process. Mr. Morand said there was a written statement made that the meters had been replaced and now it being noted that they have not been replaced. Supervisor Cunningham said he does not know the written statement he is speaking about. Mr. Morand said there was one.

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Gentleman had a question to whoever the cold war vet exemption. Supervisor Cunningham said there is going to be a public comment period on that when we get to it because it is a public hearing but go ahead. The gentleman said his father was a Korean War Vet and that is what he is here for. He said his father asked him to come because he is not around today. He asked that this be deciphered a little bit better what cold war is. He noted his father was in the war and asked if it is saying active or inactive. Supervisor Cunningham asked Assessor McVee to answer this question. Mrs. McVee said basically what determines a cold war vet is just the time frame of when he served. She said they are extending it from September 2, 1945 to December 26, 1991. The gentleman noted his father was 1948 to 1952. Mrs. McVee noted his father would qualify for this.

The gentleman asked if this was on top of what they have already or is this something different. Mrs. McVee said it is one or the other, noting if he is already qualified for a Veteran's Exemption, he will not also qualify for the Cold War Vet. She said the Cold War Vet is an addition to the Alternative Veteran's Exemption. The gentleman asked if one was better than the other. Mrs. McVee noted you get one or the other but not both. She said the Alternative Veteran you can get up to 25 percent, just to be qualifying vet is 15 percent, further indicating if you were in a combat zone, there is an additional 10 percent. She said if he was getting the 25 percent he is better off staying where he is. She noted this is only 15 percent.

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HEARING BEGAN: 6:10 P.M.

SUPERVISOR CUNNINGHAM: Okay, we will move onto the public hearing section of the meeting. We're going to hold a public hearing to consider a proposal to local law amending Chapter 111, Taxation of the Code of the Town of Bethlehem, adding a new Section 111-11.3, Cold War Veterans Exemptions. Patty, do you want to come up and give us a review on that please. Before you start, could I get a motion to waive the reading of the call of the hearing and indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting in the minutes.

The motion was made by Mrs. Dawson, seconded by Mr. Hennessey and duly adopted to waive the reading of the call of the hearing and 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. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: Mr. Messina.

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TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on February 11, 2009 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider a Proposed Local Law Amending the Code of the Town of Bethlehem, Chapter 111, Taxation, Adding Article III-11.3, Tax Exemptions for Cold war Veterans.

All parties in interest 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 need assistance in order to participate should contact the Town Clerk's office at 439-4955, Ext. 1183. Advanced notice is

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

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 Times Union, on January 30, 2009 and that I posted the Notice of Public Hearing on January 30, 2009 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 February, 2009.

Julie McNeil

Notary Public

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SUPERVISOR CUNNINGHAM: Okay, go ahead.

ASSESSOR MCVEE: Basically as I said earlier, this is just an expansion of the existing Alternative Veterans Exemption. The existing exemption you can qualify up to 25 percent. There is 2 phases of that just to qualify you get the 15 percent, if you are in a combat zone, you get the additional 10 percent for grand total of 25 percent off and there are maximums. There are caps on those. There's also if you are a disabled vet you can also get 50 percent of your disability rating. That's also a part of the cold war veteran's, is the disability rating. You get 50 percent of your disability rating. Once again, it is all based on the dates of when you've served. You had to have been active duty and with an honorable discharge. It does not qualify for training. It qualifies just for active duty. It does not qualify for reserves and that pretty much covers most of it. So, it is just an expansion of the existing exemption. And, like I said before, you don't get both. You get one or the other.

SUPERVISOR CUNNINGHAM: Does the Board have questions for Patty? Okay. Is there questions or comments from the public? Mr. Jasinski.

MR. ROBERT JASINSKI: Good evening, I'd like to ask is there a certain amount of time that you have to serve on active duty, which I believe that there is. In other words, I mean, if you go... do you need 2 years active duty to qualify?

ASSESSOR MCVEE: It does not specify that as long as you've served within those time frames. If you served active duty I think 1 day as long as you are within those dates.

MR. JASINSKI: I suggest you look into that to see whether there is a time because there used to be... in order to be a veteran, I had to serve so many years or months on active duty.

SUPERVISOR CUNNINGHAM: Correct and then honorably discharged I think also is another requirement.

TOWN ATTORNEY POTTER: I think there is an honorable discharge provision in the law.

MR. JASINSKI: All right.

ASSESSOR MCVEE: Oh, yes, honorable discharge but I don't see where it ever --

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maybe I missed it Jim, did you see where it specifies that you had to serve so many days active duty?

TOWN ATTORNEY POTTER: I did not see that specified in the law.

MR. JASINSKI: Well, I suggest you look at it because this will be going over the television channel and I'm sure we have lots of disabled vets sitting at home that do monitor this program and it kind of leaves a little gap there. And, I do approve of this program and I also want to point out I believe this program is paid by the State or the Federal Government and it is no cost to the Town. Am I correct?

ASSESSOR MCVEE: No, it's... with the way exemptions works it is just if one property exempt, it basically shifts to the other taxpayers like all exemptions except for the STAR. The STAR is funded by the State but all other exemptions -- senior citizens, veterans, clerical clergy.

MR. JASINSKI: Yes, but I thought a Federal law or State law was passed on this and the towns could either agree to it or disagree to it.

SUPERVISOR CUNNINGHAM: We don't have to provide this exemption. It's the option of the Town.

MR. JASINSKI: Right, that's correct.

SUPERVISOR CUNNINGHAM: But, if we do provide the exemption, it is at the cost of the taxpayers of the Town of Bethlehem to provide the exemption.

ASSESSOR MCVEE: It is not funded at all.

SUPERVISOR CUNNINGHAM: It is not funded by any other government, unfortunately.

MR. JASINSKI: All right. Then I wish you'd look into...

SUPERVISOR CUNNINGHAM: Trust me, if we could get funding, I would go out and get it.

MR. JASINSKI: Yes, I wish you could look into my questions on whether the amount of time has to be served.

ASSESSOR MCVEE: I absolutely will if you want to see me tomorrow.

MR. JASINSKI: Thank you very much. I do approve of this.

SUPERVISOR CUNNINGHAM: Thank you, Bob.

COUNCILMAN KOTARY: Patty, if I could just ask a quick question. On Mr. Jasinski's point, this is an exemption for property tax, correct, not for income tax or is it....?

ASSESSOR MCVEE: This is for property tax only. None of the veteran's exemptions apply to school taxes and it is not, like you said, it is not a tax rebate on your income tax. It is strictly for your property taxes and this will go to your county and if this is passed tonight, toward your County and Town tax.

SUPERVISOR CUNNINGHAM: And, does it apply to water and sewer tax?

ASSESSOR MCVEE: No.

SUPERVISOR CUNNINGHAM: Highway?

ASSESSOR MCVEE: Yes.

SUPERVISOR CUNNINGHAM: Okay, so highway and general fund tax will be reduced, water and sewer will not. And, the County has already passed this?

ASSESSOR MCVEE: Correct. County has already passed this.

SUPERVISOR CUNNINGHAM: The County has already adopted this law.

ASSESSOR MCVEE: Yes.

SUPERVISOR CUNNINGHAM: Okay, good. Other comments? Kathy.

TOWN CLERK NEWKIRK: I'm on the other side for this particular part of it.

SUPERVISOR CUNNINGHAM: Yes, you are. Who's taking notes here?

TOWN CLERK NEWKIRK: The machine, the machine works good.

I've just been asked to read this statement for Sam Messina. As everybody knows he is out of town and it wanted this included in the record.

He said --

I am writing regarding the draft law on Cold War Veterans which amends Chapter 111 of the Town Code to add a new section 111.3 with respect to Cold War Veterans exemptions. Speaking as a Town of Bethlehem Board Member, a Vietnam Veteran and a person who has advocated for effective programs for Veterans I strongly support this amendment which basically extends the service time period beyond that which is covered under current law.

By support the Cold War Veteran amendment, the Town Board honors all veterans and their families and everyone in the Town of Bethlehem by doing the right thing for those who have served their country.

/s/ Sam Messina

SUPERVISOR CUNNINGHAM: Thank you, Kathy. Are there other comments from the public on this change in Code? Okay.

COUNCILMAN KOTARY: Jack, if not, I would like to make a comment for the record.

SUPERVISOR CUNNINGHAM: Do you want to do it when we do the vote?

COUNCILMAN KOTARY: Pardon?

SUPERVISOR CUNNINGHAM: Can we do it during the vote?

COUNCILMAN KOTARY: Sure.

SUPERVISOR CUNNINGHAM: Okay. Can I have a motion to close the public hearing?

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to close the public hearing at 6:26 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

Town Clerk

Supervisor Cunningham asked if the Board wished to vote on the adoption of Local Law No. 2, Amending the Code of the Town of Bethlehem, Chapter 111, Taxation adding a new Section 111-11.3, Cold War Veterans Exemption.

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

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the adoption of Local Law No. 2 Amending the Code of the Town of Bethlehem, Chapter 111, Taxation adding a new Section 111-11.3, Cold War Veterans Exemption.

Councilman Kotary said he wanted to make a couple quick points. He said he fully supports this as he has and as the Board has on all of the allowable exemptions. As Patty has mentioned, he said, they have exemptions for seniors, for residents with disabilities, as well as, veterans of other conflicts and wars and as a Grandson of somebody who served in World War II and Son of somebody who served in Vietnam and a Member of the Sons of the American Legion, he thinks it is absolutely important. He said he is proud to support this amendment and he thinks it is important for them to not only recognize and honor their veterans but also to take any opportunity they can to provide maximum exemptions for our seniors, for those with disabilities and for our vets. He said he was going to support this.

Supervisor Cunningham said he would like to go on record to say that he also supports it. He said he is from a family of veterans although he was not in the service himself. He said his Grandfather, Uncles, and Father were all veterans and he agrees that it is appropriate that the Town allows every exemption for the seniors and veterans and will be proud to support this.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was to approve the Town Board minutes of January 14 and January 28, 2009.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the Town Board minutes of January 14 and January 28, 2009 as submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was a request from the Supervisor to appoint Victoria Stanton Sweeney and Sam Nejame to the Bethlehem IDA to fill existing vacancies.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the Appointment of Victoria Stanton Sweeney and Sam Nejame as Members of the Bethlehem IDA. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The following item was a request from Supervisor Cunningham for authorization to sign an agreement for economic planning and development consulting services with Leveille Development and Planning. The Supervisor explained that Mr. Leveille served the Town of Bethlehem as the Director of Economic and Development for approximately 5 years. He said he retired on December 31, 2008 noting his role in the Town was not only running the Planning Department and the Economic Development Department but he had many projects that he was working on for him. He noted 2 of the projects - Bethlehem 20/20

Advisory Committee which they are still in the process of working through and the Selkirk Yard Industrial District proposal which also involves a proposal and a study on the feasibility of putting a Thruway exchange in on Clapper Road and I-90.

The Supervisor said there are other economic development strategies and initiatives that are being worked on. He said when Mr. Leveille left they did not replace him, noting his salary although it remained in the budget did not result in the hiring of a new economic development person because of the budget constraints. He noted it is impossible for him to get all this work done on his own and Mr. Morelli who is appointed as the head of the Economic Development and Planning Department already had a full plate that he is working on. He said Mr. Morelli assists a great deal, he still needs to have support in getting the initiatives moving forward.

Supervisor Cunningham said Mr. Leveille in his retirement is working as the Chairman of the Planning Board but he would also like this approved because he would like to be able to access his expertise and his support in getting the initiatives moving forward. He said his commitment is to be working 15 hours a month, approximately 1 day a week, for the Town and the stipend will be \$1,050 per month.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the Supervisor signing an agreement for economic planning and development consulting services with Leveille Development and Planning.

The Supervisor asked if there were any questions for discussion. Councilman Hennessey said he thinks the contract is appropriate on the basis that it is obviously much less expensive than Mr. Leveille was costing the Town before. He said there is a massive savings involved and noted they have discussed the financial parameters which were asked about earlier in the meeting and Mr. Leveille does good work for the Town. He said obviously the contract is temporary in duration. He said the fact of the matter is it is not a forever contract but a contract that is for a year and they will see how it goes. He said they can then move forward from there.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The following item was a request from Human Resource Manager, Mary Tremblay-Glassman, to approve the Voluntary Reduction in Work Schedule Program (VRWS) for Town of Bethlehem Employees. Supervisor Cunningham said in recognition as some residents have pointed out in light of the budget constraints, the Town is looking for opportunities to reduce the overall expenses. He said they are not looking to lay off employees, however, they recognize there are employees that work for the Town that might want to take advantage of a reduced work schedule particularly during the nice months where they have maybe family issues, day care issues over the summer or maybe they just like to have a little time off over the summer without pay.

Supervisor Cunningham said they have developed a voluntary program that is being offered that allows them to exchange hours for pay. They can request to pay from one-half day to 2 days off per week and they can do it in month increments from 1 to 6 months, according to the Supervisor. He said they have to be an employee of the Town for at least 1 month, have approval from their supervisor and this is eligible for most Town employees but not for the public safety officers because of the nature of their work. He said they would not be able to work with adjusting schedules like that.

The Supervisor noted they think this is an opportunity for the employees to

take advantage of a slowed economy and a slowed work load. He said it will also give the Town some needed relief in the budget. He said this program has been put together and it is voluntary and make it available May 1st through the end of the year.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the Voluntary Reduction in Work Schedule Program (VRWS) for Town of Bethlehem Employees effective May 1, 2009 through December 2009 as requested by Mary Tremblay-Glassman, Human Resource Manager.

Councilman Kotary said he wanted to emphasize 2 points. He said one is the continued commitment to the Town employees, our most valuable resource, that the fact that this is voluntary. He said it is something that they certainly have a well-thought out and well-laid out plan in order to implement it. He said he supports it and it is a good idea. He encouraged those who this may work for them to participate. He said they also point out having the opportunity to see, if in fact, employees are taking advantage of the opportunity or not and have an opportunity to tweak it again at some point down the road.

Councilman Hennessey said just like all Town residents, they are trying to control costs. He said they listen to the things people say when they come in front of the Town Board. He said it is difficult based on the financial situation that we all find ourselves in and this is one tool that can be utilized to mediate the situation. He said it is terrific that this voluntary program is out there and if Town employees want to take part in it, that is terrific. He said it is a great way to move forward on the plans to make sure they are reigning in costs at every step along the way this year.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was a request from Human Resource Manager to adjust compensation for Terry Ritz to reflect added responsibilities relative to his duties as Executive Director of the Bethlehem IDA. Supervisor Cunningham said Mr. Leveille when he was employed here was Executive Director of the IDA and when he retired he left this position. He said the IDA last week appointed Terry Ritz as the new Executive Director. He said this is an added responsibility to his regular workload here at Town Hall and the Town is going to add a \$5,000 stipend or add pay to his salary if this is approved. He said the way the Town works with the IDA is that they are a separate authority and have their own budget. He said on an annual basis they fund a portion of the Town's budget in order to compensate the Town for the internal work that we do. He said the Economic Development and Planning Department do a great deal of work to support the IDA in their work.

Supervisor Cunningham said the agreement with the Town is to fund the Town up to \$200,000 a year. He said the last 2 years, the IDA has not had many new deals so their budget has been constrained and they have budgeted last year and in 2009 to pay the Town \$50,000. He said the Town has put in the budget that we will have a revenue stream from the IDA of \$50,000. He said with the appointment of Mr. Ritz as IDA Executive Director, he has asked the IDA and they have amended their budget to pay the Town \$55,000 in 2009 to reflect the increased work load for Mr. Ritz in the Town. He said the IDA is precluded from paying Town employees out of their budget so this is the way that we are compensating the Town to offset the added pay for Mr. Ritz.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the adjustment of \$5,000 for compensation for Mr. Terry Ritz to reflect added responsibilities relative to his duties as Executive Director of the Bethlehem IDA as requested by Mary Tremblay-Glassman, Human Resource Manager.

Councilman Kotary said he agreed with Mrs. Capone that Terry Ritz does a great job as many of our employees do. He noted he wanted Town Engineer Deyoe to realize that Mrs. Capone said Mr. Ritz is the best employee. He said he does think with the increased workload that the compensation arrangement is not only appropriate but the way that it is structured so that it is actually not coming from the Town budget is appropriate since he is doing work for the IDA. He said it was addressed earlier and he wanted to emphasize that point.

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Councilman Hennessey said one thing and he noted generally he is not the type of person who would make this kind of comment but the funny thing that you find about Terry is, everybody you talk to about Terry says the best things; that he is the hardest working person you will meet; that he's always there with the answer that you need; and that he is exactly the right person for this kind of role. He noted he is very happy he is being moved onto this as well and will vote in the affirmative.

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Supervisor Cunningham added that Mr. Ritz is his biggest advocate because he says that about himself all the time.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The following item was a request from the Town's Senior Planner and Chairman of the Citizens Advisory Committee on Conservation (CACCC) to establish a Pedestrian and Bicycle Pathways Committee. Supervisor Cunningham said this request comes from the CACCC as part of their open space plan. He said this will move the recommendations that come out of the final open space plan that they present to the Board sometime in the future. He said recognizing that we are now in the season where they need to start planning sidewalks and he asked them to make this recommendation early on to begin the process.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the establishment of the Pedestrian and Bicycle Pathways Committee as requested by Senior Planner and Chairman of the Citizens Advisory Committee on Conservation.

Councilman Dawson commented that she thinks this is essential as many of our residents across the Town feel it is extremely important that we keep the issues about pedestrian safety on the agenda and continue to find ways to link important parts of the Town as we continue to grow and develop and people do not feel isolated and know that our children and adults can move about the Town safely. She said she thinks this is an important step and she wholly supports it. Supervisor Cunningham thanked Councilman Dawson.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The following item was to appoint the Members of the PATH's 4 Bethlehem Committee as requested by the Supervisor.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the appointment of the following Members of the PATH's 4 Bethlehem

Committee as requested by Supervisor Cunningham:

Step[h]en Downs	Mark Jordan
Jason Gallo, Assistant Administrator of Parks and Recreation Department	
Sue Kambrich	Scott Lewenden
Daniel Lewis	Mark Lewis
Kathy McCarthy	Julie Sasso
John Schonberg	Caleb Wistar.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was a Request from the Deputy Commissioner of Public Works, Erik Deyoe, to approve the Safe Routes to School Grant resolution supporting the Orchard Street sidewalk project. Supervisor Cunningham asked if there were any comments.

Councilman Hennessey said this is just another part of their commitment to making sure sidewalks get put all over Town so that people can get from one place to another utilizing pedestrian paths as well as greener ways to get around. He said this is terrific and a great way to move forward for the Town.

Supervisor Cunningham said this is grant funding for the project from the State of New York from their Safe Routes to School Initiative. Supervisor Cunningham asked Deputy Commissioner Deyoe what the amount was. Mr. Deyoe said it was \$170,000 out of \$324,000 project overall and part was for design work that will be done by DOT.

Councilman Kotary said not a question but he made a point because it was brought up in the public comment period that with regard to sidewalks and people wanting them and he would just say anecdotally and he bet if he kept track and did a personal poll, it is overwhelming the number of people who mention sidewalks. He said he would dare say that of all the issues over the 4 years on the Board, the single issue he has heard the most is sidewalks. He said people want them, not only for connecting our community, but it is, in fact, a safety issue for a lot of neighborhoods connecting to other neighborhoods and other parts of Town. He said right now there are areas that concern everyone. He said he thinks this is another project, people want it, they are finding outside funding as well to supplement our own funding and something that he thinks is extremely important to support. He thanked Mr. Deyoe and staff for their hard work on this. Deputy Commissioner Deyoe said that was mostly Rob Leslie, Senior Planner.

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The following resolution was presented for adoption:

RESOLUTION NUMBER: 4

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the SRTS: Orchard Street Pedestrian Improvements from Cherry Avenue to Crestwood Lane, Town of Bethlehem, P.I.N. 1758.09 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds; and

WHEREAS, the Town of Bethlehem desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and Construction.

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Bethlehem to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$324,000.00 (Three hundred twenty four thousand dollars and no cents) (\$35,000.00 for 100% State Administered Preliminary Engineering Phase; \$135,000.00 for Locally Administered Construction and Inspection Phase; and \$154,000.00 for a Non-Participating 100% Local Share) is hereby appropriated from the General Fund Capital Reserve (pursuant to Resolution No. 44 of 2008) and annual operating Highway and General Operating Funds and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Bethlehem shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of Bethlehem be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Bethlehem with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

The foregoing resolution was presented for adoption by Mrs. Dawson, seconded by Mr. Kotary and passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to accept easements and rights-of-way along Weisheit Road and authorize payments to the landowners in consideration of these acquisitions. Supervisor Cunningham said Weisheit Road had some issues about 2 years ago where it was collapsing and the Town has moved the road. He said this is compensation for the property taken to accomplish this move. The Supervisor noted the Weisheits have been very cooperative in this matter and noted they have been very helpful. He said this is appropriate compensation for the amount of land taken.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the acceptance of easements and rights-of-way along Weisheit Road and authorize payments up to \$26,000 to the landowners in consideration of these acquisitions as requested by Deputy Commissioner of Public Works, Erik Deyoe. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The following item was a request from Deputy Commissioner of Public Works to grant an easement to National Grid for the Thatcher Street Pump Station.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the granting of an easement to National Grid for the Thatcher Street Pump

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Station as requested by Deputy Commissioner of Public Works, Erik Deyoe. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

Supervisor Cunningham said the next 2 items relate to the work that is being done out at the Water Plant. He said last year there was an issue regarding the flow meters and the mercury content in the meters that had leaked. He noted DEC has done a complete investigation of the issue and we are under consent order with DEC to replace the flow meters. He said we have been working toward that and now have the bid in to do the replacement. He said the first item will be to replace the flow meters out at the plant and the second item will be to do a study to look at the mercury issue that may or may not exist in the sump lagoon at the water plant. He said that is a research study to determine if there is mercury there and what needs to be done to remediate that. He added that DEC and the Town of Bethlehem has been working very closely together and it has been very cooperative. He said we are in full compliance with the consent order at this time and intend to stay there.

The first issue is to approve the award of bid for \$28,785 to DLC, Inc. for the replacement of mercury containing devices at the New Salem Water Treatment Plant as requested by Deputy Commissioner of Public Works, Erik Deyoe. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

Supervisor Cunningham said the second item was to authorize the Supervisor to sign a contract with Malcolm Pirnie, Inc. to complete a mercury investigation of the New Salem Water Treatment Plant sump and lagoon as requested by Erik Deyoe, Deputy Commissioner of Public Works.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to authorize the Supervisor to sign a contract with Malcolm Pirnie, Inc. to complete a mercury investigation of the New Salem Water Treatment Plant sump and lagoon as requested by Erik Deyoe, Deputy Commissioner of Public Works.

Councilman Kotary said quick comment. He said in addressing an earlier comment, he wanted to point out 2 things - 1. We are doing exactly what they said they were going to do and he does not recall saying that we have already replaced the meters and 2. This goes to the point along the lines of some of the sewer and water infrastructure that have been talked about where there was a situation that happened due to old and outdated equipment and issues that had not been addressed for years, if not decades. He said they are trying to deal with many things with regard to the infrastructure and a lot of these things are happening all at the same time. He said some of which are 30 year problems, some are issued that Mr. Kelleher addressed that were long before anybody on the Board was here and he wants to make sure that it is clear that they are trying to address every problem and we do address every issue that comes to the Board immediately upon receiving the news.

Councilman Hennessey said his recollection of the discussion that was had at the time when the meter situation was brought to light was that the affected meter was taken off line. He said he thinks that is what was talked about. Supervisor Cunningham said that was correct. Mr. Hennessey said he wanted to stress that this action taken here is to perform an extraordinary precautionary measure to absolutely, positively make sure that if there was any evidence, we would take care of it and the fact of the matter is that there has been no evidence thus far that there

is mercury contamination in this particular pool. So, he said, we are taking the precautionary steps that are needed to make sure that there is no future problem that they run into and that no future Board will have to deal with this measure because we pushed it off to somebody else.

The motion as passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was acknowledgement of the 2008 Annual Report from Nan Lanahan, Administrator, Parks and Recreation Department. Supervisor Cunningham said the report was very colorful and thorough.

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

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the appointment of Seasonal Personnel as listed in the Memorandum dated February 11, 2009 at the titles and rates indicated as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was a request from Town Planner, Jeffrey Lipnicky, to authorize the Supervisor to execute an agreement with the Town Designated Engineer, Clough Harbour & Associates.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the authorization of the Supervisor to execute a Town Designated Engineer agreement with Clough, Harbour & Associates as requested by Town Planner, Jeffrey Lipnicky.

Councilman Dawson asked for a little more information on this item. Economic Development and Planning Director, Michael Morelli, said the Town entered into what is called a TDE's or Town Designated Engineer agreements back in September of 2005. He noted they are good for a yearly renewal and they use them for the larger, more complex projects. He said he feels great working with the engineering staff but there are times where given the magnitude of the project, they may want to bring in a TDE. He noted they have used Barton and LaGuidice and Clough Harbour and Associates as the 2 TDEs for the Town. He said they have worked very effectively for them and they are recommending, based on conversations with both engineering and planning staff, that we recommend the Town Board renew this 1 year contract with Clough, Harbour. He said they are working the Barton and LaGuidice on their fee schedule and make sure it is consistent and they would expect that they would have a recommendation to the Town Board in the next couple meetings also recommending Barton and LaGuidice be renewed for 1 year period.

Town Attorney Potter expanded on what Mr. Morelli said. He said in 2005, they essentially developed a template TDE agreement and spent a lot of time looking at issues like Mr. Kelleher addressed just to make sure that we had a solid contract and that they could apply it to all the TDEs. He said actually this contract is simply a renewal of what was developed in 2005 and they have been operating under for the last 2 years.

Mr. Morelli added that when a TDE is used, that cost is borne by the applicant. He said it is neutral revenue for the Town. He said there is no cost for the Town residents, it is paid by the applicants. Supervisor Cunningham said this program has been very successful for the Town in working with builders and developers in getting their projects through the process of approval. He said the success has been recognized by the Town of Colonie who came here, met with us and have adopted the same program for the Town of Colonie also. He said they were having a hard time getting their projects through the process and frustrating the developers out there. He said it has been a great plan, well implemented and whoever's idea it was he will take credit for it.

Supervisor Cunningham asked if there were any other questions. Councilman Hennessey asked what the average sum is spent on these contract every year. Mr. Morelli said it was hard to say given the magnitude of the project. He said a project like VISTA would be \$40,000 or more because of all the complexities with traffic and environmental impact statements, water and sewer. He said he would say somewhere around \$7,000 if it was averaged out. He said obviously they do not have as many big projects like VISTA. Councilman Hennessey said \$7,000 range for what. Mr. Morelli said per engagement or project.

Councilman Hennessey said what he is asking is how many engagements. Mr. Morelli said they have 23 active projects before the Planning Board, 6 of them have been sent to a TDE. He said most of them are kept in house and again, they will sit down with engineering given the complexity of the project or the magnitude of the project. He said based on work load and again complexity, they may say let's send it to a TDE or keep it in house but that is something they coordinate between engineering and planning.

Town Engineer Deyoe said they use them as well for some of the engineering projects or Town projects themselves. He said he can't give a number off the top of his head what is spent each year with each TDE but he can get that number. If he was to ballpark it, he would say it is \$200,000 year between all the projects they are working on. Supervisor Cunningham said a lot of that cost is passed back to the developers. Mr. Deyoe said unless it is a Town engaged project.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

The next item was a request from Councilman Hennessey to approve a resolution in support of the New York State Environmental Protection Fund.

Councilman Hennessey said the Environmental Protection Fund is utilized to fund a variety of projects across the State that deal with environmental issues. He said here in the Town of Bethlehem over the past 10 years or so there has been over \$150,000 worth of project that have been funded out of the EPF. He said right now there is a lot of talk that the EPF will be cut back to a drastic amount that will make them unable to fund these kinds of very important environment preserving projects throughout there. He said a number of different municipalities across the State have been working on resolutions like this to pass up to the State government to tell them that we don't think the cuts to the EPF are the best thing to do at this time.

Supervisor Cunningham said the approval of this urgent resolution is that we will pass this on to our State representatives asking them to continue supporting that indicating that the Town Board has approved that resolution.

Councilman Kotary thanked Councilman Hennessey for bringing this to the Board's attention. He thinks it is a great idea and something that should not only have their votes for but also their voices to ensure and he would encourage

everybody out there who is interested in supporting our environment who wants to see these projects that Councilman Hennessey mentioned and many more that may be in the pipeline to reach out to our State representatives that we support it and our community benefits from it and despite our budget and fiscal woes, this is something that is important. He said he fully supports it and thanked Mr. Hennessey for bringing it forward.

RESOLUTION NO. 5

RESOLUTION IN SUPPORT OF THE NEW YORK STATE
ENVIRONMENTAL PROTECTION FUND

WHEREAS, the TOWN OF BETHLEHEM recognizes that protecting natural resources, public health, community character and regional economies is critically important; and

WHEREAS, Created in 1993, the New York State Environmental Protection Fund (EPF) established the state's first-ever dedicated funding mechanism to provide critical funding for the New York State Department of Environmental Conservation, the Office of Parks, Recreation and Historic Preservation, and grants to local governments and non-profit organizations. EPF funding helps to implement a variety of environmental programs to protect public health and ensure communities have clean water, land, and air; to preserve open space and working farms; and to create and maintain public parks.

WHEREAS, The Environmental Protection Fund has provided dedicated funding for programs that benefit this municipality including open space protection, farmland protection, non-point source pollution prevention, waterfront revitalization, municipal parks, municipal recycling, zoos, botanical gardens and aquaria, smart growth planning, biodiversity research, estuary programs, pollution prevention, landfill closure, and water quality protection; and

WHEREAS, the Environmental Protection Fund has benefitted the TOWN OF BETHLEHEM by providing funding For the Henry Hudson Park fishing platform, the Henry Hudson Park Waterfront Revitalization Program, the Municipal Recycling Program, the Local Farmland Protection plan as well as grants that benefit residents such as the Audubon Estuary Program to benefit the Normanskill and the Onesquethaw Coeymans watershed Council; and

WHEREAS, The Environmental Protection Fund is primarily financed through the New York State Real Estate Transfer Tax (RETT) but also receives revenue from income derived from the sale of surplus state lands, the leasing of underwater state-owned lands, and New York's "open space" license plate. As initially envisioned and established by the New York State Legislature, EPF appropriations are not intended to have any significant effect on the state's annual budget because EPF revenue represents statutorily dedicated funds not intended to be spent on other state programs; and

WHEREAS, it was the intent of the New York State Legislature to protect the integrity of the Environmental Protection Fund through times of economic prosperity as well as during economic crisis by providing a stable dedicated source of funding for these critical programs; and

WHEREAS, Despite current and projected decreases in real estate sales in New York State, the State Real Estate Transfer Tax generates revenue at a level that is nearly triple what is statutorily required to fully fund the Environmental Protection Fund; and

WHEREAS, it is the sense of this body, that to ensure environmental funding levels in New York State adequately meet current needs, the Environmental Protection Fund should be fully funded according to the current statutory funding schedule as established by the Environmental Protection Fund Enhancement Act (Chapter 256 of the Laws of 2007); and

WHEREAS, it is the sense of this body that the Environmental Protection Fund Act should be implemented and the Environmental Protection Fund should receive \$300 million in the FY2009-10 State Budget and that its primary funding mechanism should continue to be from the State Real Estate Transfer Tax, as it has for the past 15 years; now, therefore be it

1st RESOLVED, that the TOWN OF BETHLEHEM strongly supports the Environmental Protection Fund and urges New York State to include a \$300 million Environmental Protection Fund in the FY 2009-10 State Budget; and be it further

2nd RESOLVED, that the TOWN OF BETHLEHEM opposes changing the revenue source of the Environmental Protection Fund and urges New York State to ensure at least \$287 million in revenue from the State Real Estate Transfer Tax is dedicated to the Environmental Protection Fund in the FY 2009-10 State Budget; and be it further

3rd RESOLVED, that this resolution shall be transmitted to the Governor and members of the New York State Legislature upon passage.

The foregoing resolution was presented for adoption by Mr. Hennessey, seconded by Mr. Kotary and passed by the following vote:

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

Noes: None.

Absent: Mr. Messina.

Supervisor Cunningham asked if there was any new business from the Board. Councilman Kotary said he has 2 announcements. He said both of which are related to issues discussed today.

Councilman Kotary said since they ended on the EPF note, he wanted to announce that he is going to soon launch an initiative, an environmental energy related initiative. He said he is going to ask citizens, members of the community, to join him in a project called Bethlehem Green. He said they will take a look at opportunities for energy conservation in terms of the community and noting he is open to expanding to supporting things like the EPF and other opportunities for recycling programs. He said to continue to encourage programs like the Supervisor's clean-up days that will be starting once again. He said the main focus of this will be to take a look at energy conservation and on ways to bring in renewable energy to our community.

Councilman Kotary premised it by saying a lot of the programs that are out there and he thinks there could be more -- like some of the great programs at NYSERDA are based on individual households. So, if someone want to bring in solar power, Mr. Kotary said, or looking at utilizing some sort of renewable, it's done on a house-to-house basis. He said what he would like to explore and there have been some conversations with folks at NYSERDA, with the Congressman who is a former President of NYSERDA to look at how do we expand that to a community. He said what would happen if an entire neighborhood went to NYSERDA and said they would all like to get solar panels or energy efficient windows or other types of devices, what kind of programs or grants are out there. He said the answer right now is none or at least very few and none that he knows of. He said the question is what can they do to start to build support right here in our community to pull together some resources. He said we have a lot of people with experience in renewable energy in particular.

Councilman Kotary said that is something that he would encourage and invite anyone to contact him if they are interested.

Councilman Kotary said the second one is related to grants. He said they had a Safe Routes to School Grant that was mentioned and it is something that every time a grant opportunity comes up, it is something that he not only support but focuses on because in any time, especially during these difficult financial times, any resources that are out there an available that we can bring in, we should bring in. He said many of the Department heads know that that is one of his frequent questions to them is what programs are we working on that qualify for grants and what can we bring in. He said the Supervisor and he met with an outside consultant who is going to do a grant opportunity audit. He will take a look at, not only what we are doing and trying to learn from the past -- what grants we have applied for an received and why, best practices, how, which grants haven't we received and why and what we can do to perhaps get those next time.

Councilman Kotary said more importantly given the stimulus package and we had discussion, he believed at the last meeting, about how to get ready for some of these stimulus projects -- what is shovel ready. He said one of the things will be to see how we can take advantage of grants out there for some of our designated projects -- sewer, water -- if there is funding for projects regarding the public safety. He said to take a look at how we can move forward. As has been said, Mr. Kotary said there are a lot of projects on the table and as has been talked about, there are a lot of capital needs. He said one of the things they want to find out is what State, what Federal and even what private dollars are out there. He said they are going to be looking at the stimulus package, Safe Routes to Schools, Transportation Enhancement Program and CTBG and other types of grants to try to essentially, to sum it up, try to maximize the amount of outside resources they can pull in. He said they will be reporting back on at some point. Supervisor Cunningham noted they will be looking forward to the 2 initiatives and thanked Mr. Kotary.

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Supervisor Cunningham made the following announcements:

- ❖ Friday is Blue Friday, an event by the law enforcement in the area and run 5:30 a.m. to 10 a.m. at DeNooyer Chevrolet on Wolf Road. He said it is a fundraiser in honor of law enforcement for officers killed in the line of duty and those currently serving. He said if anyone is interested in getting more information, please contact Sgt. Markel of the Bethlehem Police Department. He noted they also had police dogs there.
- ❖ Bethlehem 20/20 are February 13 and February 27 in order to get a lot of work done. He said the meetings are open to the public and held at the Elsmere Fire House in the second floor conference room at 7:45 a.m.
- ❖ Saturday, February 14 is Valentine's Day.
- ❖ Monday, President's Day, Town Hall is closed.
- ❖ The second Selkirk Yard meeting will be held February 25 at 7:30 a.m. at Town Hall. He said this is a meeting of businesses that are in the Selkirk Industrial zone which is along Creble Road and includes Sabik and Owens Corning, the rail yards and various other businesses in the area to talk about what the Town can be doing in order to get that area prepared for additional commercial growth to help underwrite the tax base.

Councilman Kotary said one announcement on our website and he wanted to make sure everybody was aware that the digital tv has been extended on switching from analog to digital until June 12, 2009 for right now.

Supervisor Cunningham said WXXA, Channel 23, is not going to wait. He said that was in the paper but he assumed most everyone has cable.

Supervisor Cunningham asked if there were any public comments on non-agenda items. Mr. Kelleher the Memorandum he wrote is in support of what the Board is doing. He noted Mr. Potter may have taken it differently but he commends what the Town Board is doing, the openness about this. He said unfortunately back in 1994 that wasn't true. He said what we need is an engineering historian in this town. He said and the mercury problem is a symptom that we do not have any engineering history on the water supplies. He said Mr. Secor back in 1994 told us, Clearwater for Bethlehem and 2 experienced engineers that the mercury switches at the Vly Creek Reservoir would have to be replaced because they represented a hazard but since we are getting this new 6 million gallon per day water supply that will serve the entire Town, they were not going to do anything with the Vly Creek water supply, it will be replaced. He said somehow the fact that we had these mercury switches that should have been replaced years ago -- just about every other water supply that had them did replace them, he looked that up on the Internet -- so we need an engineering historian or somebody in this Town who will write the engineering history. Supervisor Cunningham thanked Mr. Kelleher.

Town Attorney Potter said to clarify, he understood exactly what he was saying and he appreciated his comments. He said not everybody has the same historical knowledge and that was the only reason he made his comments. He thanked Mr. Kelleher.

Councilman Kotary said they all appreciate his comments and respect his, not only, professional background but also your willingness to come and inform the Board of a lot of these things. He said it is critically important and he is not sure but he thought maybe he was volunteering for the opportunity. Mr. Kelleher said no thank you.

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Mrs. Capone said she said it before and she was going to say it again, when Terry was Supervisor, she hired 3 men that worked for 5 days on the roof. She said when they leave tonight they should look at the roof and about that far from the roof she put lights all around the building. She said when there is something here at night, the main part of the hall from here to there is not lit. She said if somebody has an accident, the Town is responsible for it. She said there is light there that you don't need and you don't have lights here that you need. She thanked the Board. Supervisor Cunningham thanked Mrs. Capone.

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Mr. Richard Reeves-Ellington said this might be out of order because it has to do with previous agenda items but he noticed that there was something like \$68,000 in what looked like new expenses. He said as he went through on items the contract, the supervisory contract for a month or something, then the \$28,000 and then you had \$5,000 for the additional -- he hoped that given the tough times that you have the money. Supervisor Cunningham said these are all budgeted funds. He noted as he said they have been working very closely on the budget since January. He said before January they were not really clear as to what the impact of the economic slow down was going to have on the budget. He said the 25 percent of the budget is dependent on sales tax revenue which is the most volatile part of the budget and once the sales tax numbers were received for the end of December, they were able to project forward into 2009 and see what kind of impact that would have. He said right now they are probably looking at \$800,000 gap between what they projected and what is going to be realized. He said that is what they look at right now and they have been working to close that gap and these items are not affected by the closure of that gap. He said what they have been doing is deferring expenditures like new vehicles and equipment and working on reducing the cost of the overall maintenance on equipment and things like that.

The gentleman noted it looked like new expense. Supervisor Cunningham noted it was not, it was budgeted items. He said the Town Board has to authorize the expenditure when it comes time due.

The gentleman then asked if the cost has been worked up with regard to the VRWS as to what potential savings you might have. Supervisor Cunningham said if they could get 10 employees to participate for 6 months at 1 day it would save approximately \$45,000 to \$50,000. He said it all depends on the employees salary how much will be saved but they just used an average salary. The gentleman said he was just wondering.

The last question, the gentleman asked about the consulting fee for the IDA is \$12,000 something a year but why did the guy who is the Executive Director only got \$5,000 more. Supervisor Cunningham said the consulting fee for the economic development is a different job than the Executive Director of the IDA. The gentleman noted he was sorry, he misunderstood that one and thanked the Supervisor.

Supervisor Cunningham asked if there were any further questions. Ms. Linda Jasinski said Mr. Leveille has certainly been worth his money. She said with the Town he has been very good at what he does and she was sure Mr. Morelli will

step in and do a fine job too. She asked about the 15 hours a month, 1 day a week. Supervisor Cunningham said he noted it was an average about 1 day a week, noting his math was a little off. He said it is 15 hours a month. Ms. Jasinski said it is \$1,050 for that 15 hours a month. She said that was okay.

Ms. Jasinski asked about the 20/20 and the fact that pretty much everybody on there is volunteer. Supervisor Cunningham said that was correct. Ms. Jasinski said with the exception of the Town employees who show up to do stuff. Supervisor Cunningham said the Town employees are not volunteers. He said the appointed members are volunteers noting Mr. Leveille is not an appointed member of 20/20. Ms. Jasinski said he is going to be consulting on it.

Ms. Jasinski said the PATHs for Bethlehem as she looks over the names she did not recognize anyone from the South Bethlehem area. She asked if there is someone there. Supervisor Cunningham asked if there was a name she would like to put on that committee. Ms. Jasinski said she said they seem to forget that South Bethlehem area. Supervisor Cunningham said these are people that have come and made their interest known to the Town over the last 2 years. He said people have said they are interested in seeing sidewalks get developed in this Town and have continued to communicate with him during that period of time. He said that was why those names came forward. He said he certainly was not trying to exclude any area or individual in Town. She said maybe he needs to reach out to some of these areas. Supervisor Cunningham said he reaches out as much as he possibly can and noted she will have to have him down for a fundraiser or something and maybe he could meet some of her neighbors.

Ms. Jasinski said she might suggest the Town look into a sidewalk district so that where these sidewalks are put in are paid for by the people who use these sidewalks. She said she has never used a sidewalk in the Town of Bethlehem because where she lives there aren't any that she walks on and she does not come work here, she drives here because she is in South Bethlehem. Supervisor Cunningham noted she is missing out on a lot of opportunities. Ms. Jasinski said yes, but she has to pay for that and every time a sidewalk comes up, she is saying no because it comes out of her money.

Ms. Jasinski said she also liked to remind those talking about grants and Environmental Protection Fund, funds are tough right now. She said grants sound wonderful, free money, but they still our taxes and come from our money that we pay to the State or the Federal or whatever because government does not produce money except for printing. She noted it does not make any. Supervisor Cunningham noted the Federal Government does print money. Ms. Jasinski said it is still somebody's money and somebody's taxes. She said if we need to cut back, we do need to cut back everywhere. Councilman Hennessey said they agree with her fully but the fact of the matter is what they are trying to do is get your money back. He said that is basically what they are trying to do whenever they go out for grant money. He said Ms. Jasinski was right, it is our money and the fact is when we do these projects we want to utilize our own money to do it and this is one way we have out there that we can do it. Ms. Jasinski said well, it is a balance, and of course a lot of these grants, don't forget, are matching funds for us. She said it is free money coming in but we also have to spend our money on it.

Ms. Jasinski said the voluntary work reduction that the Board was talking about, she hoped they are modeling it after the State. She said she works for the State and takes advantage of the program. Supervisor Cunningham said he did not even know the State had a program. Ms. Jasinski said yes it does. Mrs. Tremblay-Glassman said they did look at the State model and that was one of them that they used to incorporate into the Town's model. Ms. Jasinski said it is great especially since it is voluntary on both sides. She did have a question about overtime with that because certainly if you are giving somebody a day off a week and giving them overtime to do something else, that kind of knocks the whole thing out. She said maybe something to look at is getting compensation time for overtime so that you really don't lose the money but you do get to take another day and you are not

paying overtime amount. Mrs. Tremblay-Glassman said they offer comp time in lieu of over time.

Ms. Jasinski said when you talk about renewable energy in the Town, one of the big drawbacks that she sees to make it difficult especially for wind energy is the Zoning Code that doesn't allow things over a certain height and especially down where she is in South Bethlehem and the houses are not close and they get great wind going through, maybe amending the Zoning Code so it would be easier to do something like that without all the hoops that you have to go through would be a great idea. She thanked the Board. Supervisor Cunningham thanked Ms. Jasinski.

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Mr. Robert Jasinski said first off his daughter does not walk on the roads, if there is a sidewalk she will use it. He said that is one of his pet peeves is he sees so many people where a sidewalk has been put in and there is this ding-a-ling running and walking on the road. He said common sense and it scares the heck out of him because he has mirrors on his vehicles and is afraid he is going to whack one of them and then he is in trouble.

Mr. Jasinski said he noticed that the landfill is starting to be capped. He asked if DEC has asked to have this done. Supervisor Cunningham said they have not started capping the landfill yet. He said DEC indicated to him back in December that they were going to give the Town a consent order but they have not done this yet. Highway Superintendent Sagendorph said they just started preparing the clay borough. The Supervisor noted there is some preparation work being done but they are not under any order to close that at this point. Mr. Jasinski said as he has been saying all evening, we are all worried about money and everything but in a case like this, if you do go into something where you are closing the upper end and you are going to have to transport the waste out of the Town, it is going to be costly. He said unfortunately it is at this point that you better do a good job on it rather than a haphazard job. He said he knows the Board is well aware of the cost of things and everything because he knows he is looking for a 4 1/2 percent and as he knows, when mortgages go down, returns to the Town becomes less. Supervisor Cunningham noted this was right. Mr. Jasinski thanked the Board.

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Supervisor Cunningham asked for other questions on non-agenda items. There were no additional comments.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 7:22 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: Mr. Messina.

Town Clerk