Town Board
July 27, 2011

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 6:00PM.

PRESENT: Samuel Messina, Supervisor
Joann Dawson, Councilwoman
Mark Hennessey, Councilman
Mark Jordan, Councilman
Kyle Kotary, Councilman
Nanci Moquin, Town Clerk
James Potter, Town Attorney

Supervisor Messina called the meeting to order and lead the Pledge of Allegiance.

Supervisor Messina presented Kelly Cusack with a Certificate of Recognition from the Town. Kelly competed in a Braille reading competition in Los Angeles that had 850 other individuals competing and she took second place in the nation in her age group. Supervisor Messina called her an inspiration. Kelly is a girl scout, a member of the chess club in Slingerlands school, and plays the piano.

PUBLIC COMMENTS ON AGENDA ITEMS

Marie Capone – Wants to know what interior renovations will be done.

Ken Bell – Rockefeller Rd. – He asked about the purchase of the machine to mow the reservoir. He knew there were some new rules and regulations but Town could still use a machine with a brush hog on the back. He suggested they check more on the machine and the price.

Linda Jazinski – She had questions on the purchase of new guns for the police department. She said the bottom line cost doesn’t seem that high. She asked how the useful life of the guns were determined? Many older guns fire just fine. She noticed that they were changing the caliber of the gun. That will need new ammo. How much old ammunition is in stock? What will happen to the ammo. The old clips are not listed as a trade-in. She noticed they were buying half as many extra magazines as have they have guns listed. She knew each officer would need to qualify on their new gun. Will all the police officers be qualified at the regular time they go to the range or will it be done on overtime. Does the Town need to purchase new holsters and new ammo and how much? Where do I find local laws on line before 2004. She didn’t think that parkland set aside funds could be used for the maintenance of the tennis courts only for the purchase of new parkland or new facilities.

Marie Capone – Should reporter come to ask about the spending of money.

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6:00 PUBLIC HEARING TO SOLICIT PUBLIC COMMENT REGARDING A NYS COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE NYS OFFICE OF COMMUNITY RENEWAL FOR FUNDING TO ASSIST IN THE EXPANSION OF A NEW PRODUCT LINE AT OWENS CORNING

A motion to open the public hearing was offered by Councilwoman Dawson seconded by, Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none

A representative from Owens Corning presented. The plant put in their first line in operation in 1976, second in 1978. The facility is about 70,000 and it manufactures fiber glass insulation. In January they added a new technology called ecotouch fiberglass that is formaldehyde free. The company is active in United Way, Habitat for Humanity and Junior Achievement. The product is produced with recycled content and they are a zero water discharge facility. The company wants to make an investment in the community, creating 90 jobs. The grant funds will be used for training. The company is responsible for the tracking of the jobs and administering the grant funds. There are no funds are needed from the Town.

A motion to indent the notice of public hearing and affidavit of publication/ posting and was offered by Councilman Kotary seconded by, Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on July 27, 2011 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to solicit public comment regarding a possible NYS Community Development Block Grant application to assist in the expansion of a new product line at Owens Corning.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

Individuals with disabilities who are in need of an accommodation in order to participate should contact the Town Clerk’s office at 439-4955, Ext. 1183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM

Nanci Moquin
TOWN CLERK

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 518-439-4955.
Dated: July 6, 2011

Linda Jazinski – Is there a factory outlet there where we could all come down there and pick some up? (There isn’t one.) Is the assessment being increased because of the new line being put in. Does anyone know? (Supervisor Messina said it was being looked at.) I believe government shouldn’t be subsidizing private industries and giving money to them. I understand the money doesn’t having matching amounts on it; it’s just a pass through. There isn’t a cost to the Town tax payers. If their assessment goes up I think we’ll be getting a larger amount of tax money from them which is good. It’s my philosophy that government should not be subsidizing private industry; they need to do it on their merits of making money on it. If they can make a huge amount of money, I’m fine with that too.

Bob Jazinski – I do approve of this pass through operation and I look forward to some of our people being employed. This is good thing and I feel strongly that you should approve it.

Supervisor Messina – Does the Board have any questions?

Councilman Hennessey – I think it’s really good that your company is willing to invest in our community. I’m going to support this tonight because I think the investment you are putting in is substantial in comparison to the amount of relief you are seeking. He understands where you’re coming from. The idea of subsidizing private business is something that is done with very careful concern. Putting 90 more people to work is something that I think if we can aid in that process, given where the economy is, I think we should move in that direction. Thank you for your investment and I will be supporting this.

Councilman Kotary – A quick question and a quick comment. How many of the current employees live in Town and how many live in the county. (Most are local people.) I just want to echo Councilman Hennessey’s remarks. I too think, and I appreciate the comments in terms of the matches still coming from tax dollars, I think from our prospective as far as the Town goes, we have an opportunity to work with a local business. I know that your business and other businesses making a decision on the national and international basis have considered leaving the area. A lot have left the area. So I think any opportunity to retain a major business particularly in Town, particularly one that employs a large number of Town residents is certainly a bigger number of county and regional residents, is important. I do support this and in particular I was interested to hear some of your comments about the 50% recycled materials and zero water discharge. I commend Owens Corning and your researchers and engineers for developing a product line that is good for the economy and a step in the right direction. Good luck and I support this as well.

Supervisor Messina – About a month and half ago I had the opportunity to go to Owens Corning and see the line being developed and put in production. It was outstanding, exciting times to see business things like this happening in our Town. And although it came through to night that there is a large contribution directly from the private sector, Owens Corning, the numbers are important to say and reiterate, putting in 25.5 million from Owens Corning for $516,000 grant that is being applied for that has no match requirements, no Town money associated with it. The next step to this according to the memorandum that Mike Morelli provided to us, subsequent to
the close of public hearing, Owens Corning and our staff would work together to develop a resolution that the Board would approve at an upcoming meeting. Mike is that where we stand on this?

Mike Morelli – That is correct. We working with Alan Hoge and his people on the completion of the application which then will come to the Board for an upcoming meeting asking for permission to submit it to the state. We’re hoping to do that at either first or second meeting in August.

A motion to close the public hearing was offered by Councilman Hennessey, seconded by Councilman Kotary, and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none

The public hearing closed at 6:30.

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TOWN BOARD APPROVAL OF THE MINUTES OF JUNE 22, 2011 AND JULY 13, 2011

A motion to approve the minutes of June 22, 2011 was offered by Councilman Hennessey, seconded by Councilman Jordan, and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none

A motion to approve the minutes of July 13, 2011 was offered by Councilwoman Dawson, seconded by Councilman Jordan, and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none

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REQUEST FROM THE ADMINISTRATOR OF THE PARKS AND RECREATION DEPARTMENT FOR APPROVAL OF RESOLUTION TO SPEND UP TO $35,000 TO REPAIR TENNIS COURTS AT ELM AVENUE PARK USING THE PARKLAND SET-ASIDE FUNDS
A motion to approve the Resolution to spend up to $35,000 to repair the tennis courts at Elm Avenue Park using the parkland set-aside funds was offered by Councilwoman Dawson, seconded by Councilman Kotary

Discussion: Councilwoman Dawson thought this might be an issue that Mr. Potter should weigh in on. Mr. Potter asked how time sensitive the issue was. Ms. Lanahan said they were trying to schedule this for fall. He recommended deferring the item for 2 weeks. Ms. Jazinski raised a good point. He would look into the Comptroller’s Opinions. Supervisor Messina said he viewed the law and he thought it could be looked at as an improvement of the court facilities. He thought it was good to look at considering the issues raised. Ms. Lanahan had a Comptrollers opinion from 2007 that says in part that monies could be used to rehabilitate facilities. She had thought that the funds couldn’t be used for regular maintenance but could be used for rehabilitation of an existing facility. Councilman Hennessey said the funds are for parkland set aside. He thought the original intent was for acquisition for parkland. He thought the interpretation was left up to current Town Board. He thought it was not an appropriate use of those funds. He thought it was time to look at how the monies should be used. Councilwoman Dawson agreed that the courts needed to be fixed in order to protect that asset. Maybe they should look at an alternative source of funds. Councilman Hennessey said it seemed more like a capital project. Mr. Potter said the parkland set aside was developed years ago and he would start his research with the opinion that Ms. Lanahan had brought forth. Councilman Kotary thought the Board may have a policy decision to look at after the Town attorney researches the issue. He also looked at any off budget spending. He also thought this should fall under the category of capital planning.

A motion to table the agenda item was offered by Councilman Jordan, seconded by Councilman Hennessey and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none

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REQUEST FROM THE SUPERINTENDENT OF HIGHWAYS TO PURCHASE TWO USED SELF-CONTAINED LEAF VACUUM MACHINES FOR USE BY THE HIGHWAY DEPARTMENT

A motion to approve the purchase of two (2) used self-contained leaf vacuum machines for use by the highway department was offered by Councilwoman Dawson, seconded by Councilman Kotary,

DISCUSSION: Councilwoman Dawson asked why the other Town didn’t use the machines. It seemed like too good of a deal. Mr. Sagendorph said the City of Westland abandoned the loose leaf system and went to a bagged system. The machines are in very good shape. They no longer needed the machines. Councilman Hennessey said it was a great find. Mr. Sagendorph said it was his son that had done the research and found the deal. Mr. Sagendorph said nationwide, any municipality can purchase from another municipality without the typical bidding process. There
can be significant savings. The self contained units could allow the highway department to cut back on number of trucks the highway needs. If they can tow the self contained units and cut back on the purchase of a few of the rack trucks, it would be advantageous to the Town. Councilwoman Dawson thanked him for deferring the purchase of a truck for himself.

The motion was approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none

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REQUEST FROM TOWN ENGINEER TO AWARD CONTRACT TO EASTERN BUILDING & RESTORATIONS INC. FOR INTERIOR RENOVATIONS TO THE TOWN HALL AND AUTHORIZE SUPERVISOR TO SIGN CONTRACT WITH EASTERN BUILDING & RESTORATIONS INC.

A motion to award the contract for interior renovations to Town Hall to Eastern Building & Restorations Inc. and to authorize the Supervisor to sign a contract with Eastern Building & Restorations Inc. was offered by Councilman Kotary, seconded by Councilwoman Dawson,

Discussion:

Mr. Penman, the Town engineer presented. He had been asked what was included in the renovations. On April 6th the Board approved up to $240,000 for interior renovations to Town Hall: improvements to Room 107 to allow the DARE officers to move in, improvements to conference room 101 to make it flexible into 2 spaces when needed, security windows for DPW and the building department and renovations to police cells. The contract came in at $191,000. This is a lump sum project. Councilman Jordan asked if there would be any other contractor for the job. Mr. Penman replied no. Supervisor Messina said he was pleased that the contract came under the allotted amount. Other renovations considered were modifications to room 214 and construction of a new comptroller’s office. He said at this time he thought only the base work should be done at this time. Mr. Penman said that is the recommendation. It would have cost more to take it out of the specs at bid time, so it was left in as an alternate.

Councilman Jordan said he was in favor of the police renovations but he was not in favor of the other renovations. They are lumped together so he will not vote in favor.

The motion was approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Kotary
NOES: Councilman Hennessey, Councilman Jordan

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REQUEST FROM THE COMMISSIONER OF PUBLIC WORKS FOR THE TOWN BOARD TO AWARD THE PURCHASE OF A TRACK LOADER WITH ATTACHMENTS TO ROBERT FINKE AND SONS OF SELKIRK FOR $54,951.16

Mr. Cansler, DPW Commissioner presented. He said the track loader will be used for a multiple of purposes. The primary use is to meet the new dam safety regulations. This will avoid the rutting the other equipment caused. CHA’s Dam Safety Inspection and Maintenance Plan recommended was to purchase equipment like this to avoid the rutting. They have reviewed other uses for the equipment and in the past they have contracted out some of the mowing around the reservoir. This piece of equipment would be able to be used and save the Town money. It will have forklift attachment to help with the unloading of chemicals and make that job safer. The anticipated cost had been between $90,000 to $95,000 and they were able to secure at a lower cost. This was programmed in the operating budget of DPW for this year.

A motion to award the purchase of a track loader with attachments to Robert Finke and Sons of Selkirk for $54,951.16 was offered by Councilman Jordan, seconded by Councilman Kotary, and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none

REQUEST FROM THE CHIEF OF POLICE FOR AUTHORIZATION TO ENTER INTO A SALES AGREEMENT WITH AMCHAR WHOLESALE INC. FOR THE PURCHASE OF NEW DUTY SIDE ARMS

A motion to authorize the Chief of Police to enter into a sales agreement with Amchar Wholesale Inc. for the purchase of new duty side arms was offered by Councilman Jordan, seconded by Councilman Kotary,

Discussion: Supervisor Messina said it looked like a good deal to upgrade the weapons. There are 41 officers that carry weapons. He said it could be held off for 2 weeks so the Chief could be present to answer any questions if the Board preferred. Councilman Jordan said we should go forward. Ms. Traylor said this purchase is under state contract. There is a timeliness for this item. Drug asset forfeiture money is a restricted use and we haven’t used the funds. Supervisor Messina said he would find out the answers to Ms. Jazinski’s questions.

The motion was approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none

For an official copy of the minutes, please visit the Town Hall, 445 Delaware Avenue, Delmar, NY or call 518-439-4955.
REQUEST FROM THE COMPTROLLER TO APPOINT TOSKI, SCHAEFER & CO., P.C. FOR THE ANNUAL DEFERRED COMPENSATION PLAN AUDIT AND A BUDGET MODIFICATION IN THE AMOUNT OF $4,500 TO ACCOUNT 110-1315-515.33-20, WITHIN THE COMPTROLLER’S BUDGET TO COVER THE COST OF THE AUDIT SERVICES

A motion to appoint Toski, Schaefer & Co., P.C. for the Annual Deferred Compensation Plan Audit and approve a budget modification to the Comptroller’s budget to cover the cost of the audit services was offered by Councilman Hennessey, seconded by Councilman Kotary, and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none

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NEW BUSINESS

None

ANNOUNCEMENTS

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PUBLIC COMMENTS ON NON-AGENDA ITEMS

Bob Jazinski – Asked who held the drug asset confiscated money. The Comptroller does.

A motion to adjourn the meeting into executive session concerning pending litigation and a matter of an employee appointment was offered by Councilwoman Dawson, seconded by Councilman Kotary and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none

A motion to adjourn the regular meeting was offered by Councilwoman Dawson, seconded by Councilman Kotary, and approved with the following vote:

AYES: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
NOES: none

The meeting closed at 7:05pm
Bethlehem Town Board Executive Session, July 27, 2011

In the matter of Adirondack FPL, Inc. v. Town of Bethlehem, Index # 7366-10, a motion was made by Councilman Jordan, and seconded by Councilman Kotary, to accept the proposed assessment of $300,000.

The vote taken:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Jordan, Councilman Kotary
Nays: Councilman Hennessey

In the matter of Kelp v. Town of Bethlehem, Index # 5084-10, a motion was made by Councilman Hennessey, and seconded by Councilman Jordan, to accept the proposed assessment of $188,000.

The vote taken:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
Nays: None

A motion was made by Councilman Jordan, and seconded by Councilman Kotary, to authorize the Supervisor to execute a letter agreement with Michael J. Smith, Esq., dated June 28, 2011, to increase Mr. Smith's hourly rate from $165 to $180, when associated with labor negotiations for the three Police Department collective bargaining agreements.

The vote taken:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
Nays: none

A motion was made by Councilman Jordan, and seconded by Councilman Jordan, to adjourn the Executive Session at 7:59 PM.

The vote taken:

Yeas: Supervisor Messina, Councilwoman Dawson, Councilman Hennessey, Councilman Jordan, Councilman Kotary
Nays: None