

TOWN BOARD
OCTOBER 22, 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 invited Senator Neil Breslin to lead everyone in the pledge of allegiance. He thanked the Senator.

The Supervisor noted before the meeting begins, he wished to talk about an item that was not on the agenda. He said about 10 years ago a gentleman came up his driveway with his neighbor, Doris Davis, and introduced to him. He said the gentleman was Parker Mathusa. He said he got to know Mr. Mathusa over the years and had no idea over the next 10 years their paths would become intertwined. He said initially Mr. Mathusa was running for the Town Board and he moved on to become the Planning Board Chairman. He said they ran into each other on many occasions.

Supervisor Cunningham said later Mr. Mathusa came to him and suggested the Town start a Quadricentennial Committee. He said about 4 years ago, Mr. Mathusa led the beginning of the Quadricentennial Committee which was started to join in the commemoration of the navigation of the Hudson River by Henry Hudson. He said many people may not realize that Bethlehem is a river town and Parker grew up along the river. He said he wanted to make sure that the Town was included in this celebration.

The Supervisor noted he has gotten to know a lot about Mr. Mathusa over the years – learning that he went to school in a 1 room school house; a life-long resident of this Town; and has a passion and love of this Town that is not matched by anybody else. He said tonight he wished to take a moment to thank Mr. Mathusa for his leadership both on the Quadricentennial Committee and throughout the Town and for all he has done for us.

Supervisor Cunningham said he thought he speaks for everyone in the room when he says we are very honored to be counted among Mr. Mathusa's friends. He read a Citation that was presented to Mr. Mathusa. The Supervisor unveiled a park bench with a bronze plaque in honor of Mr. Mathusa and will be placed at the Henry Hudson Town Park. Mr. Mathusa thanked the Supervisor and all in attendance. Two of Mr. Mathusa's granddaughters read tributes to him. Mr. Mathusa thanked everyone and noted he has been blessed with a wonderful family and friends.

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Supervisor Cunningham noted he would go back to the agenda and public comments on agenda items.

Mrs. Marie Capone said there is request from Deputy Commissioner of Public Works for approval in the middle to approve the use of \$207,800. The Supervisor noted that item will be tabled. Mrs. Capone said it is a good thing because we are tired to pay for everything. She said when the Republicans were here they had money like that, the Democrat came over and they borrow here and there and we have to pay for it. And, she said they are tired of doing that.

Mrs. Capone said you want to build sidewalk, asking if they have ever seen anybody on Wemple Road sidewalk. Supervisor Cunningham said he has. She said she has never seen it, noting its there and nobody uses it and you want to do the same thing and we pay for it. She said there is a recession in case you don't know. She said there is only 1 place in this Town that needs sidewalk and she has been asking for 20 years and she never got any where and it's on Delaware Avenue between there and the end of the street where the high school kids walk in the street. And, she said, at one time a girl got killed there and are you going to wait until another one gets killed before you do something about it. She said it is the main street and there is no sidewalk there. The Supervisor said there is a sidewalk on one side all the way down to the high school. Mrs. Capone said yes but the high school kids cross in front of the library there and they go there. She asked how many kids to you have in the high school. Mrs. Capone said you don't seem to realize there is a recession.

Mrs. Capone said another thing it is not because Kathy is there I want to see it, she is a witness to what I am going to tell you. Years ago, she said, they had the Town Law that says if you put something on the telephone pole, you have to remove it within 24 hours period and remove the nails and whatever you had on to hold it. She said well you have it on the sidewalk there for all through Delaware for Obama's party down here, apple pie party. She said look it up on the side of the pole there.

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Mr. Norman Morand thanked Supervisor Cunningham for taking the political signs down that were around the Town Hall, noting he appreciated that.

Mr. Morand said we are talking about a 6.89 percent increase in taxes and we're also, if he understands right, taking \$800,000 worth of savings or thereabouts, surplus money, out of the Public Works Department. He said that is being used to reduce the amount of tax increase. Supervisor Cunningham said he was going to go through the budget in the public hearing. He said he will go through a whole set of slides regarding all of that. Mr. Morand said it would be nice if he came into a meeting and had some kind of a handout that showed what the expenditures were this year versus last year and where the money is coming from for the budget. He said the school district does it and he does not know why it is not done here. He said there is a public hearing on the budget but nobody sees anything. He said he does not expect something an inch thick but he thinks a lot of people would like to see just 1 piece of paper that tells what was spent and what is being done and where the money is coming from. He said in the past 2 years the Board has used somewhere near at least \$3.5 million worth of surplus money to hold down the tax increases. He said the Board turned around and issued a \$5 million bond issue for the pumping stations. He said wouldn't it have been better to save that money and use it for that purpose, noting the Board may have to borrow a little money but not \$5 million and to him, that is not good fiscal budgeting to give somebody a reduction in taxes.

Mr. Morand said another thing is that the Board is going to take money out of the Public Works Department and then increase the sewer and water taxes – they do not call them taxes anymore uses. He said that is putting money right back into the department. He said you take it out with one hand and put it back in the other hand. He asked how much the Board can borrow without tax payer approval. He said there must be a statutory limit as to how much the Board can borrow. Supervisor Cunningham said there is a maximum borrowing limit noting he did not have that number but he can get it. Mr. Morand thanked the Supervisor.

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Mr. Robert Jasinski, Bender Lane, asked about the local law amendment. He said the Spotlight carried an article that said that nobody spoke against the law on banners. Now, he said he believes this also includes banners as such. Supervisor Cunningham said this is a different section, noting that was the zoning law which was approved at the last meeting. He said this is specific to fire lanes. Mr. Jasinski

said okay, asking for the Board's indulgence at this time noting his daughter spoke against the banners and they said nobody spoke in the Spotlight. He said he does not know if it was a misprint or something like this. Supervisor Cunningham asked the Spotlight reporter, Jarod, to make a correction on this.

Mr. Jasinski said he just wanted to call the attention to this and that he was sure Mr. Michael Waldenmaier was there too – his daughter and Mr. Waldenmaier. He said okay and asked if they were going to be able to speak once the presentation is complete. Supervisor Cunningham said both public hearings will have public comment periods. He will do small presentations and then it is open to the public.

Mr. Jasinski thanked the Supervisor.

Supervisor Cunningham asked if there were other comments on agenda items. Mr. Albert Penk, Clapper Road, Selkirk said on the sidewalk issue, the only problem he has is we constantly put sidewalks and we're requesting trails. He said he believed that it should be put in as a separate tax the same as you have a sewer tax and you have a water tax for the water districts, you have sidewalk districts also. Sidewalks will never come to a lot of the taxpayers areas that are in the Town of Bethlehem so if the Board could consider a separate tax for sidewalks or he did not know how you would do it on trails but you can definitely do it on sidewalks, or make it that the person that owns the property has to maintain the sidewalks. He said it seems that there are 3 machines for plowing the sidewalks now plus moving them all over the Town on trucks. So, he said, if the Board could consider that that's fine. He thanked the Board. The Supervisor thanked Mr. Penk.

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

HEARING BEGAN: 6:30 p.m.

SUPERVISOR CUNNINGHAM: The first public hearing is on local law amending the Town Code, Section 119-36, Parking in Fire Lanes. First, he asked for a motion regarding the waiving of the Call of the Hearing, and indent the notices in the minutes.

The reading of the call of the hearing was waived with direction to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on October 22, 2008 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law amending the Code of the Town of Bethlehem, Section 119-36, Parking in Designated Fire Lanes.

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact the Town Clerk's office at 439-4955, Ext. 1183. Advanced notice is requested.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, MMC,RMC

TOWN CLERK

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STATE OF NEW YORK) SS:
COUNTY OF ALBANY)

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and the attached Legal Notice was published in the Town's legal newspaper, The Spotlight, on October 8, 2008 and that I posted the Notice of Public Hearing on October 8, 2008 on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this

8th day of October, 2007.

/s/ Julie S. McNeil
Notary Public

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This is an amendment to the Town Code that I became aware of probably last fall and we are trying to address it. Our Code... we have several shopping plazas here in Town that indicate that they have fire lanes in them. However, there is only 1 fire lane that has been designated in the Town of Bethlehem and that's in the Delaware Plaza. So, this Code is to amend the law to include fire lanes at the Town Squire Plaza, the Glenmont Plaza and the Lowe's Plaza. Mike, did I get all those, is that right?

MR. MORELLI: the Slingerlands.

SUPERVISOR CUNNINGHAM: Oh and Slingerlands Price Chopper Plaza.

MR. MORELLI: Bethlehem 1 and 2.

SUPERVISOR CUNNINGHAM: I'm sorry.

MR. MORELLI: Bethlehem 1 and 2. There's 2 separate plazas.

SUPERVISOR CUNNINGHAM: Okay. So, what it will do is just make those fire lanes, legal fire lanes so if someone's parking in them our policemen can issue a summons. So, anybody would like to speak to the amendment to this law?

MRS. CAPONE: In Glenmont it was...

SUPERVIUSOR CUNNINGHAM: Would you speak into the microphone please?

MRS. CAPONE: In Glenmont at the shopping center there was mark there because the Traffic Safety Committee made them put it there because it was too difficult. The cars were coming fast and they didn't want people to park next to the sidewalk.

SUPERVISOR CUNNINGHAM: Right. You forgot to go the extra step and make it a law. So, that's what we are going to do tonight.

MR. JASINSKI: Robert Jasinski. I'm going to speak in favor of this law but I think you ought to notify the people that own...

SUPERVISOR CUNNINGHAM: They've been notified.

MR. JASINSKI: Well, you ought to notify them that they ought to make sure their markings are so that they can see them. Some of these markings are starting to fade to the point that they might be a question when you issue a ticket on it that it's not properly marked. So, a letter to the different centers that you are addressing this ought to go out. Thank you.

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

SUPERVISOR CUNNINGHAM: Okay, good, thanks.

MR. MORELLI: When we spoke to the operators of the 5 shopping plazas in question, they all were very supportive of this amendment and the New York State Building Code has actual specifications for signage and they are prepared if this amendment goes through, they will be prepared to upgrade their fire lane designations.

SUPERVISOR CUNNINGHAM: Great, thank you, Michael. Okay, are there any other comments on the amendment to the local law? Can I have a motion to close the public hearing?

The motion was made by Mr. Messina and seconded by Mr. Hennessey to close the public hearing at 6:45 p.m. The motion was passed by the following vote:

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

Town Clerk

Supervisor Cunningham asked if the Board was ready to vote on this proposed Local Law.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the adoption of Local Law no. 4 of 2008 amending the Code of the Town of Bethlehem, Section 119-36, Parking in Fire Lanes. The motion was passed by the following vote:

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

HEARING BEGAN: 6:50 p.m.

SUPERVISOR CUNNINGHAM: The next item on the agenda is the public hearing on the proposed Town of Bethlehem budget for fiscal year beginning January 1, 2009. Could I have a motion to waive the reading of the call of the hearing and indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes.

The reading of the call of the hearing was waived with direction to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING
UPON PRELIMINARY BUDGET

NOTICE IS HEREBY GIVEN that the Preliminary Budget for the fiscal year beginning January 1, 2009 has been completed and filed in the Office of the Town Clerk at the Town Hall, 445 Delaware Avenue, Delmar, NY where it is available for inspection by any interested person during office hours.

NOTICE IS FURTHER GIVEN that the Town Board of the Town of Bethlehem will meet and review said Preliminary Budget and hold a public hearing

thereon, at the Town Hall, Delmar, NY at 6:15 p.m. on the 22nd day of October 2008 and that at such hearing any person may be heard in favor of or against any item or items therein contained.

Disabled individuals who are in need of assistance in order to participate should contact the Town Clerk's office at 439-4131. Advanced notice is requested, and

BE IT FURTHER RESOLVED, that pursuant to Section 108 of the Town Law, the proposed salaries of the following officers are hereby specified as follows:

Supervisor	\$106,890
Councilmen (each)	14,104
Town Clerk	69,338
Superintendent of Highways	95,337
Receiver of Taxes & Assessments	61,793

and

BE IT FURTHER RESOLVED, that such Notice shall be published once in the following newspapers: THE SPOTLIGHT, the official newspaper of the Town on October 15, 2008 and the TIMES UNION, an Albany newspaper, on October 15, 2008.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN A. NEWKIRK, MMC, RMC
TOWN CLERK

STATE OF NEW YORK) SS:
COUNTY OF ALBANY)

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and the attached Legal Notice was published in the Town's legal newspaper, The Spotlight, on October 15, 2008 and that I posted the Notice of Public Hearing on October 15, 2008 on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this

15th day of October, 2007.

Julie S. McNeil

Notary Public

SUPERVISOR CUNNINGHAM: Before we start the public comment section, I just wanted to go over some items that I wanted to mention regarding the budget so that some people... so everybody understands where we are with our Town budget. One of the things that I've learned since I got into public office that a lot of politicians manage by headline. So, I want to just go through some of the headlines that we've seen recently regarding local budgets.

Well, maybe we won't do that. There we go. Okay. First was in Schenectady, Mayor Stratton proposed a 2.9 percent tax increase for Schenectady which seems very reasonable and was accepted very readily in the City. Albany seeks a 4.9 tax increase in 2009 -- \$96 to the average homeowner. Colonie raises property taxes 3 percent before a \$1 special assessment. Cohoes seeks a 3.9 percent tax rise. Bethlehem raises taxes nearly 7 percent.

One of the things that Judi Kehoe before she left taught me is that all percentages are not equal. We all know that a dollar equals a dollar but percentages don't necessarily equal one another. People pay in percentages... or in dollars not percentages. So, what I want to demonstrate to you is referring back to those headlines what those numbers really mean to the residents of those cities and what they would mean if they were in the Town of Bethlehem.

The Albany 4.9 percent tax increase proposed for 2009 amounts to \$64 for a

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homeowner whose house is assessed at \$100,000. If that home was in the Town of Bethlehem and we raised their taxes \$64 it would equate to a 25 percent tax increase for a resident in the Town of Bethlehem.

In Schenectady the 2.9 percent increase \$60 would equate to a 23 percent increase for residents in the Town of Bethlehem. Cohoes 3.96 would equate to a \$56.25 or 22 percent increase to residents in the Town of Bethlehem. Colonie who raised their taxes 3 percent but also are adding on a special \$1 per \$1,000 special assessment will see an increase for a \$100,000 assessed home of \$108 which in the Town of Bethlehem would equate to a 42 percent tax increase.

One of the things we are trying to avoid is getting to the point where Colonie is right now where they have no funds left and they are trying to balance their budget. In Bethlehem we are proposing a 6.89 percent tax increase which equates to the residents of the Town of Bethlehem a \$17.45 per \$100,000 which equates again to 6.89 percent.

So, a lot of you probably think well what does that mean in real dollars and where are my taxes going. I did some comparisons to other municipalities around the area, municipalities similar to the Town of Bethlehem. Guilderland when you include their water and sewer tax into their assessment for a home assessed at \$100,000, residents are paying anywhere from \$253 to \$338 per \$100,000. Part of the reason that that assessment varies is because of the suggestion that Mr. Penk had a moment ago, although it's not with sidewalks, Guilderland has a special assessment district, they are called lighting districts. So, if you have street lights, you pay more. If you don't have street lights you pay less. That's the way Guilderland works theirs.

In Bethlehem we have an all inclusive, the Town budget includes everything. Residents with a \$100,000 assessed value home pay \$270. In Colonie after their increase, they are paying \$288. In 2009 they will be paying \$388 and of course, we don't know where the budgets are going to be going in 2010 and 2011 so that number could change drastically for them. But, right now residents in the Town of Colonie will be paying \$388 per \$100,000 assessed value.

Niskayuna... I wasn't able to get anything on their tax increase for 2009 but they are currently at a rate of \$398 per \$100,000. The City of Albany is at \$854, that does not include their water and sewer tax. Schenectady with that 2.9 percent increase is paying \$2,145 on a house that is assessed at \$100,000. Cohoes, again excludes the water and sewer tax, \$1,671.

Now in defense of our city friends and I don't want to make them stand out, these communities have paid fire departments. The communities up above do not have paid fire departments. So, you can see that our volunteers add a lot of value to your tax bills and we appreciate those volunteers. Fred Webster one of our Commissioners in the back -- we appreciate what you do for us, Fred, thank you.

Here's a couple facts that you might not know about our Town budget. Property taxes are the only revenue stream over which the Town Board has complete control. We can levy fees but those fees are dependent on people coming and using services. We also are very dependent -- and I'm going to go through this in a minute -- on other revenue streams, particularly sales tax and mortgage tax which are very sensitive to the economy.

The proposed tax revenues account for only 27 percent of the proposed 2009 budget. Sales tax and mortgage tax account for 31 percent. So, you can see that well over half of our budget is dependent on just those 2 items but only property tax accounts for a little over a quarter of our entire budget. Annually, the Town draws down, as Mr. Morand was pointing out, on our fund balance to meet expenditures. Now, the fund balance for those who are not familiar with the accounting term is similar to a savings account at your home. And, the Town enjoys a very healthy fund balance and so in order to manage the increase in taxes what we do is we also use those fund balances so that we don't have large spikes in

our tax increases similar to what Colonie seeing this year.

So, we work with those fund balances. Since 2005 we've drawn down approximately \$4 million from our fund balance and this is still, from where we are this year and where we are next year, we will still have a healthy fund balance. The fund balance should range somewhere between 10 and 20 percent and we are about 15 percent right now. The Comptroller has reviewed our books and is in agreement with what we are doing. So, we feel it is appropriate still to work with our fund balance in order to manage those increases.

Here's a few... here's kind of a breakdown of where our budget comes from. This is the 2009 proposed budget. We expect to get about 27 percent, as I indicated, \$10,300,000, from sales tax and about \$1,400,000 or 4 percent from mortgage tax. That's about 31 percent of our budget. Now, our Town tax is broken into 4 segments. We have the General Fund, the Highway, the Water and the Sewer taxes. The General Fund tax includes public safety, our police department; all Town hall administration; seniors program; and includes our parks. That portion of our budget and that is one tax levy, accounts for 5 percent of your overall budget.

The Highway tax which is for all our highway services including building roads, curb side pickup, snow removal, salting, all the wind storms that we've had in the last – seems like since I've been Supervisor seems like we have 1 every 2 months – but when all those trees come down the Highway Department is out cutting up trees, getting things off our roads. They keep our highway safe for us, their budget... their primary source of funding is through property tax and theirs is 14 percent of your... of the overall budget.

Water tax is 5 percent or \$2,000,000. Sewer tax is \$1.6 million or 4 percent of your overall budget. Those all added together come to 27 percent of the overall budget.

State aid we only get \$385,000 a year from the State in aid for our budget. All other sources which include fees from the Parks Department, Colonial Acres, any other fees, any other services that we provide fills up the bulk of the budget which is \$13,729,000. And, then as it was pointed out earlier, this year we will draw on our fund balance \$1,776,000. And, so our total budget this year is \$38,667,000.

So, what does that mean to you guys as taxpayers? How does this break down? Currently in 2008 your General Fund tax was \$42.31 – this was on a \$100,000 home -- it will go to \$44 and increase of \$1.69 and that accounts for 16 percent of the budget. Highway which I mentioned, probably the largest single portion of our budget is going to go up by \$7.45 and one of the things you should also be aware of in highway is that they have a lot of big machines. They are very energy dependent and use a lot of fuel. So, their budget is very susceptible to spikes in fuel costs and things like that.

The Water District, our water plant will see... or cost go up \$7.13 per \$100,000 and in Sewer District – and mind you, these are for people who have water and sewer, there are a lot of residents that don't have this in the southern end of Town – but the residents that do enjoy water and sewer service will see an increase in their tax bill of \$7.13 for water and \$1.18 for sewer.

So, the total tax bill will go up \$17.45 per \$100,000 which is an increase from last year of 6.89 percent.

So, what are we doing to manage costs here. This year our 2009 budget for water is \$150,000 less than our 2008 budget. We reduced the health insurance benefit costs for retirees without reducing the benefit itself but the cost by \$250,000 annually by taking advantage of a Medicare program that the Federal Government put into place. Mayor Jennings announced that he is going to put that program into place in the City next year and expects to save about \$1.8 million for the city. But, we put that into place last year, we're already starting to realize the savings from this program. We've consolidated our fleet management to reduce redundancy and improve our fleet costs. We've reduced expenditures on equipment this year.

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

We've implemented a hiring freeze here at Town Hall, although we do have to hire two crossing guards this evening. So, I do apologize for that but the school district really needs some crossing guards up at the new Eagle Elementary school. But, beyond that we do have a hiring freeze here at Town Hall. We've reduced overtime expenditures and we placed a moratorium on all non-discretionary spending to ensure the budget spending does not get a head of our revenues.

And, we've launched an initiative to explore new revenue generating ideas here at Town Hall. Other initiatives, we are encouraging new revenue streams. We've implemented user fees at the Town Park for clubs that use our baseball fields, soccer fields. We've implemented some new service fees one is for fire inspections to commercial buildings. We were one of the last communities in the area to start charging property owners for fire inspections. The Colonial Acres Golf Course which we are... we operate but we don't own, generated for us this year an additional \$20,000 in income over what we planned on from budget and we expect that next year we'll probably see even more revenue coming from that.

We've worked with Albany County in an agreement to join a health consortium study. In Albany... when I was an Albany County Legislator in Albany County, the County went to a self-funded plan and in the first year of that health insurance self-funded plan the County estimates they saved about \$2 million in health insurance. So when I came to Town Hall, I started investigating how the Town employees could get onto that plan because the plan was actually an improvement over the existing plan and was costing the municipality a lot less. The laws prohibit the County and the Town from sharing in one health plan so the County went to the State under the Government Consolidation program that the State is running and has applied for a grant which we are participating in to look at the feasibility of creating a health insurance plan at the County level that municipalities within Albany County can join. We believe that that has a potential of saving us a substantial amount in health insurance costs.

We joined the Albany County Stormwater Management Consortium. Anybody that has been to the Town Board meetings on a regular basis knows that we're required to have storm water management program here in Town. However, there are certain things that we can do at a County level and share that cost with other municipalities in the County. So, we've joined that consortium and we expect to see some savings there, actually it is reduced cost as opposed to savings because this is all new cost, all unfunded mandates to the Town.

We joined another consolidation study; I just signed a letter about 2 months ago with Albany County to look at the feasibility of consolidating our 911 centers. Bethlehem, the City of Albany, City of Cohoes, Colonie and some other municipalities – I am not sure – all have 911 centers in Albany County. We're going to do a study to see what the feasibility is of combining these into 1 center reducing the cost for all the municipalities and having just one 911 center in Albany County.

The other thing that we've been doing that we have been diligent about is persisting on automating as much as we can here around Town Hall. One of the things someone spoke to a little earlier about was the \$5 million bond issue that we've done to upgrade our sewer pump stations. Part of that bond issue is to also put what is called a SCADA system at all our sewer pump stations. Right now all the stations are inspected daily by an individual. The SCADA System will be installed in all our sewer pump stations -- and I believe we have 38 of those -- and what it will allow us to do is monitor those stations remotely by computer so we don't have to have someone on site all the time. It also notifies us if any of them are failing so that we can get out there and address them much more quickly than if we wait until the morning and come in and find out that it wasn't working all night.

We've automated the Park registration program. That's going on line the end of this year. Residents will actually be able to go on line and register for Parks programs which will take a lot of work out of that office. We think that that's going to be a big benefit to residents. It's been a very manually intensive program

up until now and we believe that automation is going to show some long term savings to the community. These are kind of examples, I think, of what you would say if you were saying your doing more with less going through these automations.

We've improved our Park access system which also gives us a better handle and more accountability on the cash flow in our Parks Department. We've gone to an online assessment system for property valuation. Residents can now go on line, look up their property values. They can look up properties that are similar to theirs, look at their assessments, they can look at their neighbors assessments. They can get all the information they used to have to come in here and go through a book to find online. And, it is very efficient systems and we believe that that's going to help a lot.

And, then finally, kind of a pet project of mine is our electronic agenda system. When I came here we had a system that each Friday before the Town Board meeting where we printed up all the agenda items on paper, we put them in envelopes and we had a courier that went out to all the Town Board Members houses and dropped that information off for them so they would have it over the weekend so they could look at it before the Board meeting. We've changed that system to be completely electronic. So now, department heads in Town Hall just input their information right onto the agenda. On that Friday afternoon I contact our Clerk, Kathy Newkirk, and she hits a button and that agenda and all the documents are transmitted electronically to all the individuals that need to have that for this meeting.

Some service initiatives that we're taking... looking to do for 2009... first we're going to complete our 2020 initiative. This is something that I started at the beginning of January this year and it was... it is an effort to bring together some of our stake holders and community leaders to talk about some of the issues that you're probably going to hear tonight and some of the issues you've already heard here tonight regarding where the Town goes, the decisions that we start making and how we finance those decisions. We have some infrastructure issues – that I know Mr. Morand mentions to me from time-to-time regarding water. Our water plants in need of upgrade. Our sewer plants are in need of upgrade and so we are going to be talking about those issues and how we're going to go forward with that.

We're also going to complete a Capital plan to identify our future facility needs and we're going to complete an analysis of the Town's projected financial position to 2014. This is an initiative that George Leveille and I have been working on where we're looking not only just projecting forward how much revenue and how much cost we expect to have but also tying in the prospect of development and what development will do to both our costs and our revenue streams to see how we're going to bring that budget back into balance and eliminate using our fund balance going forward.

We're going to continue the growth of our GIS mapping to help reduce future costs. The GIS system was brought in under some previous administrations but we've enhanced that. It's an excellent system. It allows us to really manage Town assets and we've done a lot of work with this through grant funding to enhance it.

We're going to complete a grant audit in Town to look at the grant... the availability of grants and see what is available and what we can match back to what we are doing here in Town and see if we can get some more funding from grants to complete projects.

As we mentioned a couple of times, we've got our \$5 million sewer pump station upgrade. That will continue through 2009. That is scheduled to be completed in 2010. We're upgrading 10 pump stations and putting in the automated system.

We're going to do a feasibility study on the purchase of a service garage for DPW. We have a lot of different... Josh Cansler did a presentation on it last meeting regarding our facility need for the Department of Public Works and there is a property that looks it might be a good fit for... so we're going to take a look at the

feasibility of purchasing that and determine again how would we go about doing that. How would we pay for it if we did it?

I mentioned that our water plant and wastewater plant upgrade studies are ongoing. If anybody's read the newspaper this year, you know that we had some issues out at our water plant. That water plant was built back in the 1950s and has literally exceeded its useful life. And, so we really need to start making decisions on what we're going to be doing regarding the water plant out in New Scotland. Also our wastewater plant or some may call it the sewer treatment plant down on Dinmore Road was built back in the 1970s also needs upgrading. If you know any residents who live near by, they let me know regularly that it needs to be upgraded.

We're looking at doing some sidewalk initiatives. Residents in Town of Bethlehem like sidewalks. I know Marie wants a sidewalk on Delaware Avenue but there are a lot of locations and there's a lot of residents that would love to see sidewalks near their homes as well. And, so we're looking...

MRS. CAPONE: Not for... students at the high school.

SUPERVISOR CUNNINGHAM: We're looking at completing the sidewalk on Feura Bush Road between Wemple Road and Elsmere Avenue, completing the sidewalk on Elsmere Avenue. We got a Safe Route to School grant from the New York State to build a sidewalk on Orchard Street to connect neighborhoods into the Slingerlands School. And, then we hope to complete the Delaware Avenue sidewalk from Fisher Boulevard up to the YMCA.

We've been working with the ambulance corps here in Town of Bethlehem to do revenue recovery. Up until last year... up until this year actually all our ambulance service was funded through Town taxes and part of the reason because the Delmar Ambulance corps, group of Delmar ambulance volunteers, were part of the Delmar Fire Department and they could not collect from insurance carriers when they carried a patient to the hospital. They've actually worked to separate themselves so they are now an independent ambulance corps from the Delmar Fire Department and then we have the Bethlehem Ambulance Corps. And both of them are putting together and I believe we will within the next few weeks a program where if they are transporting a patient and that patient has insurance, we'll bill back to the insurance company and recover those revenues. And, so the plan is that in the long term what we would be able to do is significantly reduce the ambulance tax the residents pay and fund those projects through revenue recovery from the insurance companies.

We own a property on Simmons Road, if anybody is familiar with that some of you might not be but it is right near Job Corps and that property was deeded over to the Town probably 15 or 20 years ago from the Federal Government. Part of that agreement that the Town made was that we would develop that property and open up for public use. The property runs from Route 144 all the way down to the Hudson River. We received a grant this year a matching grant, from Scenic Hudson to start the development project so we're going to be working on that this year and we believe that that will all be funded through grants. We're hoping to have that all funded through grants.

The Town Park pool project that is near and dear to Nan Lanahan's heart that she's been talking to me about since I came into office. That pool was built back in the 1970s and the pool filter that was there... put in in the 1970s is still in use. It's reached again its useful life and needs to be replaced so we've already initiated that project. We intend to have that pool filter in place by the spring of next year before the first weekend in June when it gets hot.

And, then some of our planning initiatives – we have our Farmland Protection Plan going on, our Open Space Protection Plan, the Delaware Avenue study which we kicked off about a month ago, our Route 9W study, the Thruway Interchange feasibility study and the LWRP which is pretty close to completion.

Now, what are we watching for in 2009, everybody has read the newspaper, I am sure, watched the news and heard how horrible the economy is. And, we're very cognizant of that here at Town Hall and as I pointed out in an earlier slide, we're very dependent on the economy. So, some of the things we are watching, as I said, sales tax and mortgage tax account for over 30 percent of the budget, 67 percent of just the General Fund budget. So, an economic downturn could have a significant impact on our ability to get funding from those sources. Also, the housing market, if that fails, if that goes down and we have less people purchasing, less people are getting mortgages, that is less mortgage tax. So, those 2 items we're paying very close attention to. Interestingly, so far in 2008, our sales tax revenue is running ahead of what we budgeted for. But, part of the reason that we believe that's happened is because gasoline price was up over \$4. Now the gasoline taxes have dropped, we expect to see a significant drop in our sales tax revenue as well.

Economic downturn could impact public safety costs. One of the reasons I put this up here is because Chief Corsi and I have had several conversations regarding the economy and how it affects public safety. We've seen an uptake in crimes like passing bad checks, shop lifting. A good example where this could affect our public safety happened here in Town about a week ago where we had a bank robbery. And, so as the economy turns down, we do need to be very cognizant that this Town could be susceptible to other issues that will affect public safety.

Our Highway budget is very weather sensitive; a bad winter could cause that Highway budget to be much higher than we are anticipating. My friend in Green Island made a comment... Shawn Ward made a comment in the paper yesterday he said pray for a warm winter because all municipalities are facing the same issue and that is a bad winter could really impact our budget negatively particularly if the economy turns down at the same time.

And then of course, petroleum costs could hurt our budget. It could help our budget; we don't know what's going to happen. In January we didn't predict that gasoline prices would be at \$4 in July. In July we didn't predict they'd be under \$3 in November. So, I really have no clue as to where gasoline prices are going but we do pay very close attention to that because a lot of our operations is petroleum dependent.

Some of the things in this year's proposed budget, we do have a plan to increase our police officer staff by one person at midyear so it's basically half a person in 2009. As I mentioned earlier, there is hiring freeze. Depending on where we are in June of this year regarding our budget, we'll make a decision at that point whether we want to move ahead with that but right now we do have it in the budget because it is important for us.

Our health insurance costs are up 14 percent. \$156,000 in 2009. Our retirement system costs are stable in 2009 but the retirement system is dependent on the stock market and if anybody owns stocks, you know what happened in the stock market so the retirement system may be knocking at our door in 2010 and telling us that we have a very big bill to pay toward them. So, we are very cognizant of that and we're keeping a very close eye on it.

Our highway service demands continue to rise. One example of a new highway program that we have to initiate – which is a big benefit to the community but does add cost to the community – is anybody that has ridden on the Timothy Mosier highway, Cherry Avenue Extension, has seen that they have taken out that macadam median strip and have put in a nice grass knoll which is very attractive and it was something that the community really wanted. However, the agreement with DOT when they did that work was that the Highway Department would do the mowing. So, now we are over there and we're going to be maintaining that strip of land. So, each year a little bit more gets laid onto the Highway Department as far as maintenance in the Town goes and we always keep an eye on that.

Despite the increased demand on the highway, we are keeping the highway staff... we're maintaining that level of 56. We're looking for ways to get efficiencies by

integrating the Department of Public Works staff with the highway staff and working together with those. Those 2 departments are separate because of a legal firewall, Gregg's an elected official, he has his own department. DPW is part of the Town facilities, so we have to work together to make... to get efficiencies out of here. We just can't make these guys work together.

We've got cost of paving materials, I said petroleum based products that continue to rise. We're managing our aged infrastructure. We continue... we have sewer main breaks and water main breaks – Judi Kehoe had one out in front of her house this year. She had to go take showers at neighbor's houses. So, this is an ongoing problem and of course, we can't go through and just replace all these things the cost would be prohibitive so, again, we manage our aging infrastructure meeting emergency infrastructure failures. We're planning for major infrastructure upgrades that I mentioned – our sewer pump stations. We also receive a grant from New York State for \$3 million that we're going to use to work on our sewer trunk line that we believe will help us to actually reduce long term some of the cost for our sewer pump stations. So, we're doing a study on that right now.

And, then we are managing costs of goods and services. And, I've mentioned before that often times the Town is critiqued for raising the budget... or the costs are going up faster than the consumer price index. But part of the reason those costs go up faster than consumer price index is because we use products and services that are not included in that index which include chemicals, steel and all sorts of other items that, you know, tractors – they are not included in the consumer price index.

So finally, I will finish with this comment, as we continue to invest in our community, well, our community continues to be a good investment. And, the reason I say that is because as I've worked through this budget and I've looked at what we've got in this Town and I've looked at where we are and actually what we're paying as taxpayers, I realize that people are moving to this Town because the taxes are high or low, they come to this Town because it is a great place to live; because it is well managed; and I think a lot of you are here because of those reasons. So, at this point I will turn the microphone over to you all and hear your comments. Thank you.

Do we have comments from the public on the Town budget? Please get in line or come on up.

MRS. CAPONE: There's nothing as easy as playing with the numbers. Maybe that's why Mrs. Kehoe saw it coming and to get half a cup more next year when we just had our bank robbery, it's not easy. What do you intend to do for the senior citizens? You want my pen.

SUPERVISOR CUNNINGHAM: No, I'm looking for my glasses. I don't know where I set them but that's okay. Go ahead.

MRS. CAPONE: They're over there.

SUPERVISOR CUNNINGHAM: Thank you.

MRS. CAPONE: So, what do you intend to do for the senior citizens? Put another tax on us?

SUPERVISOR CUNNINGHAM: Uh, this is a comment period. I mean do you have a comment on the budget?

MRS. CAPONE: Okay. Why don't you use Bruce Secor. I've been telling you for a long time he knows all about what he did for the Town like the road and the sewers and everything else. And, you're afraid of him. God knows why or we don't want to think about it.

MR. MILLER: Hello. My input is basically...

SUPERVISOR CUNNINGHAM: Could you state your name?

MR. MILLER: Sure, Robert Miller. My input is that in my mind at this time taxes increases should be need based only not a want based. And, I don't associate the slide here that said that could impact public safety as a need. I look at that as someone's want or someone's hypothesis but I don't see a crime and I don't see a need to increase a police staff for example and that impacts my taxes especially when we are going into a world-wide recession that some people – if you look at the market right now – is arguably could be very deep and we are talking about increased food prices, increased gas prices and now a 7 percent now, non-need based, service tax and I just don't agree with it.

Couple more examples – on the General Fund just expanding only on one item, and that would be the need for this police officer for example. We've got on order 1.4 officers per 1,000. That's much higher than the average, that is of a Town its size. We're instead approaching a town of 600,000. That's where you've got such a high ratio of police officers for a populace. We... if you look at just the item of the budget itself, it's a \$219 per capita budget and again, that's not... it's way out of proportion for a town of 30,000. And, that's nation wide or anywhere else you want to go. It's just plain ridiculously high. Average for a town of this size is about 163. New England - \$168... I believe it is \$168 per capita. Here we are in Delmar and we're talking about \$219. Again, I don't see the need. I have not seen it explained in the budgets, I've gone through your documents. I don't see any explanation of why we're increasing police officers from 43 to 44.

Just on the salary alone, it's... if I go back and look at your details, you are increasing the police salary by 5 percent and if you look at the economy in general, the industry sector, the average increase in salaries is 2.5 percent. And, here you are way out of proportion, again, with any kind of averages that people use in business for example to justify their salary increases, etc.

And, let's see, Highway Fund – you know... I drive around this community quite a bit, I do not see a large need for increasing highway funds. I do agree you've got to offset the oil and cost of the petroleum, etc. But I don't see an urgency, great urgency to repave anything. I think it could wait through 2009 and talk about it in 2010. I do see the line items... I do think there is a need with water and sewer, its horrible conditions – your water and sewer in this Town. Coming from outside this Town it is the worst water pressure I've ever seen. But, here we are talking about our highway system which in actuality is better than anything I've seen in the local area. And, yup, we're going to raise that one 7.5 percent and I don't see anything about the water or the sewer except for we're going to planning on looking at it in 2010. And, I think that is exactly where you should be planning everything 2010 not 2009.

I think that's it. Thank you.

SUPERVISOR CUNNINGHAM: Thank you.

MR. JASINSKI: Good evening again, Bob Jasinski, Bender Lane. Are you going to vote on this budget tonight?

SUPERVISOR CUNNINGHAM: No.

MR. JASINSKI: Okay. Good move. Congratulations on your presentation. You were elegant. You were to the point. You kind of took away a little air from my balloon that I was going to speak of. I'm concerned with the economy the way it is. Now, when are you going to vote on this budget?

SUPERVISOR CUNNINGHAM: I imagine we'll probably have it on the agenda for the next meeting.

MR. JASINSKI: Oh, that's what I am afraid of because as the economy

deteriorates even more, I think it is each Board Member's job that they turn around and look at this economy and see if we can still cut. Most of the neighborhood towns and cities have cut their budget although they've increased their tax but we haven't. We've increased almost every department. I think if you go back, you ask the departments what can be cut you may find that you can still cut some of it.

What we need a \$1 million or \$800,000/\$900,000 property on Creble Road, I can't see at this time. Perhaps as money became available, a better economy, yes, but with the coming year, you're going to also take a \$1 million assessed valuation property if you get interested in this and buy it this year, off the tax rolls. As far as the property, you are doing a study on the property, all these studies cost money because you usually farm them out to some vendor that will give you a price to study. The land down next to the Job Corps – what you ought to do is contact the forester and see how much wood is there and whether you can harvest it and get the money.

SUPERVISOR CUNNINGHAM: Actually, that's one of the things I have on my thing to be doing with the property. Yes.

MR. JASINSKI: That would be one of the things. The Police Department has to be looked at. You've had different people get up, Jarod King a couple meetings ago which I don't agree with Jarod's presentation but the bottom line is the Police Department has to be looked at. We went through lots of problem years ago when we had a... Fish was the head of the Police Department. We wound up with an awful lot of problems, it cost an awful lots of money. I don't believe you are looking at the Police Department that closely – the Board Members. I mean, you got to look at it at the point that you have to go in.

Now, it puts a burden on you Board Members because you are only here... get a small salary for your position that you hold here and the time you study, I don't know even where you find the time. But, I hate to see without questions and Sam has been questioning quite a bit lately but most of the rest of you, it's kind of like yeah, raise your hand, yeah. Nobody challenges anything. Nobody really questions anything. We're going to have an election... for the country, and we don't know how it's going to bounce back. I believe after the election that you can look at this budget, so I caution you on passing it too soon. You can drag it through at least to get closer to the first of the new year and then if you can get that much closer I think you will see what's happening. Don't forget this community is kind of well to do. We haven't really seen the economy affect jobs here because we rely upon the State. But, the State is going to be in a pickle. So, you are liable to lose some of these jobs at the State and I know a couple of you work for the State. So, you hear the rumors you know what's going on. So, as I say, I would advise you not to pass this budget too quickly. That you drag it out, that you go back to the departments, see what you can cut.

I want to make a statement to you and I know y'all know it but don't forget the Federal Government can just go in, turn the presses on and out comes those beautiful new crisp bills. But, the State, the towns and the cities cannot do that.

SUPERVISOR CUNNINGHAM: You don't have to remind me of that.

MR. JASINSKI: And, I mean, you've been in the banking business so you have knowledge but I do think you ought to at this budget more closely and go back to the departments. We need water, we need sewer and you need police protection. I realize that but I mean some of these other things. Like one of the things that's matching grants – I love that sound of that because what it says to me is -- yeah you got \$20,000/\$30,000 here – but the word matching means that you have to dig up the \$20,000/\$30,000 to match it. So, I caution you on some of these matching grants. You can get some... it sounds nice. Publicly you present it, you put feathers on it and it flies but sometimes the duck has to walk. Thank you.

SUPERVISOR CUNNINGHAM: Mr. Jasinski, I'd just like to make one point of clarification on that and that is regarding Chief Fish. I believe there were matters

of corruption with Chief Fish and I have no question about the integrity of our Chief of Police and I really don't have...

MR. JASINSKI: I'm not questioning corruption...

SUPERVISOR CUNNINGHAM: ...I understand that and I didn't think but I just want to be clear that we do not have the issues that we had back in 1970s regarding the Police Department.

MR. JASINSKI: ...of the Police Department. But I know you look at the spending, you ought to look at the vehicles, you ought to look and I've said to you before, who... maybe a driving course for some of the officers might come in very handy I mean, you know, I don't know how your cars are equipped whether cars are riding on the road without their headlights, they might not have automatic headlights because Police Departments don't have to meet certain requirements and they might not want automatic headlights or something like this. You just had a recent accident down in Selkirk area, South Bethlehem to be exact.

I mean, when is the last time that the Board Members have gone to one of these night courts that they have to see what is going on? I suggest maybe it might be a wonderful education for the Board Members to do that. Thank you.

SUPERVISOR CUNNINGHAM: Thank you, sir.

COUNCILMAN HENNESSEY: Just a couple of things in response to some of the things that....

SUPERVISOR CUNNINGHAM: Marie, hold on one second.

COUNCILMAN HENNESSEY: ... Mr. Jasinski said and the previous individual that came up. One of the curiosities of the way that the Town Board budgeting process goes is that we do have to do a budget by a date certain and have that passed. And, unfortunately, some of the things that we use to make our decisions aren't things that are readily available at that point. So, the possibility exists of having to come back at a different time and look at these numbers again and readjust them. So, understand that this is a budget that is based on a snapshot that is in front of us right now. Those things could change. So, you know, in response to the things you said, that absolutely is something that we may have to do at some point.

And, on the police officers raise for this year. I think that number is zero.

SUPERVISOR CUNNINGHAM: Contractual. Yes, there are step increases that are contractual with the new officers but beyond that the Police Officers are not getting a raise this year, that is correct.

COUNCILMAN MESSINA: Jack, can I make a comment?

SUPERVISOR CUNNINGHAM: Yes, go ahead.

COUNCILMAN MESSINA: I realize that this is the public's time to comment and we are hear to listen and take notes and follow-up. However, when you hear something that needs to be clarified I think we have an obligation to speak.

On the Police Department about 2 and ½ years ago I was involved in a very rigorous program here to look at the Police Department. That include bringing in the SUNY Center for Technology in Government and it was part of our inter-departmental management advisory program review and that thing was really rigorous. We looked at it comprehensively – George Leveille was on it, Supervisor Terry Egan, Judi Kehoe, etc. – and after looking at all the data and comparing it with other Police Departments, we're staffed right where we should be. There were not excesses there, we were right in line. And, that also was verified by the Center for Technology in Government when you looked at where we were. Now, all

departments can improve, we found several things – the Chief has implemented some of that so we have looked at those and I think most Town Board Members, one way or another, not because they are called in but because they've observed, has seen night court too. I know I have.

So, I just wanted to clarify that.

SUPERVISOR CUNNINGHAM: Thank you. Marie.

MRS. CAPONE: I can talk to you about the Police Department. I know about it.

SUPERVISOR CUNNINGHAM: Marie, could you just speak into the microphone, please.

MRS. CAPONE: And, when some... they have to be replaced whether you like it or not. At the same time, if you look at the sewers, look at the corner of Borthwick. When it rains it is just a mess of water. You have the same thing when you exit here on Delaware in front of the Town Hall. You have a boom of water. In the winter that freezes. If I did not have Kyle Kotary I would not have got up out of it.

SUPERVISOR CUNNINGHAM: Thank you, Marie.

MR. MILLER: Need to readdress and rebut the comments, two parts of it. One is the line item on your budget says personnel fees or something and I am assuming that's salary. Am I incorrect? If I am correct on that, you have a 5 percent increase over 2008. Can you explain that?

SUPERVISOR CUNNINGHAM: This is not a question and answer period, this is a comment period.

MR. MILLER: Okay, but... that's fine. That's fine but I don't know what that line item is. Give me some information that says it's something else.

SUPERVISOR CUNNINGHAM: You can call the office and I will explain the whole thing to you. I will go through line by line on the budget if you'd like.

MR. MILLER: Oh, that will be fine. The second item is if you go in and look at Albany.edu on the per capital expenditures and so forth, you are way out of line. You're at around 600,000 from a national average, even from the New England area, you are way out of line both on the number of officers per 1,000 for a city this size given a crime rate of .7 violent crimes per 1,000. That's over 10 times less than in Albany, all right, and yet your police officer count is 2 or 3 times too high is what it amounts to. You should have no more than 1 officer per 1,000 for a crime rate that you are actually talking about. Those are studies that you can look at. All the big states, Texas, Florida, California, and New York and no one is outside of those lines except your community and probably a few others.

SUPERVISOR CUNNINGHAM: Thank you. Other public comments on the Bethlehem budget?

MR. STEWART: My name is William Stewart. I live in Selkirk.

SUPERVISOR CUNNINGHAM: How are you, William?

MR. STEWART: How you doing? I am here pretty much for the budget for talking about it and when you are talking about the mortgage... the home mortgage tax, that's a big percentage. Now, if you are raising the Town tax on people that are just buying houses and that \$100,000 figure you got – most houses in Bethlehem are assessed quite above \$100,000.

SUPERVISOR CUNNINGHAM: Correct.

MR. STEWART: And, pretty much, you know, people are just getting drowned. I

mean we're... the reason I am talking coming here because of this is because I have a mortgage and the taxes just keep going up and we're looking to the Town and the County to keep it down because we know the State... well, I don't have to really explain about ... they're going to be in discussion about school taxes and that could take years the way they're going at it. So, the big issue is just trying to keep it down. I know you got all this stuff that you got going on with, you know, the Highway Department and everything but it's getting really ridiculous, you know. You talked about the sewers and all that need to be replaced. Now, the sidewalks that you're talking about, that's all going to be funded through grants – most of it?

SUPERVISOR CUNNINGHAM: The funds for the Delaware Avenue project are from a DOT project.

MR. STEWART: Okay.

SUPERVISOR CUNNINGHAM: The other one is a matching grant or not even matching -- it's a full grant from the State. We'll probably have to put some money in it, that's for the Orchard Street project and then...

MR. STEWART: Yes.

SUPERVISOR CUNNINGHAM: And then for the Elsmere Avenue project those monies have already been set aside for that project. That project's just being completed. It was started before I was in office.

MR. STEWART: Okay. That's good to know I guess.

Another thing I was just wondering, none of you are up for reelection right this year?

SUPERVISOR CUNNINGHAM: We're always up for reelection.

MR. STEWART: Okay. I'm just wondering because would the budget be this high if you were up for reelection this year?

SUPERVISOR CUNNINGHAM: I will tell you that I run every 2 years for this office. I intend to run next year for this office. If I didn't think this was a responsible thing to do for the residents of this community, I wouldn't be sitting here doing it. And, I don't set my budget because I am or not running for office. I am doing it because it is a responsible thing to do for the entire community.

MR. STEWART: Okay. Thank you.

SUPERVISOR CUNNINGHAM: Okay.

MRS. CAPONE: Hey, Lou is my neighbor and Lou is always on time in the morning and he always leaves at the right time at night. He is always there. There's a lot of people that work in this building that you meet in garage sales during the week.

SUPERVISOR CUNNINGHAM: Mr. Morand.

MR. MORAND: Talk about this Delaware Avenue extension of the sidewalks. You've got a \$250,000 grant, is that right?

SUPERVISOR CUNNINGHAM: \$500,000.

MR. MORAND: Oh you got \$500,000.

SUPERVISOR CUNNINGHAM: Yes.

MR. MORAND: Okay because originally we talked it was \$250,000. So you must have gotten more money besides that.

SUPERVISOR CUNNINGHAM: It's always... since I've come into office it's always been \$500,000.

MR. MORAND: It's \$500,000.

SUPERVISOR CUNNINGHAM: Yes and currently what we're looking at, the project may run less than that full grant amount.

MR. MORAND: Oh, come on John, wetlands...

SUPERVISOR CUNNINGHAM: Well, we don't know yet. We don't know....

MR. MORAND: You're going to have to put fill in, you are going to have to cut a wall down. Once you put the fill in, you're going to put a restraining wall so the fill don't run off.

SUPERVISOR CUNNINGHAM: If you'd like, we can sit down and go through the project with you and explain what we're doing.

MR. MORAND: I'd like to.

SUPERVISOR CUNNINGHAM: Okay, give us a call.

MR. MORAND: Okay, will do.

SUPERVISOR CUNNINGHAM: We're here.

MR. KELLY: Hi.

SUPERVISOR CUNNINGHAM: Hi, how are you tonight?

MR. KELLY: Michael Kelly. Um, well I guess after the presentation I learned a lot and... but the bottom line for me is and I think people like me, is my income isn't going up 6.89 percent and it's not going to. So, I'm a little bit concerned because I still get the sense that this is a business as usual budget and it's going to be bad enough this year, okay. If my expenses go up an average of 7 percent a year, I have to do something. I have to move or whatever, I don't know. But, you just can't do this and then when you consider next year, I am very fearful frankly, I see Paulsen on tv, I see Biernanki, the whole economy is going down the tubes. Dramatic steps have been taken and it... I don't see the same kind of dramatic steps here. I don't see a sense of austerity, a sense of crisis. And, that's what troubles me because I think it is going to be much worse next year than it is now. So, what will the increase be next year, 15 percent/20 percent. I don't understand. Thank you.

SUPERVISOR CUNNINGHAM: Okay. Other comments on the budget?

MR. PENK: Al Penk, Selkirk, once more. Question I have, we put a considerable amount of money into a computer system here in the Town of Bethlehem and I believe we're supposed to have one of the best. And, what I'm concerned about is the Highway Department seems to be a catchall. It seems like they get the sidewalks, they now have the golf course, they now have other items that I can go one-by-one. What I was wondering, in the computer system are these different categories of expenses broke out separately – such as the cost of sidewalks? In other words, is it truly men assigned to the sidewalk detail and the machines and the upgrades of the machines put in as an expense to sidewalks or an expense to any other item, such as the golf course which 2 meetings ago we were told we made \$20,000 profit? If I was to FOIL a request for the statement on the golf course, would it show me that the expenses and the income to balance out that \$20,000 gain? I guess that's my question if that is allowed.

SUPERVISOR CUNNINGHAM: Yes, it would. Anything you want regarding the

finances, go ahead and FOIL, or give us a call, we'll get it to you.

MR. PENK: Okay. Now, are they kept separate?

SUPERVISOR CUNNINGHAM: Yes. Oh, yeah.

MR. PENK: Because we put up the Highway Department 47 percent and it seems like, unfortunately...

SUPERVISOR CUNNINGHAM: Yeah, the highway is a completely separate budget from the General Fund budget. All those are 4 separate budgets. They are monitored completely separately and projects within those budgets are monitored separately also.

MR. PENK: How do you charge it from the Highway Department to the other needs we have? For example, how is it charged out to the sidewalks if it's in the Highway budget and you are using the same personnel? Do they work on a job order basis where it is charged out to a separate account?

SUPERVISOR CUNNINGHAM: There are charge backs. I mean for example, the Highway manages all our fleet. They do all our fleet repairs. They charge that back to the individual departments that have that vehicle for those repairs. All that is accounted for within our budget. So, it is all accounted for.

MR. PENK: Okay. So, everything is kept out separately?

SUPERVISOR CUNNINGHAM: Absolutely.

MR. PENK: Okay, very good. Thank you very much.

SUPERVISOR CUNNINGHAM: Other comments on the Town budget for 2009? Okay.

Can I have a motion to close the public hearing?

The motion was made by Mr. Hennessey and seconded by Mr. Messina to close the public hearing on the 2009 Town of Bethlehem proposed budget.

I'm sorry you have an opportunity to speak now, Mr. Kotary.

COUNCILMAN KOTARY: Okay, thank you. I just wanted to also address this hearing several issues and questions that have come up throughout the meeting. I'd also like to start by saying this is a good budget. We've, once again, we've gone through it in a longer process, a more open process and more communications. There's more information than ever. More presentations, power points that are available and on the website.

Second thing is taxes. And... just like to point out that again the slides that we saw earlier that we pay – as the Supervisor likes to say – all the taxes come out of the same wallet. Okay and we all pay and we pay in dollars, not percentages. And, again, I would go back and emphasize when comparing and talking in terms of percentages -- whether it's the percentage of your tax that may be going up or the percentage of ones income that you have to look in real dollars. And, I think the example of the \$100,000 home, the increase was \$17 so if it's a \$400,000 it's \$17 times 4 – I think my quick math is a little under \$70.

And, also I think it is important to look at those comparisons. Look at our rates in real dollars and look at our increases in real dollars compared to other communities. You know, I personally believe and I'm proud to tell anybody from any other community that I think this is the best community to live in in the area. We have great schools. I think we have a very well run and professional government. We have great roads, thanks to the Highway Department and when you look at how much we get – great police protection, public safety – but if you

look at how much we get for the dollars that we are actually paying – nobody likes to pay any taxes – I think that tells the story right there. You know and I think we are not only doing more with less, proverbially, but we're also doing it comparatively to other communities.

Just a couple of other points, the fund balance was mentioned earlier in bonds. Well, first of all on a project, you know, anybody in finance will tell you that if you have a project that is over 20/30 or in some cases, we have pieces of infrastructure that are 100 years old that it makes sense to pay for that over the life span of the project. And, quite frankly, we are looking at – if you saw our presentation I believe it was on our Capital Expenditures talked about storm water management project that is another unfunded mandate so to speak that has come down – and you add up the dollars, we can't put it off. We've done that a lot in the past and that's why we have 30 to 100 year old pieces of infrastructure. And, I am so pleased to hear people actually say and acknowledge that we need to invest in that because we on this Board, all 5 of us up here and our staff, have been saying for about a year or so that this is important. It's not things that people see or when you go door-to-door that people necessarily bring up – sidewalks, everybody wants sidewalks. Everybody enjoys the parks but that is something that is important and it has been put off and it has been put off too often. So, at some point we have to say, we can no longer continue to put it off, we have to pay for it. And, bonding is a good way to do it.

The fund balance, again as Jack mentioned, 10 to 15 percent is the so-called recommended amount and I think, over the last few years we've appropriately used fund balances as a way to ensure that we have a balanced budget and you have those additional savings. As a matter of fact, I worked in the State Comptroller's office and there are a lot of communities on an annual basis that are encouraged to spend down their deficit... or excuse me, to spend down their fund balances because they are too high. Because really those are the taxpayers' dollars and I think what we've done is we've used those balances for projects, infrastructure and other projects that are necessary, as well as ensuring that we keep the tax levy at a consistent basis.

There are several other points that I could get into but, you know again, what I'd like to focus on is all the work that we've been doing -- you know, I think there were 2 or 3 or maybe 4 slides on all of the new projects, most of which are designed to increase efficiencies and to lower costs whether it is the fleet management, even Colonial Acres. You know, we are getting a great deal on that through the Open Space Institute and a lot of hard work, we're able to preserve that golf course, recreational facility, costs us a buck a year. And, as a matter of fact, our revenues are \$20,000 over the cost of that facility. So, that's something that, you know, is another example.

Seniors we mentioned, what are we doing for seniors. Well, for seniors, for veterans, and for any other, disabled members in our community, we have to the best of my knowledge, enacted every tax exemption that we are allowed under State law to give. And, where in fact we've had the ability, the capacity, and I know Sam spoke out as a Veteran on several of the Veteran's exemptions – we pass those down. And, as a matter of fact, we've inquired through counsel can we do more and I think, you know, a lot of times the answer comes back no, we've done as much as we can within the law.

And, we will continue to look for grants and other ways and I'll just end because I could go on. I have a long list of responses to several of the questions. And, I think we can continue to talk about them but one that I have harped on a lot lately is grants. And, that is something that is important. Mr. Jasinski is right, you know, if one were to go about this saying well we have a match but not considering the other part of it, I'd say you are absolutely right. However, when we have projects that we really feel are necessary and we have things that in some cases we absolutely have to do and it is the right thing to do, finding those creative ways and using matching grants to actually lower our costs so a \$50,000 project is only costing us \$25,000 is smart. And, I thank you for bringing that up and I would

encourage you to keep asking those questions and helping us to ensure that we're making those decisions for those reasons.

And, in conclusion, I'd just like to say that you know it appears we are going to... more than likely vote on the budget in 2 weeks. I'm prepared... I would be prepared to vote on it now, I'm certainly prepared to vote on it in 2 weeks and I wanted to just finish with a question with Judi. And, that question is, are we not required by law to pass the budget by a certain date?

MRS. KEHOE: Yes.

COUNCILMAN KOTARY: And, what is that date, Judi?

MRS. KEHOE: November 7 is within a few days or the 5th, whatever the date is for the next meeting is within a few days of the deadline. It is early November.

SUPERVISOR CUNNINGHAM: Actually the next meeting is November 12th. Because we have 2 weeks now between the next meeting.

MRS. KEHOE: Okay. It's just before the deadline. We picked that date at the beginning of the budget cycle to make sure we were in compliance with that.

SUPERVISOR CUNNINGHAM: Okay. Yes to get to that date. We usually work backwards in our budget.

COUNCILMAN KOTARY: Right, right. So, just for point of clarification, as Mark said, we wish that we could... had more time and we certainly always hope that we have as many of the facts as possible and certainly we are keeping an eye on everything and we can come back and look at certain things that we could cut or certain things that we could hold the line on future expenditures. But, again, just wanted to point out that we are required to pass the budget... or excuse me, we are required to vote on the budget at the next meeting. Thank you.

SUPERVISOR CUNNINGHAM: Okay. Thank you.

MR. MORAN: I would like to comment on some of the things he said. You know...

SUPERVISOR CUNNINGHAM: Actually the public comment section is over, Mr. Moran. But, I will let you go ahead and comment but please keep it short. Please keep it short. The public comment...

MR. MORAND: I'll keep it short. You took \$4.7 million worth of surpluses. According to your figures, John, to reduce the tax burden to the community. I had to spend and I am sure other people in here, \$275 for the filtration system in my house because of the water being over chlorinated. Route 85 the pipes are constantly breaking there. If you took the \$4.7 million and put it in a new section of pipe through there, then maybe you wouldn't have to over chlorinate all the time. And, not only that, but you wouldn't have to hire somebody to go out at 10 o'clock, 12 o'clock, 1 o'clock in the morning to fix broken pipes. And, you wouldn't have that expenditure in your budget.

So, you know, when you are taking money that you should be using for good reasons – replacing pipes and stuff like that – instead of getting a small tax reduction, I mean that's not right. Plus the fact, he mentioned – I have a friend of mine who I worked with for years, lives on Vrooman Avenue in Niskayuna. He has the same type house I have, his assessment is the same as mine, yet he is paying less taxes but according to your display, he's not. But I know he is because he and I talked tax bills. We talked school tax bills, we talk town taxes. His are lower than mine, so how can his be higher than mine when he says they're lower than mine. So, wherever you got those figures, I don't put any confidence in them.

SUPERVISOR CUNNINGHAM: Okay, thank you.

MRS. CAPONE: You can play with numbers.

SUPERVISOR CUNNINGHAM: Okay, we have a motion and a second, all in favor? Oh, I'm sorry.

COUNCILMAN DAWSON: Jack, can I just make a comment?

SUPERVISOR CUNNINGHAM: Yes.

COUNCILMAN DAWSON: I just want to respond to people's concerns about how can we be passing a budget in the next couple of weeks when in fact everything seems to be so unpredictable at best. And, I think that's part of the stewardship responsibility that people in the Town have placed on us and I just want to let them know that our responsibility doesn't end with voting on a budget in 2 week so in January 1st when that budget goes into effect. And, we will continue to watch all of these expenditures both sides of the equation to see that we can continue to plan for our future. We can't only plan for next year. In fact, we have to see that many of the decisions we make – such as the infrastructure needs, our water and sewer and some of the long range projects – that this Town and its residents depend on us to maintain. And, to find that the priorities are met and that there is no waste in our government. And, it doesn't matter if this is an election year or if there's on in 3 years from now, we continue to do that throughout the year and you'll let us know if we're not doing the job you think we should. Thank you.

SUPERVISOR CUNNINGHAM: Yeah, I think they'll let us know. Thanks, Joann.

Okay. We do have a motion, we have a second, so can I ask for a vote. All in favor?

The motion was passed by the following vote:

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

Town Clerk

The next item on the agenda was to approve the Town Board minutes of September 24, 2008.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the Town Board minutes of September 24, 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.

The next item was a request from Human Resource Manager, Mary Tremblay-Glassman to approve the Memorandum of Agreement between the Town of Bethlehem and the Town of Bethlehem Telecommunicators local 3443, Council 66, AFSCME/AFL-CIO. Supervisor Cunningham noted this item related to the Executive Session after the last meeting.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to approve the request of Human Resource Manager, Mary Tremblay-Glassman, to

approve the Memorandum of Agreement between the Town of Bethlehem and the Town of Bethlehem Telecommunicators Local 3443, Council 66, AFSCME/AFL-CIO. 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 Commissioner of Public Works, Josh Cansler, to set a public hearing for November 25, 2008 at 6:00 p.m. for the purpose of establishing the 2009 Sewer Tax Rolls.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to set a public hearing for November 25, 2008 at 6:00 p.m. for the purpose of establishing the 2009 Sewer Tax Rolls as requested by Commissioner of Public Works, Josh Cansler. 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 the Deputy Commissioner of Public Works to approve the use of \$207,800 from General Fund Capital Reserve for the construction of sidewalks on Elsmere Avenue, Feura Bush Road, Orchard Street and Delaware Avenue from Fisher Boulevard to the YMCA. Supervisor Cunningham said this item was tabled.

The next item was a request from the Deputy Commissioner of Public Works to authorize the Supervisor to execute an agreement with Clough Harbour & Associates for \$70,000 to complete engineering services for the Elm Avenue Park Pool Filter replacement project. The Supervisor noted this is a project that was talked about earlier and the funds are coming out of the Capital Reserves.

The motion was made by Mr. Hennessey and seconded by Mr. Messina to approve the request of the Deputy Commissioner of Public Works, Erik Deyoe, to authorize the Supervisor to execute an agreement with Clough Harbour & Associates for \$70,000 to complete engineering services for the Elm Avenue Park Pool Filter replacement project.

Councilman Messina asked a couple of questions and noted a couple things have come up in the past, filtration systems that actually treat our pools separately and independently so something that goes on in one pool does not affect the other and also the question raised in the past and he does not know where this stands with Department of Health regulations on pools that may be changing in compliance with those. He asked if this will study take into effect just those things. Deputy Commissioner of Public Works Deyoe said it would. He said with respect to the connection of the pools, right now the L-shaped toddler pool and the Olympic size pool are actually linked together on one filtration system. He said this project is ultimately going to disconnect those so they will be independently filtered.

Mr. Deyoe said with respect to the code, however, they are asking the consultant to not only look at the current code requirements but the provision for future impacts with respect to regulations. He said one thing being kicked around at the State level which they have been impacted by on the splash pad project is consideration of UV water treatment or enhanced water treatment system beyond chlorination. He said they have asked the consultant to look at provisioning space and making sure the electricals are sized appropriately for that in the future. Councilman Messina thanked Mr. 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 the Chief of Police for appointments of School Crossing Guards effective Monday, October 27, 2008. Supervisor Cunningham said this is the first violation and hopefully only violation of the hiring freeze. He said when the Eagle Elementary School opened they were not notified by the School District that we need crossing guards.

The motion was made by Mr. Messina and seconded by Mr. Hennessey to approve the appointment of Mary E. Root and Karen L. Glastetter to the position of School Crossing Guard effective October 27, 2008 as requested by Chief of Police, Louis Corsi. 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 Administrator Nan Lanahan, Parks and Recreation Department for approval of acceptance of \$20 anonymous donation to the SAFE program.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the acceptance of a \$20 anonymous donation to the SAFE program as requested by Nan Lanahan, Administrator, Parks and Recreation Department.

Supervisor Cunningham said Councilman Messina invited him to come to the SAFE program last week and it is a program run in conjunction with the Parks Department and Mr. Jim Fitzsimmons for disabled kids to participate in sports. It is called Sports Are For Everyone program, the Supervisor said, indicating it is a nice program and thanked whoever donated the \$20.

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 the Chief of Police for acceptance of a DARE donation in the amount of \$50 from Nancy Farr.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve the acceptance of a DARE donation in the amount of \$50 from Nancy Farr as requested by Louis Corsi, Chief of Police. 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 Ms. Farr for her continued support of the DARE program.

The following item was a request from Administrator of Parks and Recreation Department for approval of appointment of seasonal personnel.

The motion was made by Mrs. Dawson and seconded by Mr. Kotary to

approve the appointment of seasonal personnel as listed on the Memorandum dated October 22, 2008 at the titles and salaries 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.

The next item was a request from Commissioner of Public Works to authorize the Supervisor to sign an agreement with C. T. Male Associates, P.C. for \$12,750 to provide an engineering report and revenue impact evaluation for Water District #1 extension. Supervisor Cunningham said back earlier on when they had to put a pipeline in the Hudson River in order to draw water out because of our issues, part of that was that the Town could not extend the water districts. He said developments were in progress in Town, so there are a lot of residences, particularly in Glenmont area that were built that are not part of the Water District and pay different fee structures than the regular residents. He said they are looking to try and combine that into one Water District and get everyone under the one umbrella. He said this study will go toward making this happen.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve the request of Josh Cansler, Commissioner of Public Works to authorize the Supervisor to sign an agreement with C.T. Male Associates, P.C. for \$12,750 to provide an Engineering Report and Revenue Impact Evaluation for Water District #1 Extension. 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 said he had one other item that was not on the agenda. He said it came to his desk today that must be worked on. He said the Board had a copy of the Memo from Josh Cansler. He said it is a request from the Commissioner of Public Works to authorize the Supervisor to declare an emergency at the Dinmore Road filtration gallery for the purpose of expediting the repair of a pump motor. He said the wells pump into the filtration system. He said there are 3 pumps that pump the water up to the water plant and one of the motors has failed and there is repairs needed. He said there is only 1 vendor who can repair this from what he understands from Commissioner Cansler.

The motion was made by Mr. Messina and seconded by Mr. Kotary to approve declaring an emergency at the Dinmore Road filtration gallery for the purpose of expediting the repair of a pump motor used to pump water into the filtration system

Councilman Hennessey asked if this was just to allow for the redundancy that previously existed to be put back in place. Commissioner Cansler said that was correct.

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. There was none.

Supervisor Cunningham made the following announcements.

- Year 2 of the Community Clean-up Day has been successfully completed. 60 residents, including the Town Board Members, participated in this program. The Supervisor thanked everyone noting they picked up several tons worth of garbage.
- December 5 is the Holiday Parade and shaping up to do a little something more than what was done last year. The Supervisor noted it should be a lot of fun. If anyone is interested, they should go on line and get an application or call his office. Kick off is 6 p.m. here at Town Hall and proceeding to the Four Corners and lighting the holiday tree.
- Before the next meeting there will be 2 days when Town Hall will be closed – November 4 Election Day and November 11 Veterans Day.
- Second meeting in November will be on November 25, 2008, Tuesday due to Thanksgiving.
- Public Works Department had asked to notify all residents, notice will be going out, that Thatcher Street in Selkirk area will be closed to through traffic from October 27 to October 31 as part of the sewer pump station upgrade project. The Supervisor noted residents will be able to access their homes.

The Supervisor asked if there were any comments on non-agenda items.

Mr. Al Penk, Selkirk, New York introduced his wife, Carol Penk, and said once again he found it necessary to come before the Town Board. He said this issue is again the proposal to use Clapper Road as a heavy truck traffic route to the NYS Thruway and NYS Route 144. He said on August 4, 2008 at 10:27 a.m. his wife received a phone call from the Secretary of the Town Supervisor. He said she stated the Supervisor desired to meet with them but was unable to advise the agenda. He said they went to meet with the Supervisor on August 5, 2008 at 2 p.m. thinking they were meeting with only the Supervisor. He said at the meeting was also a member of the engineering department, member of the office for Economic Development and Planning, member from the Planning Department and a student intern which he did not understand why the intern was there. He said he had no idea why the other 3 people were there when the Supervisor wanted to meet with them. He said that was okay, that is the way business is done.

Mr. Penk said at this meeting the Supervisor advised he drove his vehicle over Clapper Road and he decided this was the best route for routing truck traffic to the NYS Thruway. So being he drove over the road, Mr. Penk said it makes it a good idea for putting the truck route in. He said the Supervisor also advised using the existing Clapper Road would avoid the cost of building a new highway. He presented facts to the Town Board at the meeting 2 weeks ago. He said they also were advised by the Supervisor that he would seek Federal approval for this road option before doing any preliminary work on this option. He said the Supervisor noted it would likely be turned down and he could end the truck route once and for all. Mr. Penk said that was so stated.

Mr. Penk said to their surprise when they checked the agenda for the Town Board meeting September 24, 2008 listed was a request to conduct a feasibility study for the Creble Road extension project in an amount not to exceed \$25,000. He said this completely misrepresented the conversations at the meeting on August 5, 2008. He said he does not feel this is fair to them.

Mr. Penk said he addressed the Town Board on September 24, 2008 and supplied each Member of the Town Board a copy of his concerns regarding the use of Clapper Road as a truck route. He said the Town Board approved without any debate the request of Supervisor Cunningham for the wasteless spending of \$25,000 of taxpayers' money for the feasibility study for the Creble Road extension, the truck bypass automatically now has not been Clapper Road, not been to alleviate truck traffic, it's a Creble Road extension. He asked if Clapper Road is going to be eliminated after it has been there all these years and call it Creble Road extension. He said he has no idea.

Mr. Penk said on October 9, 2008 he received a Clapper Road alignment

draft map dated September 2008 and initialed NTS, whoever that may be. He said it is amazing the Town Board approved spending \$25,000 on September 24, 2008 for a feasibility study and we already had a proposed draft dated September 2008. He said he certainly hopes every Member of this Town Board had the opportunity to review this draft proposal. He asked if they have reviewed the draft. Supervisor Cunningham noted this is a comment period, it is not a question and answer period. He said he could make his comments.

Mr. Penk said in that case then he will have to do it a different way. He showed documentation to each Board Member. He said he has lived in the Town of Bethlehem since 1950, a total of 58 years, and has never had his existence in the Town of Bethlehem threatened by any Town administration. He said this proposed Clapper Road draft would make the family homes uninhabitable as it would locate the highway within 10 to 15 feet of the front door of the homes. He said on the home at 387 Clapper Road, it would removed the septic system and on the home at 395 Clapper Road any portion of the hill comprised of clay soil would likely result in the house sliding down the hill onto the road and destroying the home. He proceeded to show each Board Members pictures of the locations.

Supervisor Cunningham noted that none of this has been decided so there's no... Mr. Penk said anything is possible to happen. Supervisor Cunningham said anything can happen. Mr. Penk said he has a right to state these things. Mr. Cunningham said he was stating this as fact, none of this is fact. Mr. Penk said if it isn't fact that is fine and asked if it was never going to happen. Supervisor Cunningham asked Mr. Penk to finish the comments, noting his 5 minutes have expired and it is a late evening. Mr. Penk said he did not get a 5 minute closing time and he had not heard that said. The Supervisor said that was okay but asked him to bring his comments to a close.

Mr. Penk continued to show the Board Members his information. He indicated the location of old Clapper Road. He said he could not believe that this draft proposal would remove 2 very large oak trees 150 plus years old, 1 large red oak tree 100 plus years old, 1 large elm tree 125 plus years old, several extra large locust trees and 2 Colorado Blue Spruce trees 25 plus years old. He said we are talking about open space and environment and Mr. Cunningham is willing to just wash it out. Mr. Penk showed pictures of the area and trees.

Mr. Penk noted all this is factual, if anybody questions the truth on this, the Board can question at any time. He said the south side of Clapper Road is not developed at this time and he cannot understand why this administration would want to invade their property. He said he thinks he deserves a written explanation for the reason of this administration within 30 days and he requested this of the Town Board.

Mr. Penk said if the Board would have read the information given to them, it stated there was a forest and wildlife preserve. He said the truck route is being put right alongside of this preserve and indicated he did not think this would be done. He said this will be found out. He said the original Clapper Road location along the north side of the existing Clapper Road was deeded to him several years ago and now the Town wants to locate the road where it was not suitable in the past. He said they moved the road, gave him the property and the Supervisor wants to bring it back to where the road was and asked if this makes sense. He said he does not think so.

Mr. Penk said the draft of Clapper Road shows the road ending at the water filtration plant. He said if they have been over the road, they know where the water filtration plant is located and where the Thruway overpass bridge is. He said when he is told this road would have to end at another State highway, Route 144, he guesses the Town of Bethlehem will create a bridge to go over the filtration plant, over the railroad tracks and somehow arrive at 144 or a bridge to nowhere.

Mr. Penk said the property along Clapper Road was zoned residential in the Comprehensive Plan which was just put in a short time ago. He said why a

commercial heavy truck route would be located through a residential area where there already has been an approved residential development makes no sense. He said until zoning changes are made to reclassify the Clapper Road area because of this proposed commercial heavy duty truck route, a moratorium on construction in the Clapper Road area should be enacted immediately because the value of the homes is going to change drastically whether it is a new development or whether it is mine. He said he wants to know whether to sell his property as commercial or as residential because he will not be able to live there.

Mr. Penk said in closing the residents of Clapper Road, Weisheit Road and the Route 144 area have been threatened by this truck pass from 1998 and now once again this is a preposterous proposal. He requested the Town Board to take immediate action and cancel any plans, proposals and spending of taxpayers' money on heavy duty commercial truck route through the Clapper Road area once and for all. He thanked the Board for their time and gave a copy of his comments so they know exactly what he said and each one will have it again. He advised the Board Members to keep this information in the event it comes up again.

Mr. Penk asked if there were any questions of what was presented or about the honesty of what was mentioned. Councilman Hennessey noted he did not think anybody questioned his view of things. He said he does not think anyone is thinking that and what is in place is a feasibility study. He said when this was passed the first time, this is merely a study and is not saying this is the direction they are going to take or not take or anything like that. He just wanted to make sure that it is absolutely clear that at least a few Members of the Board have heard the things that were said and they are taking that into account and making whatever decisions they make in the future. Mr. Penk said he respected him for his comment but anything that is on a draft and written is more than just talk.

Mr. Penk said when the Town Supervisor tells you that he is going to get Federal approval first, which he has to get, he questions the Board spending the \$25,000 for a feasibility study when you won't even know if you will get Federal approval. He asked Supervisor Cunningham if that was correct. The Supervisor said you cannot get Federal approval unless you do a feasibility study. Mr. Penk said the feasibility study has to have the layout of the road. Supervisor Cunningham asked if his comments were done. Mr. Penk said yes, he was answering the Supervisor's comment. He asked if the feasibility study has to be completed before you get the Federal approval. Supervisor Cunningham noted again this is not a question and answer period. Mr. Penk said that was not what he said in the meeting. He said understandable noting to the Board Members he had no idea. Supervisor Cunningham said he was not going to sit at the meeting and get in a public argument with him. He said if he wished to come in and meet with him that would be fine. Mr. Penk said he is not arguing, he is asking a question. He would like an answer to his question. He said if you cannot spend money and you have to spend money before you can even find out if a road can go some place, it would seem that these Board Members would have questioned the spending of \$25,000 for a feasibility study on a road to nowhere alongside a public preserve, forever wild. He said it cannot be forever wild with a truck route right next to it. He said enough said and his point was taken by the Board. He thanked the Board for their time and noted he would probably see them again.

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Supervisor Cunningham asked if there were any other comments on non-agenda items. Mrs. Carol Penk, Clapper Road, said she does not have a prepared statement but they have a proposal in the works for a development across from their home. She said this development is going to be impacted by this heavy duty truck route. She said she did not know who would buy a home – she noted first it is in the RCS School District – when you are going to have heavy duty trucks. She said she understands that everything is in the draft proposals but for many years she prepared speeches for my bosses that were in draft proposals that went to the final speech. She said drafts scare her. She said this draft scares her.

Mrs. Penk said Mr. Morelli called about a meeting one time on the

development across the road and indicated that there would be lights shining in the front of their house. She said that was fine but right now she will be able to sit in a rocking chair on her front porch and according to the draft, she will be able to hand a cup of coffee to the truck drivers or maybe better yet she will open a bed and breakfast or every truck stop that as they have traveled around the country has an adult book store, maybe they will do that.

Mrs. Penk said it really worries her. She said when she looked at the map she realized that their blue spruce that they keep groomed and decorated at Christmas time was going to be gone, the light pole will be gone and that means 5 feet from their front yard could be the possibility of this highway. She said that scares her. She invited the Board Members to come to her home and see what the actual map shows, physically seeing it, they are more than welcome. She said she can always put a pot of coffee on. She thanked the Board. Supervisor Cunningham thanked Mrs. Penk.

Mr. William Stewart made a comment regard a lot of people on the Board talked about the Town and he does agree the Town is an excellent place to live. He said that was why he and his wife bought a house over here. He said he grew up in Albany and he knows this Town is really excellent. He said there is the river, the rural area, the suburb part. He said there are great schools and the Police Department is no problem. He said they keep law and order and he likes that.

Mr. Stewart said the water and sewer department, Chuck Wickham and his department are excellent. He said any time he has called the Town for any issue, it has been excellent service. He said he wanted to let the Town Board know it is an excellent Town and when he talks about things with the taxes, he is just concerned about his home and staying here. He said this is a great community, great volunteer and it is a really good community. He said people want to stay in their homes and they want to live here and bring the kids up here. He thanked the Board. The Supervisor thanked Mr. Stewart.

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

The motion was made by Mr. Messina and seconded by Mr. Kotary to adjourn the regular Town Board meeting at 8:26 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

Town Clerk