

TOWN BOARD
September 24, 2003

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 7:30 p.m.

PRESENT: Sheila Fuller, Supervisor
George Lenhardt, Councilman
Doris M. Davis, Councilman
Daniel G. Plummer, Councilman
Thomas Marcelle, Councilman
Kathleen A. Newkirk, Town Clerk
Robert J. Alessi, Esq., Town Attorney

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The first item was a discussion regarding the USA Patriot Act with the Bill of Rights Defense Committee. A lengthy discussion was held between the Board and the Committee. Members acknowledged that they did not feel they wished to adopt the resolution as presented, with Councilman Lenhardt noting he was not sure if he wanted to adopt either resolution, the one proposed by the Committee or the second resolution presented and prepared by Councilman Marcelle and Councilman Plummer. There was no action taken with regard to adoption of a resolution.

Supervisor Fuller arrived and apologized for her late arrival, noting she had to be at Russell Sage College at 5:30 p.m. to discuss another favorite topic in the Town of Bethlehem and this is that the Town is one of seven (7) sites proposed for the dewatering. She said it is the Niagara Mohawk site on River Road, Glenmont which is now owned by Victor Gush. She said anyone reading in the newspaper O.G. Realty, this is the location of the site. She said she returned from a public forum and the Town is still on the list and appears that it is Mr. Gush who feels a need to have it on the list. She said she will keep everyone posted and noted the final sites will not be selected until some time in April 2004. She said in the mean time she will be checking with Mr. Gush and inquire as to his issue. She said right now he is looking to develop this area as a Beacon Harbor.

Councilman Lenhardt asked the Supervisor if the EPA has responded to the Town's local law regarding. Supervisor Fuller noted the EPA said the resolution passed in 2001 is the same one that every other community has passed. She said they noted there is not a community that wants it and the EPA will have the final say regardless. Councilman Lenhardt thanked the Supervisor.

Town Attorney Alessi said for a point of clarification that this addresses the local resolution but the Town also has a local law which is Chapter 97. He asked the Supervisor if the EPA addressed the law as well. Supervisor Fuller said she did ask about that and they said they were not familiar with it but they were not sure that it mattered because it is the EPA that is in charge. Town Attorney Alessi thanked the Supervisor.

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Councilman Plummer said Mr. Gush was just here recently. Supervisor Fuller noted Mr. Gush was not at the meeting. Mr. Plummer said when he came to the Town Board, the Board talked about his project in a very positive way and was directed to the Planning Board. He said if the Planning Board is at the point in time when resources and time are being expended for review of his project, he thinks the Board really needs to call Mr. Gush in and find out what his motive is and what he is doing. Councilman Davis agreed with Mr. Plummer. Councilman Plummer said they are all supportive of his project and if at the same time he is looking to do something else with it, he thinks it is important that the Board find out where Mr. Gush is coming from.

Supervisor Fuller said Mr. Gush has apparently told the EPA that his project will be done in phases and perhaps his phase will be many years out so for the immediate future she thinks he is planning on having this site located there for him. Councilman Marcelle asked if he is seriously proposing to put a marina and resort on a site that was a water treatment for pcbs. Supervisor Fuller said he seriously is because he has been before the Board and proposed that. She said the site is quite large but she does not feel there is room for both on the site. Councilman Marcelle said that it seems inconsistent uses off the top of his head and while Mr. Gush seemed very sincere in front of the Board and sincere at his desire to go in front of the Planning Board, this seems kind of inconsistent with that attitude. Supervisor Fuller noted at the first public forum she attended Mr. Gush was by her side and it was a united front as to why this could not be on the site. She said this was the industrial area, zoned industrial and that Mr. Gush had a project starting to go on the site to say nothing about the entire community not looking to have this located in the Town of Bethlehem. She said it will continue into next year and noted she would keep everyone posted until New Year's Eve when her term ends. She said Mr. Joe Catalano was there this evening, as well as, David Young who is running for Town Board and David Austin.

Supervisor Fuller next spoke to the issue of the USA Patriot Act noting she missed what took place at the meeting, however, she has read all the emails and she spoke on this very early on in the process. She said the resolution that was presented to the Town Board a few weeks ago was not something she would be able to support. She said she did not clarify it by saying it is not that she has anything wrong with the resolution but it is basically the job of local government to deal with the local government issues. She said she thought she was quoted in the Spotlight a few months ago, saying exactly that and it is not what she reviews her responsibility as a Member of the Town Board and as Town Supervisor. She said for that reason, she still would not be supportive this evening and because she did not have the opportunity to speak here tonight, she wanted to get it out now for the record so that it will become part of the meeting. She said she has spoken with the media that has called her about. She said many of the people in attendance at the meeting are those that have emailed her. She said very few have spoken with her directly about it but when they did, she did express her feelings to them. She said as far as the Patriot Act for the Town Board to consider appealing it, it appears to her tonight that there were at least 3 Members that were not

going to support this resolution. She said she knew there was a new one proposed and she believes that was still not passed. Councilman Lenhardt noted it was addressed but a motion was not put forth. He said it is still in the dialogue stage.

Councilman Plummer said for a point of clarification, he went on record in opposition to the resolution that was put forward. He said the resolution he noted he could support was the one that Councilman Marcelle had proposed earlier in the day which was significantly different. Supervisor Fuller said she stood corrected on that noting when she walked in it was Councilman Davis speaking and then she heard Councilman Lenhardt. She said she was not sure about this.

The next item was the presentation of the Town of Bethlehem 2004 Budget to the Town Clerk. Supervisor Fuller gave the following remarks:

Town of Bethlehem
2004 Budget Message
Presented by Sheila Fuller, Town Supervisor
September 24, 2003

(#1) This year has been somewhat bittersweet for me, as each time I perform a certain task, I realize that it may be the final chance for me to serve in that capacity, and the presentation of the budget is one of those items. Over the course of my ten years as Town Supervisor, each year's budget has provided the opportunity to reflect on the year's accomplishments, as well as delineate the course that the Town should follow over the coming year.

(#2) 2003 has been a year of progress, although it may go down in history as the year of road construction! With the changing of the leaves comes the completion of many of the projects that have tested our patience as we've been trying to drive around town. (#3) The work at the Four Corners is the first phase of a multi-part plan to revitalize the heart of Old Delmar. The Town has contributed \$150,000 to the state as our local share for this project.

(#4) The County's work on Elm and Cherry will provide much-needed repairs to that busy corridor, and has also given the Town the opportunity to complete water and sewer infrastructure enhancements at the same time, avoiding the need to create a separate construction project in the future.

(#5) We were very proud of the Town's Highway Department employees when the Bethlehem Chamber of Commerce selected them as Citizens of the Year. After rising to the challenge of multiple storms, unfortunately falling on almost every major holiday of the past winter season, we again thank them for their dedication and their personal sacrifice. (#6) And so, much as we appreciate the job that's been done (#7) – we're very happy to see the signs for the end of the roadwork.

(#8) The Police Department's mobile Field Operations Unit, affectionately known as "FOO", has been completed, providing the Town with a critical, remote, command post in the event of a community emergency.

(#9) The new gazebos are installed, and the enhancements to playground facilities at the

Henry Hudson Park have brought new life to this important park, serving residents in the southern part of town. We hope to have many, great community events at this venue. It has been a year of progress and improved Town facilities and services, and while there is still much to be done, I believe that the Town's operations are running well, and that a smooth transition can be made to the next Supervisor.

(#10) One of the nicest compliments I ever received was from someone who told me I was the most non-political Town Supervisor they had ever worked with. Local government should not be about the politics of control, but should be about what choices are in the best interest of the community as a whole. The choices are not always easy, the issues are often complicated, and the actions are not always popular; however, the decisions I've made have been made based on my judgment as to what was best for the community after carefully researching and considering the options. I hope that my years of service to the town will be remembered as a time when actions were taken based on the long-term best interests of the community.

The strong financial position of the Town has been achieved by taking the longer-term view. Under New York State law, the Town Supervisor is also the Chief Fiscal Officer. With annual operating budgets of approximately \$30,000,000, this is no small responsibility. It is with pride that I leave the Town in great fiscal shape, and I hope that the next Supervisor will carry on the policies necessary to preserve this important asset for the community.

(#11) One of the most frequent questions asked about the Town's finances is, "Is the Town as a whole better off as a result of the year's activities?" You can think of the Town's net assets – the difference between assets and liabilities – as one way to measure the Town's financial health, or financial position. Over time, increases or decreases in the Town's net assets are one indicator of whether its financial health is improving or deteriorating. You will need to consider other non-financial factors, however, such as changes in the property tax base and the condition of the Town's infrastructure, to assess the overall health of the Town.

The Town's General Fund net assets have been steadily growing, more than keeping pace with the growth in expenditures, thanks to continued strength in sales tax and mortgage tax receipts. Staying the course with modest tax increases, even in the good times, enables us to handle the unexpected – without sizeable tax increases.

(#12) The property tax base has grown over the past year, primarily from the addition of residential parcels. The largest commercial increase over the last year has come from the Price Chopper Plaza in Glenmont coming onto the rolls, adding about \$3,400,000. The Nigro project, Bethlehem Town Center, will be coming on in the following year, and will provide a healthy boost to the commercial section of the rolls.

(#13) The Town and the IDA have been actively working to identify the prime corridors for commercial growth, and then targeting their marketing efforts to developers to help make that vision a reality. The future prosperity of the Town is dependent on our ability to maintain a suitable mix within the assessment rolls between residential and commercial properties.

(#14a) The state of the Town's infrastructure assets is another important measure of how the community as a whole is faring. The Town highways cover 171 miles, and sidewalks cover 36 miles, and that number is increasing every year. The Highway Department takes great care to maintain the roads in excellent condition, and judging by

the few phone calls I receive on this issue, I would surmise that the public agrees. The sidewalk construction from the High School to Fisher Boulevard is almost complete, additional sidewalks on Maple Avenue (Route 396) in Selkirk are on tap for the near future, and the Engineering Department is continuing their work to acquire easements to enable the extension of the sidewalk on Elsmere Avenue towards Feura Bush Road.

(#14b) To provide for the future water supply in the residential area, the Town completed a long-range plan and has started implementation of the report's recommendations. One of the major improvements is to upgrade the 50-year old New Salem water purification plant and transmission pipelines. Approximately \$13,000,000 in capital investment will be required to meet the Town's future needs. In addition, remediation work continues on the wells to supply the Clapper Road water purification plant that serves the industrial area. All permits have been obtained, and construction work is scheduled to be completed by the end of this year.

(#14c,d,e) Keeping track of the sprawling infrastructure assets is no easy job, considering that there are hundreds of miles of water and sewer transmission mains, storm drains, sidewalks, roads and buildings. The Engineering Department is working to advance the installation of a GIS system that will create a shared, uniform database for all such assets.

At this point, I'd like to turn the presentation over to Judi Kehoe:

(#15) The Town considers many factors when setting the 2004 budget, tax rates, and fees that will be charged. One of those factors is the economy. The other is the overall financial health of the particular fund.

The regional economy has been fairly stable. The two major economy-dependent revenues for the Town are sales tax and mortgage tax. (#15a) Sales tax receipts continue to be steady, generating the majority of funding for the General and Highway Funds. Annual sales tax receipts are about \$8,600,000.

(#15b) Mortgage taxes continue to surge due to the low-interest rate environment that has been in place over the last few years. Any re-financings or newly issued debt on properties within the Town generates a percentage of revenue. Although interest rates appear to be slowly rising, these revenues are expected to be relatively flat from this year to the next, generating about \$1,000,000.

(#16) The breaking news during last year's budget presentation was the exorbitant increases coming from the retirement system. We were looking at an increase from about \$100,000 in 2002, to about \$850,000 in 2003. Comptroller Hevesi responded to the outcry from NYS and local governments, who rightly demanded that the state find a way to honor their initial rate projections given to municipalities, which formed the basis for the budgets already in place for the year.

Hevesi's solution was to recommend a minimum contribution of 4.5% of payroll, regardless of whether lesser contribution rates might be possible due to the current value of the plan's net assets. Municipalities had experienced several years of relatively minimal contributions due to the strong performance of the stock market, giving a very incorrect impression that retirement benefits are an inexpensive fringe benefit. With this rate reduction, the Town's contribution for 2003 will be \$512,000, down from the initial estimate of \$850,000.

The other change Hevesi instituted was to change the plan asset valuation date, which enabled a one-year deferral in when the big rate increases would take effect – that

effective date is our 2004 budget year. The estimated rates are about 11.5% of payroll for the Town, up from 4.5% in 2003. This generates an estimated contribution of \$1,340,000, up from \$512,000 in 2003 – that’s a 262% increase!

(#17) This slide shows the composition of the town’s fringe benefits. Of the total of about \$4.2M, roughly one-third is for health insurance, one-third for retirement, and the remaining one-third for FICA, Medicare and workers’ comp. Health insurance rates are expected to increase about 16%, bringing the 2004 estimated employer cost to \$1,466,000.

(#18a) Despite the fiscal pressures we’ve described, the Town-wide funds are still in overall good financial shape. The General Fund net assets continue to grow, and have risen to the point at which it is appropriate to use some of the assets to fund the 2004 appropriations. (#18b) Using net assets as a funding source is what we term a “planned deficit” – rather than increasing taxes to provide a funding source, we draw upon prior surpluses that are unrestricted and available for just such a purpose. (#18c) By using this, the General Fund tax rate will stay at its same level as in 2003

The General Fund net assets have also been used to help the Highway Fund to absorb the increases in expenditures that have been outpacing the growth in tax revenues. In 2002, \$575,000 was transferred to the Highway Fund. In 2003, we anticipate transferring in \$600,000, and the 2004 budget will provide for another \$500,000. These types of transfers are somewhat new for the Town of Bethlehem, but not new for other municipalities. Note that the Town of Colonie funds 100% of its Highway Department operations from sales tax receipts.

Because of the General Fund’s ability to fund the Highway operations in the short-term, but absent a guarantee of providing a long-term funding source, (#18d) it is recommended that a moderate tax increase of 8.5% be levied. This is in keeping with the slow and steady funding plan designed to prevent sizeable spikes in the tax rates. The increase equals about \$13.23 per \$100,000 of assessed valuation.

(#19a) The Water Fund was facing a deficit in its net assets at the end of 2002 equal to about \$750,000. (#19b) The rate increases adopted by the Town Board in 2002 and 2003 have significantly helped to improve the cash flow and overall financial position of the fund. It is projected that the additional revenues from the rate increases, as well as continued restraint on expenditures, will generate net income in 2003 of at least \$850,000. This will be sufficient to put the fund “back in the black“, and well on the road to restoring its previously healthy financial position. (#19c) The 2004 budget projects a 4% increase in the tax rate, from \$.85/M to \$.88/M, and (#19d) the water rates will increase 3%. These increases will help fund operations and meet new regulatory mandates. These modest increases are to be expected each year, and are necessary to prevent sizeable spikes in the rates similar to what was experienced this past year.

(#20a) The Sewer Fund is in fair financial condition. Although its net assets are at the lower end of the suggested range, it is sufficient to meet current cash flow needs. A slightly higher net assets figure would enable a buffer in the event of unforeseen expenses, and would provide for the ability to fund a reserve for future capital improvements. (#20b) Accordingly, a modest tax rate increase of 4% has been proposed in the 2004 budget.

(#21) In keeping with the proposed increases in other communities that are comparable to Bethlehem, we are proposing a general COLA of 3% for employees. Employees in

today's economy are expected to do an ever-increasing volume of work, and we want to provide salaries that will enable the Town to be a competitive employer.

(#22) The following chart presents the standard comparison of taxes per \$100,000 of assessed value, from 2003 to 2004. Note that this does not reflect the TOTAL tax rate for an individual tax parcel, as the rates for Albany County, the fire districts and ambulance service for your neighborhood, and other special district charges have not been included. These amounts are generally not set by the Town, and have therefore been omitted from this analysis. The special district charges, such as water or sewer district extensions, are not factored in, as these are unique to specific neighborhoods, and therefore do not provide a good comparison for the average tax payer.

(#23) We've also presented a summary of the total amount of taxes levied by fund, and compared the total to the appropriations. Note that other sources of revenue such as user fees or state aid help to minimize the overall level of taxes needed to fund operations. Tax levies only comprise about 30% of the funding source for operations. Note that most of your tax dollars are going to essential services such as highway maintenance, and water purification, and wastewater collection and treatment.

(#24) A copy of the tentative budget will be on file in the Town Clerk's office, as well as at the reference desk at the Bethlehem Public Library. Workshops will be held on October 9th and 14th, at 7:00 pm. These meetings are open to the public to hear the Town Board and its department heads discuss their programs and funding requests for the coming year; however, the chance for the public to voice their opinions about the proposed budget will come during the public hearing, which is scheduled for Wednesday, October 22, 2003. The budget will then be voted on for adoption at the November 12th board meeting.

Supervisor Fuller thanked Comptroller Kehoe. She said the Town Board has not even seen the budget yet and will receive their copy and their work will begin on October 9 and if needed, October 14.

The next item was a request from Administrator, Nan Lanahan, Parks and Recreation Department, for approval of a Pavilion Usage Policy.

Councilman Marcelle said he had a concern of one provision of the policy, paragraph g, indicating usage involving recreational programs, competition with other localities or organizations such as team sports, performing arts, etc. will be permitted at the discretion of the Administrator of Parks and Recreation and/or Town Supervisor, pavilion fees will be charged where applicable. He said his concern is his understanding of access to public facilities including parks. He said there must be some type of bridling of discretion or some kind of standard or criteria for there to be a denial. He said as he reads paragraph g, the only thing that struck him was this will be permitted at the discretion of the Administrator and our Town Supervisor. He said it appears, unless he is missing something, there is no way to bridle the discretion that the Supervisor or Parks Administrator has and that would give him concerns about the legality of that provision. Councilman Davis asked if this is the procedure now, noting it has been the case for a very long time. Mrs. Lanahan said it has. Councilman Davis said this is nothing new.

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Mrs. Lanahan said the standard group use policy is where this wording came from. She said this has been revised to include individuals, as well as, groups. She said she thinks that clause is in there in the event something different comes up. She said it is not a standard usage thing that they may have the discretion to use the facility under that circumstance.

Supervisor Fuller noted she has not been faced with one in the 10 years she has been on the Board. Councilman Marcelle said he would imagine that there would not be a problem but if called, it would not end up in litigation but it seems the courts have been pretty clear about granting supervisors or parks just unbridled discretion without any criteria for denial. He said he just raises this but it may be more theoretical/hypothetical than real.

Town Attorney Alessi said the interpretation, as he understands it of this policy has always been in the public interest and to the extent the Board considers it necessary the Board could add the phrase, in the public interest. He said this is a standard that has been accepted and been allowed to be fleshed out on a case-by-case basis. He said in practice, that is his experience as to exactly what has happened. He said to the extent the Board wants to put some language in there to address, Councilman Marcelle's concern, he thinks in the public interest would take care of that. He asked Mr. Marcelle if that is okay. Councilman Marcelle said he feels more comfortable with at least some language. Supervisor Fuller asked if he wanted that all the way through. Councilman Marcelle said no, just in paragraph g. He said that is the only one, noting in each of the others there is some standard criteria.

Discussion ensued regarding the concern Councilman Marcelle expressed. Town Attorney Alessi suggested not making it a presumption of getting the permit and having a denial and exemption clause but said to add everything to be as is here except after and/or the Town Supervisor, add who shall evaluate whether such usage is in the public interest. Mr. Alessi said in this way there is no exception clause. He said it becomes as standard as Mr. Marcelle suggested. Councilman Marcelle agreed that this would work. Town Attorney Alessi repeated the wording for everyone's benefit and asked Mrs. Lanahan if this worked for her. Mrs. Lanahan said it did. Mr. Alessi said to add to the end of the sentence in paragraph g where it ends with and/or the Town Supervisor the following language: who shall evaluate whether such usage is in the public interest.

The motion was made by Mr. Marcelle and seconded by Mr. Plummer to approve the Pavilion Usage Policy as amended and requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department, for approval of Alcohol Use Policy. Mrs. Lanahan said currently

at the large pavilions at Elm Avenue and Henry Hudson Parks, beer only is allowed in non-glass containers. She said in her research of why just beer or criteria, it seemed at the time alcohol use was allowed at the pavilions was only beer because it was the only one that did not come in glass. She said the glass container seemed to be the major concern. She said now there are other options, especially for wine which comes in boxes, so she felt it might be suitable to add wine to the policy to give a little more variety to the groups using it.

Supervisor Fuller asked if the Parks have had a lot of people request this. Mrs. Lanahan said she has and the people ask why just beer. The Supervisor noted it is served by permit only. Mrs. Lanahan said there is a separate application, separate permit for this. She noted the application will remain the same. She said the second part of the revision is to add the policy to the small pavilions as well. She noted she felt the alcohol policy should be applicable to the small and large pavilions and be consistent. Supervisor Fuller asked if there was a difference in the groups who use the pavilions. Mrs. Lanahan there is not, further noting the criteria for getting the alcohol permit is that the person must be 21 years old that is reserving the pavilion. She said this would not change.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve the Alcohol Use Policy as requested by Mrs. Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

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

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the appointment of the following seasonal personnel as requested by Administrator, Nan Lanahan, Parks and Recreation Department:

Recreation Instructor III at a rate of \$10.00 per hour.

Kiley Shortell
12 Longmeadow Drive
Delmar, NY 12054.

The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

The following item was a request from Highway Superintendent, Gregg Sagendorph, for

approval of purchase of equipment for road and sidewalk maintenance, adoption of resolution regarding expenditure from Highway Dept. Equipment Reserve account, approval of purchase of wheel loader from State Contract, and approval to go to bid for purchase of sidewalk snowplow.

The following resolution was presented for adoption:

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem in the County of Albany, State of New York has on the 24th of September, 2003 duly adopted, subject to a permissive referendum, a resolution as follows:

WHEREAS, the Town Board of the Town of Bethlehem has determined that it is necessary to replace certain pieces of Highway Department road and sidewalk maintenance machinery; and

WHEREAS, it is estimated that the costs of said purchases will be approximately \$185,000; and,

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

NOW, THEREFORE, BE IT RESOLVED that it is in the public interest to complete purchase this new machinery; and,

BE IT FURTHER RESOLVED, that the Town Board is authorized to expend from the Highway Department Capital Reserve funds necessary up to \$185,000 in said reserve fund; and,

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

The motion to adopt the resolution was made by Mrs. Davis and seconded by Mr. Lenhardt and duly adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

Absent: None.

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The following resolution was offered by Mr. Marcelle and seconded by Mr. Plummer:

WHEREAS, the Town desires to advertise for bids for the purchase of one (1) sidewalk snowplow for use by the Highway Department, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 15th day of October, 2003 and that bids be received up to 3:00 p.m. on the 28th day of October, 2003 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

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The motion was made by Mr. Marcelle and seconded by Mr. Plummer to approve the purchase of a wheel loader from State Contract as requested by Gregg Sagendorph, Highway Superintendent. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

The next item was a request from Chief of Police, Louis Corsi, for approval of appointment of Detective, effective September 28, 2003. Supervisor Fuller noted this was to fill the vacancy of Joseph Mastriano who retired. She said Officer Rudolph is an 11 year veteran of the Police Department.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to approve the appointment of Officer Charles E. Rudolph to the position of Detective effective September 28, 2003 at an annual salary of \$53,798 as requested by Chief of Police, Louis Corsi. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

The next item was a request from Bruce Secor, Commissioner of Public Works, for approval to hold public hearing on October 22, 2003 for Grievance Day, 2004 Sewer Tax Rolls.

The motion was made by Mr. Plummer and seconded by Mr. Marcelle to approve setting a public hearing on October 22, 2003 at 7:30 p.m. for Grievance Day for the 2004 Sewer Tax Rolls. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.

Noes: None.

The next item was a request from Commissioner of Public Works, Bruce Secor, for approval of a modification to BPA for PRD-13, Waldenmaier Planned Residence Community, Elsmere Avenue and Feura Bush Road, Delmar. Supervisor Fuller noted Mr. Sipperly and Mr. Rosen were in attendance. Mr. Rosen said Mr. Sipperly was also in attendance who is the engineering consultant. He said they are requesting an amendment to the Building Project Approval for the Waldenmaier PRD. He said the amendment is to reflect changes in the grading plan which were necessary to meet new State and Federal storm water regulations. He said they have reviewed the changes with the Engineering Department and they have been very responsive to the requests and said he appreciated their quick review. He said the changes are basically to create a storm water detention

area in the project in order to comply with the new regulations.

Councilman Davis asked if this has slowed down the project. Mr. Rosen said it has not. Supervisor Fuller noted these are beneficial to the project. Mr. Rosen said they are and noted there are no changes to the road layout or the lot layout. He said this creates storm water treatment which is a new design and a benefit to the overall project. He noted it has not slowed the project down to this point because it does not affect the major construction. He said they decided to get formal approval for the changes.

The motion was made by Mr. Plummer and seconded by Mrs. Davis to approve the amendment to the Building Project Approval for PRD-13, Waldenmaier Planned Residence Community located at Elsmere Avenue and Feura Bush Road, Delmar. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.

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Supervisor Fuller thanked Mr. Rosen and Mr. Sipperly for attending the meeting. Councilman Davis asked if there was a target date for the opening of the Waldenmaier Planned Residence Community. Mr. Rosen said the roads should be paved in October, noting they need about 2 weeks of good weather. He said then the construction of the houses will begin. Town Attorney Alessi lauded Mr. Rosen and his engineer for coming in to the Board on this. He said there are many people in New York State who have been caught not complying with these regulations. He said it speaks well of him that he was in getting ahead of the curve.

The next item was to approve the Town Board minutes of August 27, 2003.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve the Town Board minutes of August 27, 2003 as submitted. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.

Supervisor Fuller asked if anyone wished to address the Board. Mrs. Marie Capone said she thought it was beautiful what Mr. Marcelle said. She said who would ever think in life that you would have tonight a group of people that would come here and criticize the United States Government. Councilman Marcelle thanked Mrs. Capone.

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Supervisor Fuller asked for a motion to adjourn to Executive Session to discuss a personnel issue.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to approve meeting in Executive Session following the close of the regular meeting to discuss a personnel issue. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.

The motion was made by Mr. Lenhardt and seconded by Mr. Plummer to adjourn the regular Town Board meeting at 9:28 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Lenhardt, Mrs. Davis, Mr. Plummer, Mr. Marcelle.
Noes: None.

Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.