

TOWN BOARD
JULY 8, 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 meeting of the Bethlehem Town Board and asked Town Clerk, Kathleen Newkirk, to lead the pledge of allegiance.

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

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The first item on the agenda was to approve the Town Board minutes of June 10, 2009.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the Town Board minutes of June 10, 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 next item was a request from Suzanne Traylor, Comptroller, to approve the purchase of network security and privacy insurance from Beazley (Lloyds of London) for an annual premium of \$15,400. Supervisor Cunningham said Jeff Bryant from Bryant Asset Protection was in attendance. He explained the insurance was purchased some months back and there are some issues.

Mr. Jeff Bryant said he apologized to the Board to be back because they all thought this was an issue that had been resolved. He gave some background on it. He noted the Comptroller's office recommended getting cyber-security insurance. When final paperwork was received, Mr. Bryant said, they found a change in the underwriter for the department who applied the new application. He said questions were asked and the process went on and on to the point where he is trying to get this resolved. After numerous conversations and questions, Mr. Bryant said there was another wait.

Mr. Bryant said the company was hesitant to cover the Police Department and court. He indicated to the company it is unacceptable and one of the main reasons the insurance is important is to protect those records. He said they are comfortable issuing the insurance without the departments. He said he informed them that was not acceptable.

Mr. Bryant said they went back to the original carriers and Beazley being the second choice and explained the situation with CNA and told them where they are at. He said they spent 2 days reviewing everything and felt comfortable with it. He said they approved it for what was previously approved. He said he is suggesting the Beazley product be used. He said the difference noted between the 2 products is that there is a larger retention with the Beazley product. He said the Beazley product does provide protection for fines as a result of non-notification to people whose records might have been compromised.

Councilman Messina said he wanted to make sure from the last Board

meeting where they approved this that he understands what the Town is being protected for and why we need to spend \$15,000 a year. He said it was his understand, asking to guide him if he is wrong on this, that what they are really protecting the Town against are breach of our computer and security systems that at least the reports provided indicate that one of the breaches, on the average based on other experiences, cost \$350,000 or so and wreck real havoc on the data systems. He said other local governments have spent money to protect themselves like this. He asked if those were fair assumptions on his part. Mr. Bryant said they are very accurate and he thinks the way this coverage works is it is going to protect the Town. He said there is a cost to notify the people of an incident. He said according to the breach laws of New York State, you need to monitor their credit if it is credit type issues, obviously send out and contact all the individuals in a particular manner. He said that is the upfront cost but then there is the possibility of lawsuits and he believes, the Town is not responsible for lawsuits because it has immunity in terms of those lawsuits but the real cost is that the notification that you have to provide and the continuing credit monitoring that has to be done.

Supervisor Cunningham thanked Mr. Bryant.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the purchase of network security and privacy insurance from Beazley (Lloyds of London) for an annual premium of \$15,400 as requested by Comptroller Suzanne Traylor. 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 Chief of Police, Lou Corsi, to acknowledge the retirement of Detective Christopher Bowdish and Detective Bruce Oliver, effective July 30, 2009. Supervisor Cunningham noted this is an item of recognition noting they are retiring. He noted Christopher Bowdish was very instrumental in the Christopher Porco trial and Bruce Oliver, who is known as Officer Oliver who did the DARE program and has been a school resource officer for many years. He said both have completed service to the Town and have retired. He noted Mr. Bowdish has taken a job locally and Mr. Oliver has already moved to North Carolina. He wished both Detective Bowdish and Detective Oliver the best in their retirement.

The next item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to reaffirm the funding plan and authorize the Town Supervisor to execute an agreement with the NYS Department of Transportation for the Elsmere Avenue and Feura Bush Road sidewalk project (NYSDOT P.I.N. 1757.65) subject to the review of the Town Attorney.

The following resolution was presented for adoption:

RESOLUTION BY MUNICIPALITY

(Locally Administered Project)

RESOLUTION NUMBER: 25

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 Elsmere Avenue and Feura Bush Road Sidewalks, Town of Bethlehem, P.I.N. 1757.64 (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 80% Federal funds and 20% 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 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 Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$222,085.00 (Two hundred twenty two thousand

eighty five dollars and no cents) is hereby appropriated from the Town General and Highway Fund operating budgets and that the sum of \$137,915.00 (One hundred thirty seven thousand nine hundred fifteen dollars and no cents) was previously appropriated by the Town Board from the General Fund Capital Reserve, pursuant to resolutions of July 28, 2004 and November 12, 2008, and that the total of these funds is 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 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 Mr. Kotary, seconded by Mr. Hennessey and passed by the following vote:

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

Noes: None.

Absent: None.

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Councilman Messina said going back on this and the Town Board's approval, sidewalks raise many issues these days. He said some folks are for and some folks against them. He said it is important to get out there again with this information that this is a proposal of about \$305,000 or so that is split about 3 ways. He said it is in kind from the Town, cash from the Town and matching grants. He said it is kind of a 33-33-30 percent deal. He said he thinks it is a good deal for the Town for those reasons.

The next item was a request from Town Planner, Jeff Lipnicky, to consider adoption of a SEQR Determination of Significance (Negative Declaration) for acceptance of grants to purchase park land. Supervisor Cunningham said this is for the purchase of land next to the Henry Hudson Park. He said they neglected to do a negative declaration for the project.

The following resolution was presented for adoption:

RESOLUTION NO. 26

**TOWN BOARD
TOWN OF BETHLEHEM
SEQR RESOLUTION**

**DETERMINATION OF SIGNIFICANCE / NEGATIVE DECLARATION
HUDSON RIVER PARK DEVELOPMENT AND EXPANSION
RESOURCE STUDIES AND LAND ACQUISITION**

- WHEREAS, the Town of Bethlehem has applied for and been authorized to receive a \$ 100,000 grant from the NYS Dormitory Authority under the Community Capital Assistance Program for the purpose of purchasing 4.91 acres of land, which will be added to Henry Hudson Park as public park land: and,
- WHEREAS, under the same program the Town has also been authorized to receive a \$ 25,000 grant for the purpose of conducting wetland, archeological, topographic and base mapping studies for the Moh He Con Nuck Preserve; and
- WHEREAS, the Town Board has received a short Environmental Assessment Form ("EAF") for the proposed action; and,
- WHEREAS, the State Environmental Quality Review Act (SEQR) regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund, or

- approve an action until it has complied with the requirements of SEQRA; and,
- WHEREAS, 6 NYCRR 617.6(a) requires that when an agency receives an application for approval of an action it must: (1) determine whether the action is subject to SEQR, (2) determine whether the action involves a federal agency, (3) determine whether other agencies are involved, (4) make a preliminary classification of the action, (5) determine whether a short or full EAF will be used to determine the significance of the action, and (6) determine whether the action is located in an Agricultural District; and,
- WHEREAS, 6 NYCRR 617.6(b)(4) indicates that for uncoordinated review of an Unlisted action, each involved agency may proceed as if it were the only involved agency when making its determination of significance before acting on the matter before it; and,
- WHEREAS, the Town Board has independently considered the information provided in the EAF:

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board hereby determines that:

- 1) acceptance of the grant and subsequent purchase of the 4.91 acres of land for expansion of Henry Hudson Park constitutes an Unlisted action which is subject to SEQR,
- 2) acceptance of the grant for purposes of conducting studies of the Moh He Con Nuck Preserve is a Type 2 action that is not subject to SEQR,
- 2) the proposed action does not involve a federal agency,
- 3) potential involved agencies include the NYS Dormitory Authority,
- 4) the proposed action is not located in, or within 500 feet of, an Agricultural District and, therefore, is not subject to the provisions of the Agriculture and Markets Law, and,
- 5) a short EAF is adequate for determining the significance of the proposed action; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines it will not coordinate SEQR review and declares it is lead agency with respect to SEQR review of the proposed action; and,

BE IT FURTHER RESOLVED,

that based upon its review of the project, the EAF and comparison with the Criteria for Determining Significance found at 6 NYCRR Part 617.7(c), the Town Board hereby finds that acceptance of the grant money and subsequent purchase of property for public park purposes, constitutes an action which will not have a significant impact on the environment and, therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED,

that this determination is based upon the following facts and conclusions:

1. The proposed action involves the purchase of property and does not entail any physical impacts to the environment. .

BE IT FURTHER RESOLVED,

that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED,

that the Town Department of Economic Development and Planning is hereby authorized to file any and all appropriate notices so that the intent of this Resolution is carried out.

On a motion by Mrs. Dawson, seconded by Mr. Kotary, and by a vote of 5 for, 0 against, and 0 absent, this RESOLUTION was adopted on July 8, 2009.

The next item was a request from Erik Deyoe, Deputy Commissioner of Public Works, to accept maps and deeds for easements at 35 McGinty Drive, Selkirk.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to accept maps and deeds for easements at 35 McGinty Drive, Selkirk as requested by Erik Deyoe, Deputy Commissioner of Public Works. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
 Noes: None.
 Absent: None.

The following item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to accept maps and deeds and grant National Grid an easement for the installation and maintenance of underground electrical facilities at 308 Kenwood Avenue, Delmar. Supervisor Cunningham explained this is the water/sewer treatment facility on Kenwood Avenue.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the acceptance of maps and deeds and grant National Grid an easement for the installation and maintenance of underground electrical facilities at 308 Kenwood Avenue, Delmar as requested by Deputy Commissioner of Public Works, Erik Deyoe. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

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

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the appointment of seasonal personnel as listed on the Memorandum dated July 8, 2009 at the titles and salary indicated as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.
Noes: None.
Absent: None.

Supervisor Cunningham asked if there was any new business from the Board. Councilman Messina thanked the Supervisor for the opportunity to raise some items under new business. He said about a week ago he electronically sent to the Board Members a proposal and the proposal is something that he worked on for a while now at least in concept in the past and discussed conceptually.

Councilman Messina said he calls it an opportunity for increased citizen access to information and involvement in Bethlehem. He said he has not heard back, noting he got an acknowledgement memo from the Supervisor. He raised the points in summary he is wanting to make now. He said he will make a motion later on to appoint a study group to get some work done.

Mr. Messina said what the group would do is to look at opportunities for increased public access and participation. He said there are 4 things to be done and the study group could increase the list, amend it or whatever else presuming the Board wants to appoint a study group. The list included conduct Town Board meetings around Town. He said he knows there are logistic and possibly cost issues but the notion in respect to No. Bethlehem, So. Bethlehem, Glenmont and Selkirk get some Board meetings during the year out there. He noted there are 26 Board meetings a year and can certainly get out to the communities and he would propose setting up the meetings so that there are agenda items of particular interest in that area.

Mr. Messina continued with webcasting Town Board meetings. He said he remembered this was looked at briefly and again depending on the approach used, there might be some expenditures on the other hand there may be free ways of doing these by running a stream video perhaps in coordination and consultation with Bethlehem Cable 18 to allow the public to access Board meetings whenever they want to at their convenience at their own computer.

Mr. Messina said the third is providing more information on the agenda. He said this has been kicking around but every time he hears, can you give us another line or two about what that is about, it seems to make sense to him. He thinks that could be done.

Mr. Messina said the last point to be proposed for consideration now is that the electronic attachments that we have available to the Board and available in the Town Hall to anyone who wants to come in and see them, consider making those available to the public. He said rarely is anything of a confidential nature on their and that, of course, could be not put on there if they choose to do that.

Mr. Messina said the other point is consideration of a sunset provision. He said he does not know if any of these things are going to advance the goal of getting people more involved in their government, attending more Board meetings. A sunset provision could be put on this work group so that if the group decided to move these forward, could be a year or some other time limit, reassess them noting it is always good to look back and if they are not working, change them or eliminate them. He said not do something that does not work.

Mr. Messina said how to implement this, use a resolution as done with other things noting there is no need to amend any laws or regulations.

Mr. Messina put forth a motion for consideration and discussion. The motion was made to appoint a study group that would over the next couple of months, with membership determined by the Town Board, evaluate and report to the Board on the benefits and costs of actions that may have a positive impact on achieving the goal of increasing citizen access to information and participation in Bethlehem Town Board meetings.

Mr. Messina said that is the end of the motion but added he has read the 20/20 report, know what has been done to provide public information and get word out and it is all good. He said everyone does a good job at this but he thinks these things are relatively straight forward, relatively cost neutral or slight costs and would demonstrate they are listening to the public, caring and trying some new things.

Councilman Hennessey asked if they could have a motion properly made.

The motion was made by Mr. Messina to create a task force with membership to be determined by the Town Board to evaluate and report to the Board on the benefits and costs of actions that may have a positive impact of achieving the goal of increasing citizen access to information and in participation in Bethlehem Town Board meetings.

Supervisor Cunningham asked if there was a second. Hearing no second, the motion does not move forward. He talked a little bit about the motion, noting his not seconding the motion does not mean that he is not in favor of government participation by the residents. He said he is fully onboard with what is being talked about. He noted they talk about a lot of these items in previous meetings.

The Supervisor said a couple notes he made were relative to the fact that he thinks the Town Board has done a tremendous job of encouraging community participation. He said they have done the Bethlehem 20/20 committee, Open Space Protection Committee, Farmland Protection Committee, PATHS for Bethlehem Committee.

The Supervisor said as far as Town Board meetings go, it was his experience serving in both County government and just looking at other governments that normally, the government meetings take place in the government building. He said they do not move those around, however, there are meetings all around Town. He noted in No. Bethlehem Fire Department there was a meeting on road construction; Selkirk Fire House No. 1 was a meeting on sidewalks; Selkirk Fire House No. 3 a meeting on the South Albany Sewer District; Bethlehem Grange building was a meeting regarding the Dinmore Road sewer plant; used the Adams Station Clubhouse for meetings on The Pines at Normanside project; Delmar Reformed Church has been used for both Comp Plan meetings and Delaware Avenue Study Group; and all the 20/20 Committee meetings took place at Elsmere Fire House; the Town park office was used for the Mo He ConNuck Preserve meetings with the neighbors; Town Hall for National Grid meetings, Open Space Protection Plan meetings and Rail Trail meetings. The reason he thought this was important in this whole discussion is because he believes that the participation at the Town Board meetings does not have as much to do with

location as it does with the relevance and interest of the topics being discussed. He said the example he used was the Rail Trail meeting that was held here 2 or 3 weeks ago on a Wednesday evening at 6 p.m. and had well over 100 people in the room. He said it was the topic that brought the people in.

Supervisor Cunningham said he is reluctant to add expenses to Town Board meetings by moving them to different locations. He also pointed out that Mrs. Capone does not drive and she would have a hard time finding the Board.

The Supervisor said talking about some of the communication efforts, they have improved the Bethlehem Report; expanded from about 400 to over 3,000 the e-newsletter; inaugurated an IDA newsletter; provided monthly updates on articles for the Our Town magazine; expanded the Parks brochure so that people have more information and access to that; provided an update to the Comp Plan; and also increased the website content to provide a lot more information to the community. He said they are working in that regard. As far as webcasting, Supervisor Cunningham said, that is a cool idea and it has been looked into, noting the cost and estimated the cost would be over \$60,000 initially. He said given the current economic situation, given the current budget, he thinks they need to show some fiscal constraint and just revisit that project when the opportunity arises and there are finances.

Supervisor Cunningham said, of course, residents can attend the meeting live so there is no reason to sit at the computer. He said there is Channel 18 which provides the ongoing filming and playing of this. He noted Channel 18 cannot create a DVD, only a Super 8 video. He said that is just the technology that they have and noted that was purchased when the last agreement was signed with the Time Warner Cable. He said when they sign the next agreement which will probably be in 2011, there may be an opportunity to get them to upgrade Channel 18 but at this point they cannot take it and create a DVD.

Supervisor Cunningham said he talked about the agenda and there has only been 1 resident who asked for an expanded agenda. He said he has been here for 2 years so he does not hear that same issue. He said the definition of agenda is really just a list of things that are going to be discussed at the meeting. He said there are back-up materials that the Town Board is given on each agenda item and that information is available to any resident who would like it and the agenda goes out on Channel 18 on Friday and put the agenda on the web on Friday. He said the agenda is also posted on the bulletin board for anyone who does not have access to the internet. He said all that information does get out to the public and he thinks they are doing a relatively decent job at that as well.

The Supervisor said the idea of posting the back-up material on line is a good idea but the program was not designed to do that they would have to go back and add additional cost in order to provide that. He said right now, the information is available but no one has ever asked for information in the 2 years he has been here. He said no one has come into Town Hall prior to a Town Board meeting and asked for the back-up material on any topic.

Supervisor Cunningham said he is trying to refocus the finances and dollars where they are most needed and really he said he thinks that goes to the core mission of the Town and that is water, sewer, public safety and highway. He said those are the 4 main missions that he sees the Town focusing on. He said we are in a very tight budget cycle now and the economic problems are many.

The Supervisor said finally he wanted to mention about 20/20 and there was a survey done and arguably some people find fault with the survey itself, when the survey was completed or when the survey was filled out, residents were asked to rank the importance of services provided by the Town. He said out of the 26 services, number 23 was information from the Bethlehem Report, 24 was residents information via the website, 25 was information via the newsletter and 26 was Channel 18. He said his sense of it is even if you had a larger number of people coming in to fill out the survey, it would not bring those items closer to the top of relevance to the Town as far as things people are looking for the Town Board to be focused on.

Supervisor Cunningham said he is all for community participation and the Board has looked at all the issues, explored them and he will continue to explore them and when money is available, the Board can start to do things to make more material available to residents. He said that is why he is not supporting the motion.

Councilman Messina said having meetings around Town regardless of where they are or what they are not Town Board meetings. He said it is a whole different context and sends a different signal to the public, to the community when you say we are going to have a Town Board meeting in your community and they get the information out there and hope to encourage greater participation. He said community sends a signal when Board, statutory boards, reach out to them. He noted that is what he is talking about.

Mr. Messina said \$60,000 for webcasting is something he did not think he heard number in the past. He said he did not know where it came from. He said he heard of \$12,000 but it is just exploring whether or not there is a better, more cost effective way of doing that rather than dismissing the notion because of a big number. He said he too would say if it is really \$60,000 without any alternatives, they cannot and should not spend money that way. He said Super 8 videos and Channel 18 he noted there may be alternatives to them. He said a small group looking at this to assess these matters might answer some of the questions.

Councilman Messina said 20/20 was brought up and it is a good thing to bring up. He said 20/20 and the work that the Town Board is going to have to do over the next year in particular and after that is going to be critical to the viability of Bethlehem and the future success of this community as a quality place to live and dealing with costs. He said there is nothing that come through with more stress and more resounding ways and times than the need for the Board to continue to expand and find ways of communicating with the public. He noted Mr. Ringler and Ms. Egan wrote in the transmittal letter there has never been a time when the value and importance of citizen involvement in Town government is more critical. He said a better informed and engaged citizenry can lead to an even better and more sustainable future. He said that to him means even though there are some good things going on, let's not sit there and press for the notion of why can't we consider that rather than let's not.

Mr. Messina proceeded to go through the 20/20 report. He next mentioned the survey. He noted numbers can be read in different ways. He said on the importance ranking from high to low of about 25 different activities, the things that are at the top are providing prompt and courteous 911 operations and police response to medical emergencies, reliable sewer systems, reliable water systems and quality of water. He said indeed 80 to 85 percent of the population ranked those as highest. He noted he would expect that. He said if 3 or 4 categories at the bottom of that chart, they relate to the things that have been mentioned. He said other things are just as important but do not rank as high as the 3 mentioned.

Councilman Messina said in the strengths, weakness, opportunities and threat area that was done one of the weaknesses they pointed out were lack of community awareness of the key issues and policy matters affecting the Town. He said this is where the key issues and policy matters are discussed not just when they get out on a specific issue. He said what the 26 members of the committee were telling the Board is with the work that is ahead and the work you want to do together, find new, better ways to reach out to the public and try those.

Councilman Messina said the things just discussed send an important message to the community and the 4 notions of reaching out send a positive message and there should be a little time taken to see if they can be done more cost effectively than is being seen here. He said he made a motion and he does not expect that the presentation now is going to change the results so he proposed another idea. He said as a Town Board Member, he would be willing, below the radar screen, not using a lot of staff time, to work with Jeff Dammeyer and Kathy briefly, a few hours and in a couple of weeks report back informally to the Town Board on a little further look at these 4 things. He asked if he needed a motion to do that noting he did not want to get in the way of the Supervisor working with the staff on day-to-day things. He said he would be sensitive to that.

Supervisor Cunningham said he appreciated that and noted he thought it was something to be discussed off line. He said he would discuss it with him. Councilman Messina said he would stop in and discuss it with him.

Councilman Kotary thanked both of the presentations and wanted to state for the record, not only does he agree with and I think they are good ideas but, in fact, 3 out of the 4 he either initiated at one point or there was discussions between him and Mr. Messina had 4 years ago about the concept of having meetings in different places and he thinks his position on each one is they have already addressed and discussed them. He said in some cases they were great ideas -- for various reasons we are not doing them, either logistics or cost. He said in regard to the webcasting, he actually spent a lot of time talking with Jeff and talking to folks at Channel 18. He said as may be recalled, he pushed several points including why not just take Channel 18 and put it on U-tube. He said there were logistical reasons why this could not be done. He said he did some research in attending the Association of Towns meeting and talked to vendors and brought materials home. He said he would be willing to look at them again. He said they were costly and if he recalled correctly were even more than \$60,000, more like \$80,000 to \$100,000. Mr. Dammeyer was very strong, according to Mr. Kotary, that this is even once past the initial costs, there are lots of aspects to the IT system that cannot handle this capacity. He said it would be great to have. He said when you are looking at the financial situation, the numbers received recently, the fact that the Supervisor and staff have worked hard to cut upwards of \$700,000 from the first quarter budget. He said they are doing things to cut costs. Councilman Kotary said they are looking at ways to do things and cut costs.

Councilman Kotary said in terms of the other issues, he thinks he understands the differences in the meetings but personally this is Town Hall and he actually looks at it as this is part of everybody's community. He said to flip the coin on the notion that we need to move the meetings around, he agrees there is a need to continue to have meetings on specific issues in various parts of the community. He said this should be continued and increased. He said he would like to see more barriers built up and not promote the individual communities. He said there would be staff and cost concerns to move the meetings around but they would be happy to revisit. He said in turn, he commented on the 20/20 and he with all due respect interpreted the report differently than his interpretation. He said certainly any one of the 25 or 26 items with probably another 126 items that are important, he thinks the community spoke clearly in terms of what they need to focus on. He said what they feel and he believes at a meeting there were a couple members who spoke about information saturation. He said it was joked about the fact that there is so much information going out and so much on line that the extent to the request for information, it has been put up. He said this should continue.

Councilman Kotary said he thinks the 20/20 report in his personal opinion, the survey and the report suggests there are always things you can do better and always better things to look at. He said there is also the thought that you can always do more with less. He said that is why he supports the individual items and again indicated the items have been discussed.

Councilman Hennessey thanked Councilman Messina for putting together the memo and he thinks a lot of the concepts are things that many have supported at different times for different reasons. He said the video casting idea at first sounded like an interesting and good idea. He said he remembered in the budget process last year, not knowing if it was \$60,000 or maybe \$20,000 in start up and \$900 or \$1,000 a month in ongoing costs. He said there was also the issue of what the archival costs would be. He said that was a concern that could not be addressed and the decision was made by the Board to take that out, thereby saving the taxpayers money. Mr. Hennessey said he does believe that a better informed and engaged citizenry wants a government that is open but not inside out. He said the fact of the matter is that the Members are all in attendance and open. He said he is out in the community all the time. He said he has never had a time when a citizen of this community has felt any shyness about talking to me about any issue. He said if they were discontented about things going on in this community, they would be at the meeting.

Councilman Hennessey said the Board has to make decisions about what priorities are important to the Town to face as they move forward. He said he does

not think these items are the things that make sense for the Board at this moment. He said maybe they will at some point in the future and maybe the technology and the costs will catch up to where the Town needs them to be for them to be right sized for the community. He said these were his reasons for not supporting this proposal.

Supervisor Cunningham thanked Councilman Hennessey and asked Councilman Dawson if she wished to make a comment. Councilman Dawson said she wanted to further emphasize a point Councilman Hennessey just made. She said she thinks not only are the Town citizens generally content with the way they are running the Town, if not they would be in attendance. She said people have a lot of things on their plate right now and there is great participation in a number of the task forces and committees. She said they have struggled with trying to increase the participation in some of the groups. She said they are grappling some very large issues and they do not want to keep hearing from the same people over and over again. She said they are looking for ways to increase and broaden the participation of residents of the Town but she also thinks that with everything that people are struggling with these days because of the economy and because of a lot of the pressures and stress that they are experiencing, she does not think they would consider this an issue worthy of a study group and a committee and recommendations which are in and of itself costly. She said it bares a cost but she did not have an estimate on what that would be. She said she does not think the Town can take that on right now and we have a lot of things on the plate and she wants to see them done well. She said she welcomes any efforts or suggestions go get additional people to come to the meetings. She said she hoped they are not boring, noting maybe that is not the right word. She said maybe uncontentious is the word but she thinks they do it well and if they do not, they certainly would hear about it. She noted she could not support the motion.

Councilman Messina commented the mention of the public has a lot on their plate. He said he is trying to find a way to make it easier for the public to get information while they still have a lot on their plate. He said this is what this is all about and his 4 proposals are about. He said the second point was relative to priorities and costs. He said there are 3 basic recommendations from 20/20 - 1. Work toward getting cooperation among the taxing districts for some innovative ways of looking at revenue generation and cost sharing to benefit the entire community; 2. Town-wide economic development study; and 3. Assess and improve Town organization and operations. He said those are major initiatives in terms of work load, terms of potential cost, in terms of community investment that, frankly, ought not be compared directly to what he is proposing which is a short term look, bit of analysis development and then a decision made. He said he thinks management indicates that the Board needs to move forward on both the longer term and the heavier work load things, as well as, some of the shorter terms. He said he views this as a shorter term thing. He said he just wanted to leave it there and say he had a brief discussion with Ken Ringler about the 20/20 survey and the results. He said he made a point that the public gets tired, and Mr. Ringler agreed with Mr. Messina, really tired and maybe bored is the right word when they perceive a public relations rather than a public information effort. He said he is not saying public relations with respect to anyone in attendance. He said it is the information and how it is presented that counts.

Councilman Hennessey asked Mr. Messina to excuse him for a second. He said you cannot at one point, lay that on the table and then proceed with your statement. He said that is a disingenuous statement. Mr. Messina said sure he could because he is counting him in what the Town Board does and not pointing it at everyone. He said they just have to be careful that it is information we are putting out. He said that is the only point that he has made and the Board should feel comfortable with each other discussing those things. He said that is a sensitivity they need to have. He said the public from the burage of information they are hit with not just from the Town but from other sources gets tired of that sort of stuff. He said that is why they reflect in surveys, he thinks, sometimes what the Board does.

Councilman Hennessey said he thinks the public through the survey, believe it, don't believe it, however you want to take it, there was an expression of will in that survey. He said he thinks people he talked to across the community -- and he has spent a lot of time talking to people in the community the past couple weeks

and probably will do so for the rest of his term -- have talked to him about how happy they are with the type of life they lead here. He said there are issues that have to be faced as a Town and they will confront them head on as they have in the past. He noted as people bring concerns to the Board's attention, they address them. He said they plan ahead for things that may happen, invest in infrastructure that is needed to carry out the day all the time and so from those perspectives, they have to identify the things that really have to be the priorities for this community. He said he believes on the basis of the survey and when talking to other people, it is infrastructure, sidewalks and making determinations about what the future of this Town is going to look like. He said whether or not he is opening up government in a way that creates a cavern as to what people want, he did not know. He said his sense is no, that is not what people want. He said they can differ in opinion, the real intent is to make sure that as a Board and a community, they all work together on these things and come up with these kinds of initiative that as a group, not just as one member and not just some small group of people working alone. He said with the entire community that they come to the decisions.

Councilman Messina said he was glad Mr. Hennessey was hearing a lot from the community because he assured him that he is out there probably as much as anyone else around and he is hearing from the community too. He said what he is saying here is reflective of what he hears as well.

Councilman Kotary said he would like to point out that these proposals, again, repeating what he said in a different way, are items of convenience, they are not items of necessity in that all of this information is already directly provided. He said people can come to the meetings, they can watch it on Channel 18, they can get the minutes -- all of these documents are open. As a matter of fact, according to Mr. Kotary, any materials that the Board has are subject to FOIL, as well as, he does not think anyone has been turned away from getting more information. He said, again, he thinks there is probably information overload available. He said he wanted to be clear about what is being talked about -- we are not talking about providing any information that people cannot already get in 2, 3 or 4 or 10 forms. He said they are talking about providing additional that again have -- and he thinks everyone has been very clear -- logistical and more significantly cost implications.

Mr. Kotary said finally, he thinks the discussion of the 20/20 priorities actually is also part of, at least what he was saying, in that there is a priority. He said they know it, the 20/20 committee confirmed it, the people in the survey contributors, as well as, anecdotally what they are all hearing around Town are confirming that we ought to as a Board stay focused on those top issues that they need to focus on the taxing district relationships, exploring those organizational opportunities, and the water and sewer infrastructure and again he thinks they are talking about issues that have already been addressed. He said they are sort of prepackaged in a different form, great ideas again, with some of them having been proposed by him. He said at this point, he thinks they need to stay focused and be clear and not mislead anyone into thinking any of these items are going to produce any information that they do not already have access to. He said in terms of encouraging people to get more involved, which is something that has been talked a lot at the 20/20 committee, when it comes down to it, you have to provide the opportunity for information and the opportunity to participate. He said they have more citizens committees and more citizens participating, he dare says, probably close to the entire history combined. He said if you go back in the minutes, you won't find as many citizen committees and opportunities to participate. He mentioned a number of meetings that are and have been held.

Supervisor Cunningham asked if there were any other comments. Councilman Messina said he has more new business. The Supervisor noted Skip Parsons was playing at the library at 7 o'clock and he knew Mrs. Capone was anxious to get going. Mrs. Capone said she wanted to talk to Jim but the Board has been talking for 45 minutes and you didn't learn more than what was there in the first 5 minutes.

The Supervisor asked if there was any other new business. Councilman Messina said he had another item. He said he did not know Skip Parsons was going to be at the Library or he might have set a different priority himself.

Mr. Messina said he wanted to talk about just something that he raises for consideration of the Town Board because, as far as he knows, they have not chatted about this and that was what he reads and get information on with respect to the landfill. He said in terms of summary, Rapp Road was expanded, DEC approved the expansion, we are part of ANSWERS and use the landfill. He said he reads some things in the newspaper about the Albany Common Council raising some issues and concerns as to whether or not they will take the necessary action to approve bonding for the expansion. He said he reads about Guilderland and Colonie making an arrangement there to switch from ANSWERS to go to Colonie. He said he thinks about us and what he has read lately raises a couple flags that he is going to ask the Board's consideration to do something about.

Mr. Messina said the biggest flag was that there was a big number talking about cost containment and cost implications of the future floating around about \$41 million of a bonding issue relative to the expansion and how that was all going to be addressed and handled. He said he does not know the answers to this, he just knows it was raised out there. He said he did a little checking and the Town spends about \$60,000 a year now for the cartage. He said that was 100 tons a month that we move toward ANSWERS. He asked when Rupert Road closes in November, he estimates or guesses that that amount of tonnage, as well as, cost will increase. He said he does not know what the volume is going to be.

Mr. Messina said he had some recommendations about what the Town might do from here. He said the current contract under ANSWERS ends in 2010. He thinks it behooves the Town to have our Engineering Department and Highway Department which is involved in this too, take a look at this issue from a cost and benefit and maybe even an environmental perspective which is where Guilderland was looking at it from and seeing what this all means for the Town of Bethlehem both now and down the road. He said he throws that out there because he does not have the answers but he sees a lot of data and information and maybe some misinformation swirling around that could have cost and service implications for the Town and better to plan and develop what will be done now.

Supervisor Cunningham gave updates about information that has been received relative to all this. He said he has talked to Colonie and Guilderland about their changes and plans. He said to back up he wanted to clarify that the Rupert Road transfer station is not closing, the landfill is being capped. He said there has been concerns regarding closing the facility and the facility will continue to operate as a transfer station. He said the landfill will close and the debris will have to be moved to a landfill of construction debris. He said the facility itself will remain open.

The Supervisor said they are continuing to work with the ANSWERS community with regard to the existing landfill and the steps that need to take place with that and that is the City of Albany's landfill. He said the \$41million expansion cost does not come back to the Town of Bethlehem. He said the Town is not a participant in any way in the obligation. He said the only way the Town participates with ANSWERS is as a user and so they sign a contract and pay a fee to dump. He said the Town only does what comes out of the Rupert Road station. He said the private haulers who operate in this Town also operate under our permit for ANSWERS and they need the access to the facility in order to move refuse also. He said they are very conscious of their costs so they do look for other opportunities to be able to dump at lower rates and they do find those other opportunities in the region. He said all the waste from the Town of Bethlehem does not necessarily go out to Rapp Road. He said there was from the Town of Bethlehem does but the private haulers use different facilities. He said Colonie may be one of them with a transfer station at the Port and all sorts of opportunities for them.

Supervisor Cunningham also mentioned that the Board has not discussed is as this landfill is closed, they will be looking at where we can move our stuff because one of the things that he has been told is that construction debris is \$20 a ton cheaper at Colonie than it is in Albany. He said Colonie also has issued with their landfill and they may not want to take the town's construction debris because they do not want to fill up as fast as we can fill them up. He said there are issues to be looked at and they will be reporting back to the Board but it is an ongoing

conversation. He said the other thing is that he has been working with the County Executive's office at looking to try to create an opportunity to create a solid waste authority which would then manage the flow of garbage from all the communities in the area to all the landfills so there would be the prevention of one landfill filling up faster than another. He said it would also probably have the impact of managing costs which could be an issue for the private haulers. He said this has been discussed on an ongoing basis. He said he will report back when he has more information.

Councilman Messina said he was thinking about creating a solid waste facility also. He said he did not know what the implications of that are but he read that recently. Supervisor Cunningham asked Highway Superintendent Sagendorph if the City of Albany is also looking at a solid waste authority too. Mr. Sagendorph said the Capital Region Planning Unit which is the offshoot of the ANSWERS program. Supervisor Cunningham thanked Mr. Sagendorph.

The Supervisor asked if there was any other new business. There was none.

Supervisor Cunningham made the following announcements:

- Skip Parsons is at the Bethlehem Public Library.
- The initial Report of the Capital Planning for the Town from the State Comptroller's office has been received and there will be an update to the Board at the first meeting in August.
- Acknowledged Verstandigs for their of flowers. He said they cut back on the number of baskets. He thanked them for the donation and said he appreciated their support.
- Received word from the Governor's office that the Town was awarded a \$463,000 grant to upgrade the South Albany Sewer District. He said the grant will go to repairing the sewer district. He noted this is stimulus money and Congressman Tonko, Assemblyman Gordon and Senator Breslin all helped secure this money.
- Notified this week that County Route 53 bridge, known as "Ben's Bridge", has been closed permanently. He said there are some structural issues with the bridge. He said it was a County bridge and the County decided to close it and not to repair and open it because the cost would be \$16 million. He said again, we do not have that kind of money. He said there are detour routes that have been identified by the County.
- 20/20 report is available on line at the website. He noted there is also a copy at the Bethlehem Public Library.
- July 4, 2009 the reading of the Declaration of Independence was done on the steps of the Town hall and it was a really nice event. He noted Congressman Tonko and Assemblyman Gordon did the reading. He acknowledged and mentioned Jim and Jeanine McCormack's role in this initiative. He thanked them for the donation of the framed copy of the Declaration of Independence. He mentioned that Mr. McCormack will not be able to chair this committee any longer and Boy Scout Troop 58 will handle it in the future.
- July 15, 2009 is the date for the Bethlehem PBA Steak Roast, tickets are \$45 and can be obtained from Fran Markel.
- July 18, 2009 is Community Clean-up day. He mentioned last month that there were few volunteers and he is hoping there will be more volunteers this month.
- July 28, 2009 the Grange will be holding their pot luck dinner/picnic down at the Henry Hudson Park at 6 p.m. He encouraged people to participate and attend.

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Supervisor Cunningham asked if there were any public comments on non-agenda items. Ms. Linda Jasinski said the bridge has been 'Ben's bridge' for quite some time, noting there is a sign on the side. She said the CSX railroad had a public meeting a couple years ago in the Becker School about an alternative place of putting that bridge -- whether to put it north or south or keep it where it is. She

said they have knocked down the one building there in anticipation of that. She said she would be curious to know what the plans are, although the County is not replacing it, she would be curious to know if CSX has plans. Supervisor Cunningham said his understanding is that CSX has no plans to replace it either. He said the road is just going to be a dead end. S. Jasinski said that certainly increases the traffic in front of her house which she will be in complaining about. Supervisor Cunningham said it also creates a problem for the people that live on Currey Road because they have a lot more traveling to do.

Ms. Jasinski said she would like to express her disappointment in the Town Board for not even bringing up to vote Sam's proposal. She said they could have at least done that. She said it just shows how when someone is not in lock step with you, you can shut him out. She said she does not think that is right.

Ms. Jasinski said not everybody gets Channel 18 and not everybody is around, even the people that she knows that do get it and she asked them to look for things. She said they are not sure when it is on and which one it is and sometimes it is abbreviated and that kind of thing, so she thinks you can't expect people when they are cutting back on things you can count on the fact that the information is getting out to the public.

Ms. Jasinski said she was sorry to be up there again because they hear from the same people all the time and she is one of them but she also talks to a lot of people in her area and come here to express their opinion. She said if you look in the 20/20 report one of the things that is in there is the fact that there are areas in Town that it is not one big town, it is South Bethlehem, Glenmont, Delmar and 20/20 suggested we have to get all the people together to look at it the same way. She said everyone has different interests and different lives. She said they are more country down where she lives, there is more suburban up here and they are at odds with them all the time with the things that they do. She said she does not think it would be that difficult to make this information easily available to the people. She said it is there but you have to go look for it. She said you have to come into the office and noted Town Clerk Newkirk has been wonderful at providing information. So, the Board may not know how many people come in here for information because they do not come to the Board, they go to the Town Clerk, according to Ms. Jasinski.

Ms. Jasinski said it would take nothing to just put the agenda out there with a little link for the background information or a couple more lines on the agenda. She said outside on the way in, what do we need more parkland for, what is this thing on parkland, what's going on. She said if the fact that land that was already approved north of Henry Hudson Park, they would have at least known what was being talked about.

Ms. Jasinski said they are going for grants for all sorts of things maybe there is a grant that would help a group get together and figure out how to get this information out to the public and get them involved more. She said they are not even looking at it, just dismissing the whole thing and from somebody who is on the other side who is always trying to find information, and having to go in and get it and FOIL it and everything else, she would appreciate being able to sift through it in the convenience of her home. She said a lot of times she cannot even get a call in at the office during the normal work hours to get information but at night she can sit down and get on the web. She said it does not take anything to put it on the server and make it available. She noted there is 20/20, Comprehensive Plan and tons of stuff out there and could put a few more things out and it would not cost anything. She thanked the Board.

Supervisor Cunningham said just as a point of clarification, Sam was not shut out, Sam has every opportunity and he took this opportunity to say things. He said to make a motion, every Board meeting he is entitled to make a motion and he would strongly disagree that they dismissed his item. He noted just because they did not motion it forward does not mean that they dismissed it, in fact, he thought everyone on the Board gave very careful consideration to the item and expressed their views on why they were not supporting it. He said no motion is almost the same as a no vote.

Ms. Jasinski said she would have rather seen it voted on. She thanked the Board.

Mr. Robert Jasinski said he stood before this Board probably longer than his daughter has and his daughter voiced some good opinions and he is totally in agreement. He wished and hoped that the Board would have spoke when Sam made the motion not wait until it was knocked down and then speak. So, he is disappointed in the Board.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to adjourn the regular Town Board meeting at 7:15 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.

Kathleen A. Newkirk
Town Clerk