

TOWN BOARD  
NOVEMBER 12, 2008

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 asked Mr. Leveille to lead the pledge of allegiance.

The Supervisor noted the first item was for public comment on agenda items. Mrs. Marie Capone said on the bottom of the agenda there is an item request from Deputy Director of Economic Development and Planning to adopt a resolution recognizing the action as an unlisted action and declaring the Town Board as Lead Agency in Accordance with SEQRA and Seciton 18-92(B) of the Town of Bethlehem Zoining Law. She asked why they always have to put things like that and think they do not understand what it would be if you would print what the section is. The Supervisor said he thought it was just put in as a reference in the event anyone wanted to go back to that section of the law. Mrs. Capone said every time you put it in numbers, not in letters. She said it looks shady.

Mrs. Capone said to rezone the parcel on Corning Hill has been done before and it did not fly. She said she does not know why they are bringing it back. She said request from Deputy Commissioner of Public Works to establish lead agency and adopt negative declaration for Delaware Avenue Sidewalk and Turn Lane. She asked what that was. Supervisor Cunningham said it was the sidewalk up by the YMCA. Mrs. Capone asked what has been turning down, why was it turned down. Supervisor Cunningham said nothing has been turned down. Mrs. Capone said negative declaration. Town Attorney Potter said he could clarify that. He said a negative declaration is a determination under the State Environmental Quality Review Act that if the project goes forward it will not have a negative impact on the environment. He said that is something that the Town Board has to do in regard to any project that it approves. Mrs. Capone thanked the Board.

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Mr. Robert Jasinski said in order to make this a little faster, there is a group of people who want to speak about the same subject. Mrs. Melody Burns, Glenmont, said as a taxpayer she was asking the Town Board not to pass the budget as proposed but to take it back and make it a zero tax increase. She said she knows the Board has until the 20<sup>th</sup> of November to do that. She said the Board has 8 days to review the budget and to bring it back into a zero budget.

Mr. Norman Morand said he does not like the budget and thinks the Board has to come back with a zero budget. He said recently he took and filed a FOIL request to know who in the Town has Town owned cars for their personal use. He said he does not think it is necessary whether it is Supervisor Cunningham or the head of the Department of Public Works or anybody deserves a Town car. He said he does not have a Town car and when he worked for GE they did not give him a car, he used his own car. He said the employees should use their own car and take the items out of the budget. He said if a person has to go out of town, there is always a Department of Public Works car sitting out here or have maybe 1 or 2 as a car pool. He said to have everyone have their own cars to go back and forth to work from home to work is wrong, get them out of the budget, declare them surplus and get that money out of the budget.

Mr. Robert Miller said again he supports the previous two speakers, zero increase. He said the Board has not justified the needs and thinks this is the year they should justify their needs for a tax increase. He said the Board should realize

the State is making drastic cuts and that is going to come back to the taxpayer also. He said we are going to wind up with a tax increase on the property tax from the State itself and every one of the Board Members know that. He said the increases in tuition will happen – it is a proposal of a \$100 million budget cut on to colleges and universities. He said that constitutes another increase on the taxpayer. He said he encourages the Town Board to use their common sense noting there is no reason for the budget increase.

Mr. Mike Rooney, Delmar, said he was a resident of the Town since 1960 and probably Sam is the only one who has been around here longer than him possibly. He said today's headlines said the Governor was looking for a \$2 billion cut. He said he would like to know also where the Town of Bethlehem is going to get the money to balance this budget – through sales tax, mortgage taxes – he does not understand where they're going to get the money to balance it outside of on the backs of the taxpayers. He said like everyone else, he is asking for a zero increase in the budget for this year.

Mr. Rooney said also the first think you look at to cut is establish a pool of cars, have pool cars instead of assigned cars. He said Mr. Messina can tell everyone the State of New York had it, the office of General Services. He said you want a car, you go get a pool car.

Mr. Rooney also said as far as the police, he has noticed the police force keeps growing and growing and growing. He asked if the Town of Bethlehem has that much crime that we need a police force growing the way it is. Mr. Rooney said the Town can call upon the State Police, the Sheriff's Department, the surrounding police forces for help. He said he looks out in the parking lot and my God you would think they were the FBI or something out here with the police force we have. He said he does not think that is necessary.

Mr. Rooney said the budget needs to be reviewed with cuts being made and the salary increases be looked at. He said with a long hard look. He said if the Governor is looking for \$2 billion, he does not see where the Town of Bethlehem is going to come up with 7 percent. He thanked the Board.

Ms. Linda Jasinski said she also agrees that the budget needs to be taken back. She said things have changed dramatically since it was put together. She said in the last 6 weeks the economy has really tanked. She said the Governor has put on the table everything for a cut and has said nothing is off the table for a cut. She said she thinks the Town Board has to go back and start looking at where the Board can cut because all of this is going to come back on the taxpayers. She said you talk about affordable housing, not only for people to buy housing but for people to keep their housing here and keep their homes and be able to pay the taxes on them. She thanked the Board.

Mr. Michael Golden from Glenmont said he just wanted to let the Town Board know that if you take what the property taxes are over the last few years and you plot it out into the future, he expects that his taxes will be between \$25,000 and \$30,000 a year when his daughter turns 25. He said he bought his house when he was 25 and if he just handed her the house free and clear, she would not be able to afford just the property taxes, not even with the mortgage or anything. He said everyone knows they are going to get creamed in the County level, creamed at the school level. He said the Town is the one part of the property taxes that has remained under control and he thinks the Board needs to look back at the budget and try and get it to a zero percent increase. He thanked the Board.

Mr. Bill Haddad said he thinks at a time when everyone in their personal lives is having to significantly cut back, the Governor is announcing pay cuts and zero percent pay raises for employees we need to look at doing the same in the Town. He said the Town needs to have no increase in the budget and, if possible, need to look like heroes this year and actually try to cut the budget a little bit.

Mr. Haddad the comments that were made about taxes growing to the point

where it becomes unaffordable, we are well on the way. He said it looks like it is only getting worse. He said the Board needs to make some hard looks and cutting things where we have to. He said at this time of year, as voters, we understand if there is certain cuts in areas, that is a necessity. He said they would rather see the Town sacrificing in cuts as we are doing in our personal lives than to have this extra tax burden which we already cannot afford foisted upon us, upon our families and upon our retirees who are fixed incomes. He said he hoped the Board reconsiders the budget.

Mr. Robert Jasinski said as they know, the last time the Board met, he spoke against the budget. He said all the things that the residents have said are true and just. He said it seems like we all have dreams and wants. He said he can understand the Board wanting lots of these things they are looking forward to but there is a time and place to execute these wants. He said he does not think in the coming year is going to be the place for it because they are talking – not only the 4<sup>th</sup> quarter financially of being bad but they are talking the 1<sup>st</sup> and 2<sup>nd</sup> quarter – and you just saw what the stock market did today, down another 400 points. He said this takes everybody because everyone is invested some way either by a side route or some way into the stock market. He said the Board is all losing, the residents are losing and it is hurting. He said it is going to hurt more. \

Mr. Jasinski said he thinks with the increase in the budget from the previous year, the Board could bring that back to zero as the other residents have suggested. He said he wished the Board would look at it more closely and see what can be done. He thanked the Board.

Mr. Norman Morand said he had one more thing to add. He said the increase the Board is looking for in round figures is 6.96, 7 percent rounded, and the Board is using \$870,000, he believes, to hold this increase down. He said if the Board took that out and left that where it is, the Board is talking about a 10 percent increase in taxes and it is way out of line. He thanked the Board.

Mrs. Marie Capone said this man does not know what he was talking about. She said since the Police Department is what we need the most and he talks about it as if it was 50 years ago. She said there are 30,000 people more than 50 years ago.

Mr. Jarod King, 22 Paxwood Road, said what Mr. Jasinski said reminded him of something. He said there was a documentary in which Jesse Ventura was being interviewed after a year in office and he has a different perspective. He said the one thing he said he learned as Governor that in government people confuse needs from wants and noted department heads do that.

Mr. King said with that in mind, his comments were rather specific from what he reviewed in the budget. He said first of all the budget looks like it is about 4.5 percent give or take increase in salaries and benefits and that includes a 14 percent by the Board's claim increase in health insurance. He said he has been looking at health insurance very specifically and he can tell the Board that is a very high increase and he suspects, although he has no other knowledge, that is because the Town is providing a very low deductible health insurance product. He said that product has, what in economics, is called moral hazard. He said you will see smaller increase in health insurance if you are looking at ones with larger deductibles.

Mr. King said he is also very strongly in favor and he is glad to see this administration has moved in the direction of using the County's benefit of their purchasing power with the County insurance program. He said he thought they were doing self-insurance and he thinks that is a good idea. He said that was what County Executive, Michael Breslin, was doing and we did not do anything with that. He said he thinks he heard the Town is moving in that direction and he thinks that is a good idea.

Mr. King said the other thing he found interesting was that a couple months ago in the Spotlight, it was reported that the Town of Bethlehem had 42 police

officers. He said he happened to read in the Times Union that the Town of Guilderland has 34 officers. He said one of the curses of being a political operative is that he happens to know Guilderland has 31 election districts and Bethlehem has 30 election districts. He said Guilderland is a slightly larger Town than Bethlehem and we had 42 and they have 34. He said we have Walmart and there is every day or every week in the Spotlight there is always on the police blotter something going on in Walmart. He said Guilderland has Crossgates which is a far larger mall and they also have much more commercial development in Guilderland. He said he found that very interesting and we are looking at hiring one mid-year. Mr. King said he grew up in this Town and he knows that Bethlehem is not the same Town it was 20 or 30 years ago and so with that in mind, he would just let that go.

Mr. King said the water and sewer billing, one thing about that is that what the Central Hudson Gas and Electric does is they bill on every 2 months. So, in other words, he said they used to bill every month. He said that way if you are going to charge the service charge, there would be fewer service charges being charged to people and he thinks that is a good idea. He said he does not think this should be used as a revenue enhancer of the Town. He said he thinks, frankly, that that is something that can be done if there had to be a small increase in charge to accommodate the extra interest because the Water District had to borrow. He said he thought that is a good idea also.

Mr. King said the last thing is at a time when peoples 401ks are becoming 201ks and as was brought up, we are looking at a \$2 billion cut in State funding and he did not know how much of that will be for municipalities. He said he finds it hard to believe that this Town proposed a \$10,000 increase in community beautification – going from \$50,000 to \$60,000. He said he spoke to many people in this Town. He said he spoke with one family where the man is working 2 jobs and the wife works in the evenings. He said he finds that very troubling, noting when we govern in this Town, we have to think about all the citizens and that does not mean everybody makes a lot of money. He said nobody should be taxed out of their home. He said again, to reiterate what Mr. Jasinski said, the difference between wants and needs, he considers that a want and he would definitely look at that. He thanked the Board.

Supervisor Cunningham noted 2 points of clarification. He said the water/sewer bills are quarterly, they are not monthly. Mr. King said that was what he said. The Supervisor said the Guilderland Police Department did not include the village of Altamont which has its own Police Department with about 10 officers, not all full time, but they have 10 additional police officers. He said that number does not include the village. Mr. King said he did not know that.

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Mr. Michael Waldenmaier, Glenmont, said he just had one question to do with the Parks and Recreation. He asked about the purchase of property down on the Henry Hudson. He asked what the purchase price was. Supervisor Cunningham said he will get to that and when he does, he will go through and explain the whole project of what they are doing. Mr. Waldenmaier said okay and thanked the Supervisor.

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Supervisor Cunningham asked if there were any other questions on agenda items. There were none. The Supervisor thanked everyone for their comments.

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Supervisor Cunningham said the next item is approval of the Town Board minutes for October 8, 2008.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the Town Board minutes of October 8, 2008 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.

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The following item was a request from the Comptroller to approve the 2009 Bethlehem Town Budget.

The motion was made by Mr. Kotary and seconded by Mr. Messina to approve the adoption of the Town of Bethlehem Budget for the fiscal year 2009.

Supervisor Cunningham said he wished to make a couple comments. The budget process for the Town of Bethlehem started back in August of this year he said noting this was not just started last week. He said they have taken a long and hard look at the expenses and the revenue streams. He said this was not an easy process to go through. He said Mr. Moran has brought up on several occasions the fact that we rely heavily on our fund balance each year that they complete the budget. He said that is correct, noting the fund balance is like a savings account and they balance the budget each year by using the fund balances. He said that cannot continue forever.

Mr. Cunningham said this year they have taken a lot of cuts and found revenues they can cut. He said in health insurance they have reduced their cost by about \$250,000, reduced the water budget by about \$150,000 and they are continuing to look for ways to cut the expenses here at Town Hall.

Supervisor Cunningham said one of the things they will not do is put the safety of the residents in jeopardy. He said the safety of the residents does not come just in Police Department, it comes from the Highway Department which takes excellent care of our roads. He said the roads need to be plowed and salted in the winter and they need to have money to do that and people working on that. He said they need to pay the people overtime so they need to make sure that they have the safety of the residents taken care of.

The Supervisor said a couple people have brought up the State budget and he keeps a very close eye on what is going on nationally and State-wide. He said one of the irony of the State budget is that for most people that are taxpayers in the State of New York is that we have gotten checks for the last 3 years for about \$300 from the State of New York. He said yet now they are in a budget crisis. He said one of the reasons, he believes, they are there is because they mismanaged their budget for over the last 10 years. He said they have made people believe that money was there that was not there. He said this budget is not going to do that.

Supervisor Cunningham said that is why they are where they are. He said this is why we are pushing forward to try to balance the budget. He said this is not a spending spree on the Town's behalf and they are working very hard to manage costs. He said only 25 percent of the revenue stream comes from property tax. He said the remaining 75 percent comes from either the fund balance or variable costs like sales tax, mortgage tax, fees from the court system. He said the Board has no control over those variables and they will be paying a very close eye on how the funds start coming in through 2009 and if those revenue streams do not come through, they are going to continue cut costs here. He said he has already talked to the Highway Department about managing better their road paving plans for next year.

The Supervisor said they are going to continue to cut costs everywhere that we can. He said it is not an easy thing, they will continue to work at it and he appreciates everybody's involvement. He encouraged everyone to not only be involved tonight but next year when the budget process is begun which will be in August and is a series of public meetings, that everyone come and participate in those meetings also and listen to what the Department heads are telling the Board about what their expenditures and needs are and how they are trying to serve the public.

Councilman Kotary said he had a few items he wanted to address. He said first to add to the Supervisor's point about the State budget. He said everybody here should be perfectly clear that when the Governor is calling for the latest \$2 billion dollars in cuts, you have to read the fine print. He said it is \$2 billion on increased revenues, off of projected spending. He said it is not an actual spending cut. He said they are no where even close to actually reducing expenditures this year versus last fiscal year. He said the Town is and if you look – referring to a slide from the Supervisor's presentation – in equipment and operating, actual dollars 2009 versus 2008, they are spending less than they did last year. He said that is an actual dollar cut. Mr. Kotary said if the State were to actually do that, they would get into multiple millions of dollars in additional cuts if they were going to reduce the budget. He said it is apples and oranges.

Councilman Kotary said again when you look at the actual dollar increases, many of those increased dollars are from the categories of salary and fringe benefits and debt service. He said he for one strongly support the COLA. He said he thinks it is a huge mistake on the part of the State to cut salaries when you are talking about residents of New York. He said they are talking about residents in the Town of Bethlehem and the majority of the employees live in the Town of Bethlehem. He said when you are looking at consumer costs going up 6 to 10 percent, if you do not give a COLA you are actually cutting salaries. He said he thinks one of the things he has been proud to say and he has said it for 2 years and saying it again, is that we will not balance the budget on the backs of the employees because they are our residents. He said they are sensitive to the tax obligations and as the Supervisor often says, they all come out of the same wallet. He said they all come out of all of our wallets as well. He said they appreciate that.

Mr. Kotary said he also appreciates a couple of the comments, one of which is that the Town budget is under control. He said he appreciates everyone coming to them and saying other governments have not controlled the spending but it should be up to us. He said we are also at the bottom of the governmental food chain. He said those cuts sure will come down to the Town but as the Supervisor also said, they have a very limited control over the revenue and again, don't look at percentages look at dollars. He said they are looking at between \$17 and \$60 of an increase per household. He said everybody would like it in an ideal world to not have to pay any taxes, however, in this case they are trying to also not put off the pain which we have seen at the national level. He said they are trying to reduce the amount of savings which is, therefore -- and quite frankly the State Comptroller's office recommends and requires in some cases – to lower those amounts. He said we are at a very healthy surplus in all of the surpluses but to use that for the purpose which is to balance the budget and in essence to give it back to the taxpayers. He said this is interesting because that is what some of the comments, in effect, were today and that is exactly what they have done.

Mr. Kotary said they have made difficult cuts and noted the Supervisor announced at the last meeting that they are going to implement a hiring freeze. He said they have also talked about several capital projects over the last couple of years that again they keep pushing out. He said it is up to \$25 million worth of capital projects that again at some point you have to replace infrastructure. He said he thinks the challenge that he hopes everybody appreciates is that you have to balance all of that. He said the balance has to be what is going on with the economy and balance the revenues that are being brought in, as well as, using surplus funds to keep the tax rate at a reasonable level which they have historically. He said he agrees with the resident who commented that we have had taxes under control. He said they also have to look at putting off those costs and he thinks they have done a very good job of doing that this year. He said he feels over the 6 months and really it has been a 12 month process, they have done a lot to keep spending down, to put off what they can but unfortunately there are a lot of projects that have to be addressed.

Councilman Messina said he would like to make a couple comments. He said these were things he thought about before coming tonight and he thinks of them now in terms of influencing his vote as he hears it from residents. He said

some of the things he tried to think about that impacted him.

Mr. Messina said when he got through all the numbers and the percentages what it really came down to is a tax increase of \$17.45 for a \$100,000 of assessed value on a home noting an average home in Bethlehem is \$285,000. He said that cost would be \$49 for the year, noting that is what is being talked about in terms of total blended costs. He said he asked himself what the people in Bethlehem really want and he thinks the Supervisor has made this point in the past, Kyle and other have too, people in this community want to keep this a quality community. He said they look at the taxes and they're concerned about those and they also want the Board to continue the trend of having the improvements and the services and fine staff they have to serve them in this community. He said it is a balancing act.

Mr. Messina said he looks at the issue of Bethlehem relative to other communities and the data he looks at tells him that the surrounding communities generally have higher taxes and they have a higher tax rate. He said that does not mean that Bethlehem should try to catch up to them and we are not, it just means that we are in a good, reasonably, equitable position. He said fund balances have increased and they have decreased and they look at those all of the time. He said they are there when they are needed and they keep a 10 to 15 percent fund balance for that purpose. He said we are in a good situation from the perspective of the Comptroller's office and the residents should feel good about that.

Mr. Messina said cost reductions, containments and improvements. He said at the previous meeting, the presentation was made about cost reductions that were brought about. He said automation initiatives that were implemented. He said things are constantly reviewed and if they did not do that all of the time, they would not be doing their job.

Councilman Messina said looking to the future, they have other major issues to deal with. He said what they are doing now is trying to be balanced and reasonable so that as they look to what the needs are in terms of capital and facility improvements in the future and what might be needed for this to retain its outstanding nature as a community is hopefully what the 20/20 committee that the Supervisor early on his administration put together will be saying that our needs are. He said he looks at that and he thinks everyone will find some real opportunities to improve and to save. He said he also hopes that they can get back and look at some really detailed staff work that they have done a year or two ago that they need to get back to in terms of the inter-departmental management advisory committee where they implemented some of the recommendations and there are some other good ones that can save money.

Councilman Messina said lastly he would just say that in all organizations, people are the most resource you have. He said that is certainly true in Bethlehem noting these folks don't look at this as a job, they look at it frankly a career, an avocation and service to a community. He said he sees it all the time. He said they are increasing salary by 3 percent and he is glad they are doing that for the reason that if we did not, good folks would move on eventually and they would not have them here to work with them. He said they have just come through seasons where sound bites and statements like no new taxes are very popular. He said in a community like ours, we are dealing with multiple issues and needs, as well as, wants. He said frankly he is pleased that they are working with a Board that has the courage to just not use the mantra of no new taxes because if we did that, we would not be doing the best business we can for you.

Councilman Hennessey said this is his first budget process since being elected and he remembers when they started working on this months and months and months ago. He said some of the numbers that were in front of them at the time have changed and some have gone up and some have gone down. He said they worked with the snapshot they had in front of them. He said unfortunately budgeting is a snapshot based project or product. He said they have to budget accordingly. He said being rational about that means they have to look at the cost that are in front of them and pay for them. He said they could put them off, push

them to the future, put them on the backs of their children and for the next generations but he does not think that is a responsible way to do things. He said a rational budgeting process cannot do that.

Mr. Hennessey said what they are doing today and the budget that is passing today takes into account the fact that they have needs; they have a quality of life they need to maintain; employees they want to keep in Town; public services they want to provide; they have protection services that are terrific and that do some of the best job of anybody in the Capital Region and they have to reinforce those, noting they cannot put those to the side.

Mr. Hennessey said he hopes everyone understands that this is a tax increase but it is the right increase to keep the quality of life that we enjoy here in Bethlehem.

Supervisor Cunningham noted there is a motion and a second and asked for a vote.

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

Noes: None.

Absent: None.

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The next item is a request from the Director of Parks and Recreation Department to authorize the Supervisor to execute a contract for the purchase of a parcel of land adjacent to the Henry Hudson Park from Robert Williams. Supervisor Cunningham said there is a parcel that is next to the park and then if you are going down to the Henry Hudson Park and taking a right on Barent Winne Road it is the land directly in front. He said Mr. Williams has agreed to sign a contract with the Town of Bethlehem to sell the property for \$200,000. He said there is a matching grant which was accepted from Scenic Hudson for \$100,000 and applied for a grant with the State for the other \$100,000. He said there is money in the parkland set aside to also support this.

The Supervisor said the contract also includes a contingency that allows for an appraisal. He noted if the appraisal does not indicate that the property is worth \$200,000, the Town can remove themselves from the deal and the deal will not go forward. He said that is the project as a whole and the property again will allow the expansion of the Henry Hudson Park over from its current property line over to Barent Winne Road and allow the Town to accept more shoreline on the park.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the Supervisor executing a contract for the purchase of a parcel of land adjacent to the Henry Hudson Park from Robert Williams.

Councilman Dawson asked about the size of the parcel of land. The Supervisor said it was 4 +/- acres, 4 to 5 acres. Mrs. Dawson thanked the Supervisor and asked who would be paying for the appraisal. Supervisor Cunningham said the Town will pay for the appraisal.

The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The following item was a request from the Director of Senior Services to authorize the Supervisor to execute a Memorandum of Understanding between Cornell Cooperative Extension, Albany County and the Town of Bethlehem for WRAP services. Supervisor Cunningham noted this is a \$1,000 grant to help

individuals apply for heating fuel services through Cooperative Extension.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the Supervisor executing a Memorandum of Understanding between Cornell Cooperative Extension, Albany County and the Town of Bethlehem for WRAP services. The motion was passed by the following vote:

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

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The next item was a request from Director of Senior Services to accept a donation in the amount of \$330 received in memory of George Tilroe which will be used to purchase music for the Bethlehem Senior Chorus.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the acceptance of a donation in the amount of \$330 in memory of George Tilroe to purchase music for the Bethlehem Senior Chorus. The motion was passed by the following vote:

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

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Supervisor Cunningham thanked the donator for his/her generosity in honor of Mr. Tilroe.

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The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for acceptance of a donation of pool supplies from Dr. Melvin Steinhart.

The motion was made by Mrs. Dawson and seconded by Mr. Hennessey to approve the acceptance of a donation of pool supplies from Dr. Melvin Steinhart 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.

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Supervisor Cunningham thanked Dr. Steinhart.

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The next item was a request from the Deputy Director of Economic Development and Planning, Michael Morelli, to adopt a resolution recognizing the action as an Unlisted Action and declaring the Town Board as Lead Agency in accordance with SEQRA and Section 128-92(B) of the Town of Bethlehem Zoning Law for the Corning Hill Road re-zoning. Supervisor Cunningham noted this and the next item go together. Town Attorney Potter noted for clarification that the environmental determination is being made on this project at this time. He said this is referring it to the Planning Board. He said this is the Town Board declaring itself Lead Agency and the determination will be made at a later date when there is a full opportunity for review. The following resolution was presented for adoption:

RESOLUTION NO. 40

**TOWN OF BETHLEHEM  
REZONING APPLICATION  
AND  
SEQR LEAD AGENCY COORDINATION**

**99 – 111 CORNING HILL ROAD  
EDWARD & SHERI CICCONE ET AL  
NOVEMBER 12, 2008  
RESOLUTION**

**WHEREAS**, Edward & Sheri Ciccone et al (the Applicants) are seeking approval from the Town of Bethlehem Town Board for the rezoning of five (5) parcels of land totaling 6.10+/- acres of land from Residential A to Commercial Hamlet. The properties are located on the north side of Corning Hill Road, approximately 600 feet east of the intersection of NYS Route 9W.

**WHEREAS**, in accordance with Section 128-92 of the Town of Bethlehem Zoning Law, the Applicants have submitted the requisite application materials (the "Application"); and

**WHEREAS**, the Project is considered a Unlisted Action under the State Environmental Quality Review Act (ECL, Article 8) and its implementing regulations (6 NYCRR Part 617) (collectively "SEQRA"); and

**WHEREAS**, the Applicants have requested that the Town Board take the following actions with respect to the Project:

1. In accordance with Section 128-92 of the Town of Bethlehem Zoning Law, to accept the Application from the Applicants for the proposed rezoning for further review and consideration by the Town Board;
2. In accordance with Section 128-93 (A) of the Town of Bethlehem Zoning Law, to refer the Application to the Town Planning Board for review and recommendation; and
3. In accordance with SEQRA and Section 128-92(B) of the Town of Bethlehem Zoning Law, to recognize the Project as a Unlisted Action and declare itself lead agency with respect to the Project;

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby accepts the Application for a rezoning of five (5) parcels of land totaling 6.10+/- acres on Corning Hill Road from Residential A to Commercial Hamlet, determines that it shall consider the Application and in accordance with the Town of Bethlehem Zoning Law hereby refers the Application to the Town Planning Board for review and recommendation;

**AND BE IT FURTHER RESOLVED** that, in accordance with SEQRA and with the Town of Bethlehem Zoning Law, the Town Board hereby declares the Project to constitute a Unlisted Action and hereby declares its intent to be lead agency with respect to the Project. The Town Board directs the Town Staff to undertake the necessary coordinated review with other involved agencies to establish the Town Board as lead agency pursuant to 6 NYCRR §617.6.

On a motion by Mr. Kotary seconded by Mr. Hennessey and a vote of 5 for, 0 against, 0 abstention and 0 absent, this RESOLUTION was adopted on November 12, 2008.

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The following item was a request from the Deputy Director of Economic Development and Planning to accept an application to re-zone five (5) parcels of land on Corning Hill Road from Residential A to Commercial Hamlet and to refer the application to the Town Planning Board of review and recommendation.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the request of Michael Morelli, Deputy Director of Economic Development and Planning to accept an application to re-zone five (5) parcels of land on Corning Hill Road from Residential A to Commercial Hamlet and to refer the application to the Town Planning Board of review and recommendation. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The next item was a request from the Deputy Commissioner of Public Works to establish Lead Agency and adopt a Negative Declaration for Delaware Avenue

Sidewalk and Turn Lane.

The following resolutions were presented.

**RESOLUTION NO. 41**

**ESTABLISHMENT OF SEQR LEAD AGENCY**

**For the TOWN OF BETHLEHEM – DELAWARE AVENUE SIDEWALK CONSTRUCTION PROJECT**

WHEREAS, the Town Board intends to construct 1100 ft. of new sidewalk along the south side of Delaware Avenue between Fisher Boulevard and the YMCA entrance, and a westbound left-turn lane on Delaware Avenue at the YMCA entrance; and

WHEREAS, this project is Unlisted action pursuant to the State Environmental Quality Review Act (SEQR) and therefore subject to the regulations of that law (6 NYCRR 617);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board declares itself Lead Agency pursuant to 6 NYCRR 617.6.

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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**RESOLUTION NO. 42**

**SEQR DETERMINATION OF NON-SIGNIFICANCE**

**For the TOWN OF BETHLEHEM – DELAWARE AVENUE SIDEWALK CONSTRUCTION PROJECT**

WHEREAS, the Town Board has been established as Lead Agency in accordance with 6 NYCRR 617.6; and

WHEREAS, the Town Board intends to construct 1100 ft. of new sidewalk along the south side of Delaware Avenue between Fisher Boulevard and the YMCA entrance, and a westbound left-turn lane on Delaware Avenue at the YMCA entrance; and

WHEREAS, the Town Board has reviewed the potential impacts identified in the Short Environmental Assessment Form (EAF) and has determined that no significant impacts are likely to occur as a result of the project;

NOW, THEREFORE, BE IT RESOLVED, that a Negative Declaration shall be issued for the project in accordance with 6 NYCRR 617.7; and

BE IT FURTHER RESOLVED, the attached Negative Declaration is to be filed and published in accordance with 6 NYCRR 617.12.

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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The next item was a request from the Deputy Commissioner of Public Works to establish Lead Agency and adopt a Negative Declaration for the Feura Bush Road and Elsmere Avenue Sidewalks.

The following resolutions were presented for adoption:

**RESOLUTION NO. 43**

**ESTABLISHMENT OF SEQR LEAD AGENCY**

For the TOWN OF BETHLEHEM – FEURA BUSH AND ELSMERE AVENUE  
SIDEWALK CONSTRUCTION PROJECT

WHEREAS, the Town Board intends to construct 1500 ft. of new sidewalk along Feura Bush Road between Wemple Road and Elsmere Avenue; and

WHEREAS, the Town Board intends to construct 800 ft. of new sidewalk along Elsmere Avenue from the existing sidewalk to the Delmar By-pass; and

WHEREAS, this project is Unlisted action pursuant to the State Environmental Quality Review Act (SEQR) and therefore subject to the regulations of that law (6 NYCRR 617);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board declares itself Lead Agency pursuant to 6 NYCRR 617.6.

The foregoing resolution was presented for adoption by Mr. Hennessey, seconded by Mrs. Dawson 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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**RESOLUTION NO. 45**

**SEQR DETERMINATION OF NON-SIGNIFICANCE**

For the TOWN OF BETHLEHEM – FEURA BUSH AND ELSMERE AVENUE  
SIDEWALK CONSTRUCTION PROJECT

WHEREAS, the Town Board has been established as Lead Agency in accordance with 6 NYCRR 617.6; and

WHEREAS, the Town Board intends to construct 1500 ft. of new sidewalk along Feura Bush Road between Wemple Road and Elsmere Avenue; and

WHEREAS, the Town Board intends to construct 800 ft. of new sidewalk along Elsmere Avenue from the existing sidewalk to the Delmar By-pass; and

WHEREAS, the Town Board has reviewed the potential impacts identified in the Short Environmental Assessment Form (EAF) and has determined that no significant impacts are likely to occur as a result of the project;

NOW, THEREFORE, BE IT RESOLVED, that a Negative Declaration shall be issued for the project in accordance with 6 NYCRR 617.7; and

BE IT FURTHER RESOLVED, the attached Negative Declaration is to be filed and published in accordance with 6 NYCRR 617.12.

The foregoing resolution was presented for adoption by Mr. Hennessey, seconded by Mrs. Dawson 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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The following item was a request from Deputy Commissioner of Public Works to establish Lead Agency and adopt Negative Declaration for the Orchard Street Sidewalk.

The following resolutions were presented for adoption:

**RESOLUTION NO. 46**

**ESTABLISHMENT OF SEQR LEAD AGENCY**

For the TOWN OF BETHLEHEM – ORCHARD STREET SIDEWALK  
CONSTRUCTION PROJECT

WHEREAS, the Town Board intends to construct 1500 ft. of new sidewalk on Orchard Street and will connect the existing sidewalk at Union Avenue to Cherry Avenue to the west and Crestwood Lane to the east; and

WHEREAS, this project is Unlisted action pursuant to the State Environmental Quality Review Act (SEQR) and therefore subject to the regulations of that law (6 NYCRR 617);

NOW, THEREFORE, BE IT RESOLVED, that the Town Board declares itself Lead Agency pursuant to 6 NYCRR 617.6.

The foregoing resolution was presented for adoption by Mr. Messina, 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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**RESOLUTION NO. 47**

**SEQR DETERMINATION OF NON-SIGNIFICANCE**

**For the TOWN OF BETHLEHEM – ORCHARD STREET SIDEWALK CONSTRUCTION PROJECT**

WHEREAS, the Town Board has been established as Lead Agency in accordance with 6 NYCRR 617.6; and

WHEREAS, the Town Board intends to construct 1500 ft. of new sidewalk on Orchard Street and will connect the existing sidewalk at Union Avenue to Cherry Avenue to the west and Crestwood Lane to the east; and

WHEREAS, the Town Board has reviewed the potential impacts identified in the Short Environmental Assessment Form (EAF) and has determined that no significant impacts are likely to occur as a result of the project;

NOW, THEREFORE, BE IT RESOLVED, that a Negative Declaration shall be issued for the project in accordance with 6 NYCRR 617.7; and

BE IT FURTHER RESOLVED, the attached Negative Declaration is to be filed and published in accordance with 6 NYCRR 617.12.

The foregoing resolution was presented for adoption by Mr. Messina, 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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The next item was a request from Deputy Commissioner of Public Works to approve the use of \$207,800 from General Fund Capital Reserve for the construction of sidewalks on Elsemere Avenue, Feura Bush Road, Orchard Street and Delaware Avenue from Fisher Boulevard to the YMCA. Supervisor Cunningham noted these are projects they have been talking about for some time.

The following resolution was presented for adoption:

**RESOLUTION NO. 44**

**RESOLUTION AND PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 12th day of November 2008, duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to fund the design and construction of sidewalk improvements within the Town

WHEREAS, it is estimated that the costs of said work will not exceed \$207,800; and

WHEREAS, in recognition of these needs, funds for such purpose are in the General Fund Capital Reserve Fund; and,

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete the design and construction of sidewalk improvements within the Town as described above; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the expenditure of the reserve moneys to fund this project up to a maximum amount of \$207,800 and,

BE IT FURTHER RESOLVED, that the Town Comptroller is authorized to expend from the General Fund Capital Reserve Fund the funds necessary up to \$207,800 in said reserve fund; and

This resolution shall be subject to a permissive referendum, as permitted by law.

The motion to adopt the resolution was made by Mr. Hennessey and seconded by Mrs. Dawson .

Councilman Messina said he looked at the 3 of these projects and he wanted to get a sense of what was going on there because he saw the grants being issued and in-kind services and frankly, what persuaded him that in total this was a really good package, was \$775,000 in grants money that this Town received. He said in many way related to safety issues, the fact that some of the costs are being picked up by in-kind services of our Highway Department, noting these are not new costs but not one we are already incurring to the tune of \$177. He said the grants cover more than 65 percent, Town out-of-pocket costs are about 20 percent and for that the Town is getting about 4,900 feet of sidewalks, primarily related to safety issues and forwarding the goals in the Comp Plan to provide for non-motorized mobility. He said he thinks this is a winner all the way through and is very supportive of it.

Councilman Kotary said he wanted to pick up on what Councilman Messina was saying, he too very much likes the amount of grant money and that's been something he has talked about frequently. He said it is not just in terms of finding outside resources, public and private to support our projects, but as Mr. Messina laid out, the in-kind services, how much is being received in terms of sidewalks, safety issues and this is also when they talk in terms of the budget – trying to find creative ways and different ways to get what people want. He said he can say and probably every one of his colleagues would agree that the number one issue that they hear – he has been hearing for 4 years from residents – is more sidewalks. He said as a safety issue, as a way to connect families and neighborhoods in the community, in particular the stretch of sidewalk to the YMCA which he cannot wait to get that in because he thinks that is a dangerous spot with an accident waiting to happen. He said for all those reasons, he thinks it is a smart project, the grant money the way that they are working with Highway Superintendent Sagendorph and his crew are doing this, it is a safety issue and again it is something that residents overwhelmingly want. He said he supports it.

Councilman Hennessey wanted to echo something that Councilman Kotary was saying. He said he constantly from people in his neighborhood, people who he talks to in other neighborhoods, the constant murmur he hears from people is sidewalks, sidewalks, sidewalks. He said this is another situation where they told people they were going to work on putting sidewalks in and they are doing that now and following through on their promise. He said it is an investment in the kind of transportation that everyone likes best which is a walk able community. He said that is one of the things they have been pushing for here in Bethlehem for a long time. He said this is coming through with the promise that they told people they would do. He said he appreciates the fact that the Board is going to be in support of this.

Councilman Dawson said she just wanted to emphasize that even the \$207,800 that is being taken from the Capital fund actually was previously earmarked from the CDTC grant to the Town. She said in terms of tax levy dollars, this is really a very small amount. Supervisor Cunningham said there are some monies that are coming right out of our own tax dollars. Councilman Dawson said as Councilman Messina pointed out, less than 20 percent of the project. Supervisor Cunningham said the majority of this is being funded from sources outside of taxpayer dollars. She asked when they will be built.

The motion was duly adopted by the following vote:

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

NOES: None.  
ABSENT: None.

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Supervisor Cunningham said the construction should start this spring, noting they are on the schedule.

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The next item was a request from Deputy Commissioner of Public Works, Erik Deyoe, to reduce the bond amount for Carriage Hill Subdivision.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the reduction in bonding for Carriage Hill Subdivision from \$400,000 to a new amount of \$80,000 as requested by Erik Deyoe, Deputy Commissioner of Public Works.

Councilman Hennessey asked for an explanation on this reduction. Deputy Director of Economic and Planning, Michael Morelli, explained that when a subdivision gets approved, the Town requires bonding to cover the work – the infrastructure, the roads, etc. – as portions of the project get built, the bond would be reduced. He said they have constructed the infrastructure, it's been inspected and approved and now it is time to reduce the amount of the bond. Councilman Hennessey thanked Mr. Morelli.

Councilman Dawson asked what the amounts are. Mr. Morelli said it will be reduced to \$80,000 from \$400,000 Councilman Dawson thanked Mr. Morelli

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The motion was passed by the following vote:

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

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The next item was a request from Fleet Manager, Howard Hyer, to dispose of vehicles at auction.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the disposal of four (4) vehicles at auction by Manheim Albany of Clifton Park, New York as listed in the Memorandum dated November 6, 2008 and requested by Fleet Manager, Howard Hyer.

Councilman Kotary said since the vehicle fleet was mentioned earlier, he wanted to commend the Supervisor on actually addressing this months ago by creating a Fleet Manager position, by for the first taking all the vehicles and looking at them Town-wide, pooling them together and they are doing exactly what was recommended earlier in looking to find ways in savings. He said equipment and operation cuts have also been mentioned and this is something that he thanked the Supervisor for taking the leadership on that and working to see ways for the Board to see ways to manage the fleet better.

The motion was passed by the following vote:

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

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

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The Supervisor made the following announcements:

- He said we have elected a new President and Congress and reelected our Assemblyman, State Senator and he wanted to congratulate all those individuals. He wanted to point out in the Town of Bethlehem this year we have a 78 percent voter turnout which is commendable. He said in an odd year election, they have a hard time getting 50 percent of the voters.
- Town Hall will be closed for Thanksgiving, November 27 and November 28, 2008.
- The next Town Board meeting has been moved to November 25, 2008, Tuesday.
- The 2<sup>nd</sup> meeting in December has been cancelled which would have been on Christmas Eve.
- Food pantry donations are needed. The Bethlehem Food Pantry becomes very important this time of year and stocking is important.
- On December 5, 2008 at 6 p.m. there will be a Holiday Parade that begins here and goes up to the Four Corners where the Town Holiday tree will be lit. If anyone is a part of an organization that would like to participate, you can sign up on line or contact his office.

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The next item is public comment on non-agenda items. Mr. Bill Haddad said he knows there has been a lot of discussion on making improvements along 9W to help improve the flow of traffic and one key concern he has is that anything that is done in Town is going to be pointless unless the State fixes the interchange where 87 and 787 is. He said that is the bottleneck and the backup. He said if we cannot get the State to fix what is over the bridge, anything that is done up until then is not going to help cut down the commuting time. Supervisor Cunningham asked if Mr. Haddad meant 9W and 787. Mr. Haddad said 787 and 87 dead end at the same and you have all the traffic lights there. He said that is where all the traffic backs up. He said the lights going past the stores, going by the merger, that does not matter if they do not fix the interchange to make traffic flow, any money we spend is really kind of wasted. He said it is not going to cut the commute times for people who have to do that every day. He thanked the Board. Supervisor Cunningham thanked Mr. Haddad.

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Ms. Heather Swartz said she had a question about the budget. She said she did not look at it previous to the meeting but there is like a \$10,000 increase in beautification and an increase in police money but decreased the recreation budget by \$11,800. She asked if more money couldn't be put into that so you could decrease the amount of police so you are not having cops looking around for kids doing stuff. She said she does not get how you need \$10,000 for beautification and asked what is that going towards. Supervisor Cunningham said he would have to look at the specific line item as someone referred to that earlier. He said the Town does have a project every year where they put flags and flowers up along Delaware Avenue and the Town funds a portion of that and look to the business owners along Delaware Avenue to also fund that. He said he thinks that is what is being looked at. He said he does not know that that was increased \$10,000.

Supervisor Cunningham said in reference to the decrease in Parks and Recreation, he would have to go back and look at it. He said he does not have specifics off the top of his head. He said if she called his office or stop by, he would go through it with her. Ms. Swartz thanked the Supervisor.

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Mr. Greg Burnham said he lives at the corner of Elsmere and Route 32 on the Glenmont side. He said the Town is talking about putting sidewalks down through there and asked what is being done about the drainage that is going to cover for the sidewalks. He asked if they were going to fill his yard more with water. Supervisor Cunningham said he does not know if the engineering has been completed on this. Commissioner of Public Works Cansler said the engineering has not been done but it will certainly be taken into account during the project design. Mr. Burnham said this was okay because he has a ton of water that comes

in his yard now and floods him out in the back. He said sidewalks are only going to make it worse. Supervisor Cunningham thanked Mr. Burnham.

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

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The motion was made by Mr. Messina and seconded by Mrs. Dawson to adjourn the regular Town Board meeting at 7:00 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.

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Town Clerk