

TOWN BOARD
JANUARY 28, 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
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Mark Hennessey, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

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Supervisor Cunningham welcomed everyone to a regular meeting of the Bethlehem Town Board. He invited Chief Corsi to lead the pledge of allegiance and invited everyone to join in.

The Supervisor next noted February is American Heart Month and February 6th is National Wear Red Day. He said Cathy McCarthy and representatives of the American Heart Association were in attendance and presented a proclamation to recognize the National Wear Red Day. He thanked them for their hard work.

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The first item on the agenda was public comments on agenda items. There were none.

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The next item on the agenda was a presentation by Erik Deyoe, Deputy Commissioner of Public Works, on economic stimulus funding and the Town of Bethlehem's opportunities and readiness. Supervisor Cunningham noted there has been a lot of discussion recently regarding the Federal Government putting together a stimulus package. He noted Mr. Deyoe did an excellent job of doing a synopsis of what we know and what our opportunities are at this point. He said he asked Mr. Deyoe to put a brief presentation together for the Board.

Mr. Deyoe thanked the Supervisor. He said there has been a lot of discussion in the news and he looked at the proposed house legislation along with some information that was gleaned from other agencies within New York State or outside the State to try and figure out where we are at and where things are headed and what it might mean to the Town of Bethlehem.

Mr. Deyoe said in short the draft house legislation proposed \$825 billion investment to stimulate the economy. He said about \$275 billion of that is proposed in the way of tax cuts and \$550 billion of that is -- quoted, 'thoughtful and carefully targeted priority investments'. He noted it has been coined as an interest in infrastructure and it is a little bit of a misnomer to call this strictly an infrastructure investment program. He said there are a lot of other program areas that are being funded through this. He said this kind of a summary if you look at infrastructure strictly, highways, bridges and pipes, this is kind of where things lay out with respect to infrastructure funding nationally.

Mr. Deyoe said from there, it is what is the impact on New York State and the Capital District. He said they took a look at what the backlog is on the water and sewer side and how the purported funding might impact that backlog. He noted on the sewer side there is a national funding gap, this is by the EPA, over the next 20 years of \$338 billion of unfunded capital projects and operating expenses. Supervisor Cunningham noted this is in New York State alone. Mr. Deyoe said that is national and below that the way the State and the EPA gets money to local communities to do both water and clean water projects are through the State Revolving Fund. He said there is a long list of projects. He said right now the approved 2009 intended use plan has \$4.5 billion worth of projects in value. He

said there are 412 projects that are on the list and noted only about \$1 billion of those are funded annually.

Mr. Deyoe said similarly on the water side you have a funding gap of \$274 billion. Over the next 20 years of the annual State's intended use plan for the drinking water funding is a backlog of \$2 billion worth of projects which only \$165 million are funded. He said there is already some dramatic shortfalls in the compiling of backlog projects.

Mr. Deyoe said the purported funding allocation, again with the best information they have right now, is constantly in flux. He said he gets 3 or 4 emails a day with proposed changes that may be happening. He noted the Board should take this with a grain of salt, indicating it is the best he can do for right now.

Mr. Deyoe said on the sewer side EFC expects to see about \$640 million of that \$6 billion in National funding. He said about 11 percent is coming the State's way is what they think. He said EFC administrated both the State Revolving Funds and the Clean Water and Drinking Water. He said they are proposing to work off of that intended use plan. Obviously, Mr. Deyoe said, there is a long list of projects there and they will work off the existing lists. He said similarly on the water side the State thinks they are going to get \$44 million worth of funding out of the stimulus package.

Mr. Deyoe said on the highway and sidewalks perspective this information is from US DOT, there is nationally 5,100 projects valued at \$64 billion that are considered to be ready to go within the next 180 days. He noted that's been the time frame that everyone is talking about in the newspaper. He said CDTC which the local administrator of Federal funds in the Capital District indicated that they have a backlog in the State and local transportation improvement plans of \$518 million in the Region 1 which is 8 counties around the Capital District. He said locally they think there is \$240 million of that \$518 million that are ready to go within the 180 days.

Mr. Deyoe said CDTC's take is that about \$80 million of the Federal money which is \$30 billion in Federal Highway and Bridge money is going to come to the local regional area. He said there again, they are proposing to work off of the TIPP project list. He said they have short listed those projects based on being ready to go within the next 180 days -- so ready to let contracts and award construction.

Mr. Deyoe next addressed what it means to be ready to go. He said not a lot of great information about this but the EFC who administers the intended use plans for the State revolving funds put this checklist together. He said basically there is a lot of engineering and planning that has happened to get to this point. He said you have basically done all the preliminary planning work, got a great deal of design already done, applying for permits, gotten through SEQR already and you have up-to-date reports and budgets. He said you know what the project is and what the time line is. He said beyond that if there is any district modifications, you have to have the State Comptroller approvals for either above the district limit from a funding perspective and Town Board resolutions to take on debt. He said the State Revolving Fund is obviously a loan program so the Town is basically taking on debt and the Town Board would have to take action on that.

Mr. Deyoe said for the purposes of the readiness memo, he put together for the Board, he assumes a similar level of completeness would be required for any other agencies. He said there is a lot of talk about energy programs but at this point it is too early to tell how the energy money is going to get allocated to local communities. He said it is pretty safe to say that a lot of it will come through NYSERDA but the details are not there right now. He said the best he can get right now is that they are working with EFC to try and come together and achieve mutual goals together. He said the details of any program changes are not there.

Deputy Commissioner Deyoe said to the Town this means there are 2 projects on the intended use plan for the clean water State revolving fund that is on the sewer side. He said South Albany Sewer District sand filter project which they

applied for a grant last year unsuccessfully through the Office of Small Cities. He said that was close to the funding line but not quite there, noting it was 7 projects away. He it seems conceivable that funding might be available through the next round.

Mr. Deyoe said we also have the pump station and SCADA improvement project which the Board took action on last year that was put on the list. He said really with the hope of getting better loan rates down the road as the BANs are refinanced that were taken out right now. He said on the water side, there is 1 project he found out about this date, that is on the intended use plan for the drinking water fund. He said it is an inactive project and, frankly, the application was put in before he came and he is not sure that he understands the scope of the project. He said it was for South Albany transmission improvements and thinks it is a completed project but it may be worthwhile to discuss with EFC re-scoping the project to address some other water needs down in that community.

Mr. Deyoe said on the highway and sidewalk side of things, there are no projects on CDTC's short list of ready projects right now. Supervisor Cunningham asked about the YMCA sidewalk project. Mr. Deyoe said there is a sidewalk in planning from Fisher Boulevard up to the YMCA. He said they have gotten substantially through the design at this point. He said the project was supposed to be funded through grant with DOT and the grant funding falls far short of the project costs. He said one thing is they are looking with CDTC and see if that can be put on the list of projects. He said that is one project they are looking at as they go forward, noting there is more work to do there.

Mr. Deyoe in the lines of more work to do, he has given a list of 15 relatively large scale water and sewer projects that right now are not currently on the State's Revolving Fund of intended use plans but there is probably merit in making applications for them, at least preliminary applications. He said they are starting to work more with EFC to talk about hardship applications for both the South Albany water and sewer projects, review the project list that was provided to the Board to see if there is anything we can do to position those projects better for either future funding or as this funding trickles out. He said if projects aren't ready to go that are on the list, there may be fall out and potential for the Town to get more money and then make any preliminary applications in order to do that.

Mr. Deyoe said the thing he thinks is more important than anything right now is to continue to listen. He said none of the bills have been enacted yet, there is a lot of negotiation happening both in the House and the Senate and they have to come together and give something to the President. He said there is a lot of work that has to be done and things are going to change so they have to keep their ear to the rail and see what is going to change and plan as best we can. He said again they will work with CDTC to see if they can get some of the other sidewalk projects on the list that are not there currently.

Supervisor Cunningham asked if there were any questions from the Board. Councilman Hennessey asked in regard to one of the slides, there was SHIPO asking what that was. Mr. Deyoe said that was Historic Preservation noting he thinks they have changed their name now. He said it is the Office of Parks and Recreation. Councilman Hennessey said so SHIPO is a sub-agency of Parks and Recreation, asking if they are the ones administering these funds. Mr. Deyoe said they do not administer but there is an approval process through them if you are doing any real earth work in a public works project. He said there is certain legislation that requires them to do a review, noting basically if they are going to touch dirt anywhere, they need to get their concurrence. Councilman Hennessey said okay.

Supervisor Cunningham asked if there were any other questions from the Board. Councilman Messina thanked Mr. Deyoe for putting this together, noting it is a good analytical document and it will help going forward. He asked about some projects that are not ready that are expensive, totaling up to \$27 million or so for things like wastewater treatment and interceptor lines. He asked if there is

anything anticipating that down the road there may be more economic incentive packages. He noted the President has talked about those, noting he was wondering about setting priorities and looking at some of the big ones because they know developing a Capital Plan and somehow the Capital Plan is a driver for all of this because then you set the priorities and move forward and look at funding sources.

Councilman Messina asked about a second wave or third wave opportunity there. Mr. Deyoe said he thinks there will be opportunities there. He said everyone he has talked to hints at rumors that there will be future funding and we should be positioning ourselves for that. He noted in that light, they have been negotiating with a consultant on the scope of work for a master plan at the wastewater treatment plant. He said that is a very important project for the Town to look forward in terms of Capital investment at the plant so it can be sustainable in the future not only to address maintenance needs and capital reinvestment but also to address future growth both on a flow and a loading standpoint. He said on the pipe side, noting he mentioned interceptor sewer, they have done some preliminary engineering work with Barton and Laguidice and they will continue to move forward. He said those are projects they need to continue to plan for and need to continue to do sewer studies to understand where there are capacity limitations and where there are structural issues with the pipe. He said as projects materialize, he thinks it makes sense that projects get pulled together and listed as soon as they can be smartly packaged.

Councilman Messina said he had 2 more comments. The first, he said, is relative to the point that the Supervisor made on YMCA and that 2/10ths of a mile down there is an expensive area. He asked if the health or safety factor gets cranked into that at all in terms of priority setting and Dave Jukins and company when they look at that. Mr. Deyoe said perhaps and noted he is not sure how CDTC does that. He said they do have safety funding streams through the Transportation Improvement Program. He said how they are going to distribute the money is really to be determined at this point. He said this sidewalk was not listed through them but grant funded through another source. He said it needs a lot more money to make it feasible. Councilman Messina said he appreciates that this is one of the priorities being pushed forward.

Mr. Messina said the last thing was a comment, noting in the introductory paragraphs that there may be money available for other programs like Police, like sewers. He said he thinks it is a good idea to move forward. Supervisor Cunningham said they are looking at every opportunity they can and trying to overturn every stone but the economic stimulus package has not been passed yet. He said no one has set a clear direction as to how this money is being dispersed. He said right now everybody is running around trying to figure this out. Councilman Messina said there are a lot of unknowns right now. Mr. Deyoe said it is a pretty broad reaching program noting it goes everything from senior programs to police to additional incentives for digital tv conversion. He said it is all over the place. Supervisor Cunningham noted he understands they have postponed the digital tv conversion. Mr. Deyoe said he guesses they have delayed it a couple of months. He said they are proposing \$600 million.

Councilman Kotary thanked Mr. Deyoe for bringing this together, noting it is very helpful. He said related to slide 6 and 7, explain why they did not pick up some of our projects or what can be done to put them on the list. He said it seems like about the only thing they know at this point is that we are being asked to put things on lists. Supervisor Cunningham said the Town has not been asked for anything. Mr. Kotary asked officially we have not. Mr. Deyoe said no, the problem is the list exists already. He said the TIPP does have some Town projects on it -- the Selkirk Bypass is one of them and a couple roundabout projects that were proposed, some sidewalk projects proposed but unsuccessfully -- there is a backlog of projects that are available but are not ready to go yet.

Mr. Leveille said Mr. Deyoe is up-to-date with a lot of information that is flowing around. He had a couple things to add. He said DOT has already provided a list of projects to Federal Government and from the TIPP there are 2 projects in the Town that are eligible - the rail trail and the Jericho Road bridge. He said those

2 are on the list that were sent to CDTC to NYS DOT. He said the reality is that DOT is really going to take this money to restore funding that is not in its budget for its own project in the first round. He said there is no State funding in State DOT really right now for projects so they are going to use this money to fund their projects -- things like painting bridges, painting roads to improve them, things like that.

Mr. Leveille said, as far as, getting on the CDTC list, it will not happen because we do not have SEQR done for projects that are important and do not have design done. He said the Federal Government is saying through the State that once you are approved as a project, you have 180 days to spend the money. He said what does that mean -- start spending the money -- so if you don't they are going to take the money back and put it somewhere else. He said that is literally the kind of action they are looking for. He said this first wave is really designed to get money into the economy, not to be sustainable. He said these are not sustainability projects, they are how do we start spending, put money in people's pockets so they get the basic economy going by going and buying things.

Mr. Leveille said the last wave of giving money to everybody, people saved it or paid off debt. They did not invest it, according to Mr. Leveille, so that is why the impacts from the last tax rebate were marginal. He said here they are looking to infuse money into the economy. He said in most cases the work that is going to be done is deferred maintenance, they are not capital projects. He said they are things that should have been done through operations and will be funded with this money. He said what should be done, long term, is there are plenty more money left. He said if you add up every list that everybody knows of right now that's coming from Washington, they do not add up to \$850 billion. He said there is more money that will be coming for economic development projects and he would suggest the Town continue to work on those to move those forward as fast as possible. He said create local plans that adopt a strategy that is a local project and build some consensus about things. He said, hopefully, in 6 months or so NYS Economic Development will have money available for projects that are really designed to stimulate private investment. He said these are designed to put money in people's pocket.

Mr. Leveille said there was a press release just before he got here from Senator Schumer announcing that \$70 million was being earmarked for upstate New York counties for them to use without going through any other governmental unit to restore budget cuts. He said for whatever purpose the counties decide are important. Supervisor Cunningham said he was sure they will pass that down to the Town of Bethlehem. Mr. Leveille said more than likely.

Mr. Leveille said he thinks the one message he would say is that this first money is just throwing money into the economy. He said there has to be another stage to this that looks at energy projects. He said for example, the work that is being done in Selkirk yards the energy study, getting a study done that says there are solutions here that not only can make it a better place for industry, lower cost, more green. He said having those kinds of things in place, he believes, there will be money coming down the road for those types of projects. He said do the things that are opportunities now and get them going but he thinks there will still be more clarity coming about the more longer term type investments that create private jobs. He said that is really the end of the day what they want to do.

Mr. Leveille said Mr. Deyoe is pretty much up-to-date, noting the EFC money he heard \$700 versus dropping a zero here or there but it is like State budget. He said he thinks these are a couple of insights that he has been able to garner.

Supervisor Cunningham thanked Mr. Leveille and Mr. Deyoe.

The next item was to approve the Town Board minutes of January 6, 2009.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the Town Board minutes of January 6, 2009 as submitted. The motion was

passed by the following vote:

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

Noes: None.

Absent: None.

The following item was a request from Michael Morelli, Director of Economic Development and Planning to amend the Code of the Town of Bethlehem, Zoning, pertaining to 99-111 Corning Hill Road, Glenmont from Residential A to Commercial Hamlet. Supervisor Cunningham noted that at the public hearing, a letter was submitted by Mr. and Mrs. Albright who live on Corning Hill Road expressing concerns about the rezoning. He noted he spoke with the Albrights and they have indicated to him that they are opposed to the zoning request. He said at this point he wanted to ask for a vote and move ahead.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the adoption of Local Law No. 1 of 2009 amending the Code of the Town of Bethlehem, Section 128-13, Zoning Map. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from Karen Pellettier, Director of Senior Services Department, to accept a donation in the amount of \$100 in memory of James Crane to Senior Services Transportation.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the acceptance of a donation of \$100 in memory of James Crane to Senior Services Transportation as requested by Karen Pellettier, Director of Senior Services Department. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The next item was a request from Erik Deyoe, Deputy Commissioner of Public Works, to schedule a public hearing and identify the Town as Lead Agency for amendments to the Code of the Town of Bethlehem, Chapter 98, Stormwater Management.

The motion was made by Mr. Hennessey and seconded by Mrs. Dawson to approve setting a public hearing for February 25, 2009 at 6 P.M. to consider a proposed Local Law amending the Code of the Town of Bethlehem, Chapter 98, Stormwater Management and identify the Town as Lead Agency as requested by Deputy Commissioner of Public Works, Erik Deyoe. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

The final item was a request from Supervisor Cunningham to appoint John Flanigan as the Delegate representing the Town of Bethlehem at the Association of Towns of the State of New York annual meeting to be held February 15-18, 2009 in New York City.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the appointment of John Flanigan as Delegate to the Association of Town

of the State of New York annual meeting to be held February 15-18, 2009 in New York City. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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

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Supervisor Cunningham made the following announcements:

- Monday, February 2 is Ground Hog Day.
- 20/20 meetings for the month of February are February 13 and Friday February 27, 2009.
- Bethlehem Police Department will be participating in Blue Friday event on February 13, 2009 from 5 a.m. to 9 am. It is done at DeNooyer Chevrolet on Wolf Road, Colonie. He noted it is a fund raiser in support of families of fallen police officers and to recognize our Police Officers. He noted there will be Police Officers present from across the region.

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Councilman Kotary announced that the House had just approved the stimulus package by a vote of 244 to 188. He said it is worth \$819 billion in funding. He said it is official. Mr. Deyoe said the other half of the breaking news item is that the Senate wants to cut the Clean Water Revolving Fund from \$6 billion to \$4 billion. He said there is some ground to make up.

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The Supervisor asked if there were any public comments on non-agenda items. There were none.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to adjourn the regular Town Board meeting at 6:35 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

Town Clerk