

TOWN BOARD  
OCTOBER 28, 2009

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 6:00 p.m.

PRESENT: John H. Cunningham, Supervisor  
Samuel Messina, Councilman  
Kyle Kotary, Councilman  
Joann V. Dawson, Councilman  
Mark Hennessey, Councilman  
Kathleen A. Newkirk, Town Clerk  
James T. Potter, Esq., Town Attorney

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Supervisor Cunningham welcomed everyone to a regular meeting of the Bethlehem Town Board and asked them to join in the pledge of allegiance.

The Supervisor asked if there were any comments on agenda items. Mr. Robert Jasinski of Bender Lane, noted on the agenda there is a \$30,000 Parks and Recreation Department and inquired about the parks equipment and the consulting services. Supervisor Cunningham noted there was a Memorandum attached. He noted it is \$21,000 for the equipment and \$9,000 for the consulting. He said there is a matching grant and the funds will come out of Parkland Set Aside monies.

Mr. Jasinski said in reference to the budget, the Spotlight had a nice article. Supervisor Cunningham indicated there is a public hearing and asked him to hold his comments for that. Mr. Jasinski said he would continue since he had notes. He said Mr. Messina had a budget with no increase in taxes, asking if the Board considered any of this. Supervisor Cunningham said they will talk about it in the public hearing for the budget. Mr. Jasinski thanked the Supervisor.

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

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PUBLIC HEARING BEGAN: 6:04 p.m.

SUPERVISOR CUNNINGHAM: Next item is the public hearing on Section 8 Housing. I need a motion to indent the Notice of the Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes.

The reading of the call of the hearing was waived on a motion by Mr. Kotary and seconded by Mrs. Dawson 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.

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TOWN CLERK NEWKIRK:

**TOWN OF BETHLEHEM PUBLIC HEARING  
ANNUAL PLAN FOR 2009  
TOWN OF BETHLEHEM  
SECTION 8 HOUSING CHOICE VOUCHER PROGRAM  
OCTOBER 28, 2009 – 6:00 P.M.**

The Town Board of the Town of Bethlehem will hold a public hearing on Wednesday, October 28, 2009 at 6:00 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York

12054 for the purpose of receiving comments from the public on the Town's proposed Agency Plan for 2010 for the Section 8 Housing Choice Voucher Program.

Copies of the Agency Plan and all supporting documentation are available for review by the public at the following locations:

Town of Bethlehem	Joseph E. Mastrianni, Inc.
445 Delaware Avenue	242 Union Street
Delmar, NY 12054	Schenectady, NY 12305
(518) 439-4955	(518) 372-4739 Ext. 26.

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 August 26, 2009 and that I posted the Notice of Public Hearing on August 26, 2009 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

26th day of August, 2009.

Julie S. McNeil

Notary Public

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SUPERVISOR CUNNINGHAM: You're on.

MR. MASTRIANNI: I am Jim Mastrianni of Joseph E. Mastrianni, Inc. I see you on an annual basis to talk about your Section 8 Housing Program. So tonight we are going to talk about the 5 year and annual plan that HUD requires us to do every year and have a public hearing. In addition I will give a background on the program. We have some summary statistics, you should have a copy, a quick financial review and then I can take any questions from the Board or from the public.

So, the Section 8 Housing Choice Voucher Program is a program sponsored by the Department of Housing and Urban Development and the goal of the program is to help the less fortunate members of your community for its safe, sanitary, and decent housing. And, this is done by providing a subsidy that subsidizes a portion of their rent based on the income of the family being served. The program has been in existence nationally since 1976 and we've been working with the Town since 1985.

In addition to the Housing Choice Voucher Program we run a program in conjunction called the Family Self-Sufficiency Program and this works with working poor families to come up with a list of goals and get them training, reduce barriers to self-sufficiency and move them out of

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welfare and into employment and, hopefully, eventually off of the Section 8 program. There is an escrow account component that is key to the Family Self-Sufficiency Program and the way that works is as a participant starts doing better in the program, their subsidy is decreased because it is an income based program, sets a disincentive to participating in this program. So, we take that difference we put it in an escrow account, if they complete their goals and become employed, they are able to have that money at the end of their program -- sometimes it is significant, sometimes it is \$6,000-\$7,000.

I'm going to move on to the goals of the 5 year plan. So, since this plan is for 2010, it's... we have to do a little more work and do a 5 year plan. And, so one of the things we have to do is we have to assess the goals of the last 5 years, the progress we've made and then look at goals for the next 5 years. And, that is written up in the report but I would just like to review just what our main goals are for the next 5 years and that is expand the supply of assisted housing to meet local needs. So, that is to help participants have a greater choice in their housing, improve the quality of service through better process and information systems -- that's an internal goal for us -- promote self-sufficiency and asset development of families and individuals -- that's that FS program, ensure equal opportunity in housing -- that is a given of course, relates back to the 1968 Fair Housing Law -- and then finally a new goal that I've added this year is and I have made this a very important since I've been administering this program, is to reduce any fraud and program abuse.

Now, in this program there isn't a high likelihood of fraud and abuse because the majority of the people served in this program are elderly and disabled. However, we do keep a very watchful eye on that and we've been increasing our internal capabilities and we recently hired a gentleman from the New York State Office of Inspector General who is available and he is working with us part time to move to a full time basis and he is going through all of our systems and coordinating with local police departments so we can limit any fraud or abuse in the program.

Okay, so now I would like to move on to the summary statistics. There is a page in front of you and this is a report that I deliver every year. And, I'll just pull a couple key indicators off of this. The program allows us, the funding level that we are at, it allows us to help 56 families, that is what we have calculate right now based on the funding that HUD gives us. We can help 56 and right now we are at a 100 percent occupancy. Now, in that Family Self-Sufficiency Program we have 5 participants in the program and 3 of them have been earning that escrow account. That means 3 of those folks are making positive strides getting a better job and able to earn an escrow account. We also offer home ownership program. We do not have any home ownership participants in the Town of Bethlehem, mostly because the majority of the participants are elderly and disabled. They are not great candidates to become first time home buyers.

Moving down the page, there is a waiting list for this program and it is long. We... the next person we're going to help applied in January of 2006. So, it is a long waiting list. I think that speaks to the small size of the program, in addition it speaks to the fact that Bethlehem is a very nice place to live with excellent schools. And, so there is demand for this type of program.

Like I said the majority of the program is elderly and disabled, 88 percent -- 49 of the participants are elderly or disabled. And, so that means that 56 minus 49, my math tells me that that is 7 and so there are 7 folks who are... would fall into the working poor category. Those folks are typically single mothers and the good news is of those 7, 5 of them are on our Family Self-Sufficiency Program.

We are required to do a housing quality standard inspection before the unit can be assisted and every year annually, the HQS is different from housing code, it is a set of standards that HUD has created and the main goal is to provide safe, sanitary and decent housing. We have performed 95 inspections in calendar year 2008, 75 percent of the time the inspection passes. Then the remainder have failed. At that point, the landlord has the choice of either making the repairs and participating in the program or not making the repairs and then they may... they no longer participate in the program. Most of the time the landlord makes the repairs. We don't keep our statistics to see what the conversion rate is but the majority of the time the tenant is able to stay in place and stay in the apartment.

I have a couple of entries here from lead based paint. If we did not have to do any lead paint inspections in this program last year because the majority of the participants are elderly and

disabled and the lead paint standard only kicks in if there is a child under the age of 6. On average, folks are in the program or helped by this program for 5.8 years and the average subsidy is \$365 a month.

Now, if you turn to the back page, I've printed our 2 spread sheets summarizing last year's expenditures and this year's expenditures. Starting with the bottom of the page, there is a program called hap variance and that is the difference between the hap funding that has been provided and what we've spent. And, any number in parenthesis is a negative number. So, last year it looks like and we did, we spent more money than we were provided. We spent \$18,669 more than HUD provided that year. Now, typically you say gee, isn't that a problem. Well, we started the year off with a \$51,000 reserve. So, our goal is to maximize this benefit to the community, so we try to spend as much of the money as we possibly can and we like to spend into the reserve so we can maximize the benefit. We don't like to go too far into the reserve obviously, and HUD does have a cap for us that we can't go into.

Then moving to the top of the page we can see that so far this year we're not spending as much as we did last year. At this point right now we are only \$4600 over spending. And, once again, we still have plenty of reserve left over. Last year was a very expensive year because of the economy. In about October we saw our average hap expense increase dramatically and our participants were hit very hard by the recession. We happened to think their jobs were some of the first to go and so, we had many participants program wide come to us and say that they've lost their job and need to be recertified, their hap goes up. This is what we saw in all the units we administer. The affect wasn't as great here because the majority of our tenants in this program are on fixed incomes because they are elderly and disabled. But, last year was definitely overall a very expensive and challenging year to administer the program as I imagine it was challenging year for many people in different sectors.

So, to sum up, very smooth program, this is a joy to work with the people of this community and with the administration as well. And, we are in very good shape. So, I can take any questions.

SUPERVISOR CUNNINGHAM: I got a question for you, when this... how far down can that reserve go? Is there a percentage of total expenditures or is there a dollar amount?

MR. MASTRIANNI: They actually don't have a standard. But, we try to keep a healthy.

SUPERVISOR CUNNINGHAM: Okay, what would happen if the reserve got spent down to zero?

MR. MASTRIANNI: Then, well... if it got spent down to zero, we could make some special requests from HUD if we were spending too much money. Certainly this is something as part of our contract and the service we provide to you that we guarantee that that won't happen and that if there is any ramifications, we indemnify the municipality in that case.

SUPERVISOR CUNNINGHAM: So, how do you manage that? Do you take people off the program, do you reduce the overall subsidy to each participant?

MR. MASTRIANNI: You know, it's interesting, these are some conversations that we were having with HUD at the time and they were not giving us any direct guidance and we were coming up with some methods to say, could we decrease it in total? It's actually up to us to come up with a way to do this. And, so I know that some folks in some neighboring municipalities who ran into these problems, they did a random lottery to decrease... you know to remove people from the program to get their expenditures down. We watch this like a hawk to make sure that it never happens.

SUPERVISOR CUNNINGHAM: Other question I want to ask you is, I've had questions from residents regarding "Section 8 Housing". Can you just explain the process by which a resident would get the subsidy and the landlord's role in this because apparently need to be willing to participate in this program in order to...

MR. MASTRIANNI: Absolutely. So, if someone is interested in receiving the program, the tenant would apply to us and we have a short application that puts them on the waiting list. Once we reach them on the waiting list, we do a full certification of their income to make sure that

they are still income eligible because at the time their income may have increased and they may no longer be eligible for the program and we also confirm that they still live in the municipality. One of the preferences is that the participant has to either live or work within the municipality to be able to participate in the program. Assuming they pass all the eligibility, they are still income certified, at that point we give them a voucher and the voucher defines their responsibilities. And, at that point it is the tenant's responsibility to go find suitable housing. Once they find suitable housing, we are able... if they need assistance we are able to help them negotiate the lease if they need it or they can do it on their own.

Now, the landlord has to enter into a contract with us and he has to agree to... he may use his own lease but he has to agree to the terms of the HUD lease addendum. So, typically they just use our lease because it is easier. And, the landlord... the other requirements is that they just have to be willing to make corrections found in the housing quality standards deficiencies. We do require a tax ID. We are now starting to require a little bit of a background check for landlords, some business related... if it is corporation we are working with, we need some incorporation documents, things like that. That's really all the requirements.

SUPERVISOR CUNNINGHAM: So, a landlord doesn't need... isn't required if I was a recipient... if I was admitted into the program, I couldn't require my landlord to participate. I would have to find an apartment where the landlord is willing to participate.

MR. MASTRIANNI: Yes, the landlord has a choice to participate and sometimes that is one of our largest barriers is finding participating... landlords that like to participate. Now, since this is a market based program, right now landlords are very happy to participate with us because we offer a guaranteed rent. In more boomer times, we have a harder time selling the program but not here.

SUPERVISOR CUNNINGHAM: Okay, good, thank you.

COUNCILMAN KOTARY: Thanks, Jim, for another thorough presentation. 2 questions, the first one you mentioned inspections and I was just wondering if you could... you know you mentioned 75 percent pass, 25 percent fail. Just I am curious as to what would go into a failing inspection.

MR. MASTRIANNI: The number one failure, to give you an idea, is a non-working battery in a smoke detector. That is our number one failure. We carry batteries around with us.

I can give you a picture of the housing quality standards. It is really meant for safety and sanitary. So, when we go in there are minimum standard requirements for each room so in a living room there has to be a window, there has to be 2 working electrical outlets or working electrical outlet and a light. There has to be proper egress. There has to be proper safety deadbolt locks. There can't be any electrical hazards. There has to be a kitchen, obviously, and there has to be the necessary equipment in the kitchen. That equipment must be working. There cannot be any mold on the inside hinge of the refrigerator door. Fortunately the inspectors don't come to my house. There has to be adequate room for living and sleeping, obviously, adequate bathroom. If there is access to the basement or to the mechanicals, the mechanicals have to be in good order. Water has to be potent. Those are the types of things. If there is a loose handrail on a staircase, that has to be fixed. Peeling paint...

COUNCILMAN KOTARY: How about since some of... majority 88 percent are elderly and/or disabled, are there requirements for those households that they be... meet the standards in terms of access and egress as you said?

MR. MASTRIANNI: You know, I don't know off the top of my head. That is... there is some things that are up to the discretion of the inspectors. So, certainly, if we had someone who was, let's say wheelchair bound, and they wanted to take an apartment that did not have handicap access, we wouldn't allow that because if there was a fire, how are you going to get out. So, although there is not a specific standard that says if you are... if you are wheelchair bound, you need a ramp. It's a little loose.

COUNCILMAN KOTARY: Thanks, Jim and just one final question. I know that 2 ended up being 4 but you talked about supply and demand. You know, we are at our maximum capacity

of 56 and I know you addressed this last year but just as a refresher, if you could talk about how... what if anything, we as a Town or you as the manger of the program can do to help supply and meet demand.

MR. MASTRIANNI: Sure. Well, the supply is controlled by the Federal Government. And, as I think going on 9 years now, there has not been any significant additional funding for these types of programs. It has not been a priority of the Federal Government and so we are unable to increase the amount of funding that we have because it's just not available.

Certainly if a notice of funding availability comes out, I will confer with the Town Board and see if that's something we would... that the Town would like to go after. It may happen in the future probably not this year or next year just because of the state of the economy but I would imagine given the leanings of the current administration and that HUD is a priority in the Obama administration there may be some funding available in the future. And with a 4 year long waiting list, you know, we are able to make a case of there is more demand for these services. Now, if the Town would like to increase the size, that's a question for the Town Board.

COUNCILMAN KOTARY: Thanks very much because you know I think that is particularly important especially if the recession continues and you know, it becomes tougher and tougher for seniors in any community including our community to, you know, to stay in their own home or to find affordable housing and particularly if they are elderly and have a disability as well. So, maybe that is something that we should definitely look at as to how we can meet the need, especially when you are looking at that waiting list. 2006 is just... I mean I find unbelievable and you know I think that we can probably... and I understand we may have to go the Feds but if there is anything we can do to help to move that... expand our supply or move that list along so we can get more people in, I think it would be great.

MR. MASTRIANNI: Yes, good, thank you.

COUNCILMAN DAWSON: I just have a quick question. In looking at the numbers for both 2007 and 2008, it seems that we have been hovering around the same number of participants. Have you seen a shift... I guess you really can't... for how many years have we been maxed out, since 2006?

MR. MASTRIANNI: Oh, yeah, I mean this program has been running at 100 percent for probably a decade .

COUNCILMAN DAWSON: Has our waiting list grown or, I mean, are you saying increased demand over the past few years for this assistance or has it been pretty stable?

MR. MASTRIANNI: Certainly in the last 1-2 years there has been an increase in the number of applications for all of our programs. And, I also know that, you know, my email address is the general email address and so I've seen a huge uptick in people requesting information even on line in the last 1-2 years.

COUNCILMAN DAWSON: It must be very discouraging when you tell them how old the waiting list is.

MR. MASTRIANNI: It is discouraging, yes. And, what we try to do is we try to make folks know that there are other options available and that our office administers a lot of programs in the area and some other areas, some of your neighbors in the County. We do have some openings and so if you are able to get a job, let's say in Colonie, then we are able to give you a preference on that waiting list and our Colonie program which is a very large program and has a lot of turnover then we can help you there.

COUNCILMAN DAWSON: What determines the size of the program?

MR. MASTRIANNI: It was when... back in '85 when the application was originally made there was a study done of ... based on, you know, demographics and based on the number of folks who are below the poverty line in the area and so to meet local need.

COUNCILMAN DAWSON: In 1985?

MR. MASTRIANNI: In 1985, sure, when it was... when the program was originally set up. And whenever there is an opportunity for us to increase the program size, we always communicate with our clients because frankly our goal is to try to administer as large of a program as we can.

COUNCILMAN DAWSON: Right and does that mean serving as many participants as you can or providing as large a subsidy?

MR. MASTRIANNI: Yes. No, the subsidy is... it's complex formula and so there are upper limits on that so the more funding the municipality receives the more people that would help.

COUNCILMAN DAWSON: Okay, thank you.

SUPERVISOR CUNNINGHAM: Sam.

COUNCILMAN MESSINA: I was very interested in your discussion of other programs that might have applicability and help people out and I was wondering... you mentioned where people work. Is that a criteria for some of the programs rather than enabling them to work where they can get a job and live where they can find Section 8 eligible housing? Cause many of these people would be able to commute, would they not?

MR. MASTRIANNI: Yes. I mean transportation is always a barrier for this population, reliable transportation and so commuting is not always a great option for them but they can commute into a limited degree. But, the way the preferences work... is on the waiting list is a preferenced waiting list. And, so what that means is that if you apply we make an assessment of your situation and you are put in one of a handful of categories. The first category is if you live or work within the municipality and, if you do, you float to the top of the list. If you do not live or work within the municipality you are in the next section. So, within those sections it's done by date and time. Okay, so if you were a P1 and you applied 4 years ago, you would be at the top of the list. If you are P1 and you applied 3 years ago, you would be farther down the list. If you are a P2 and you applied a decade ago, you will be down here on the list and until you can move into that next preference category, it is unlikely we will ever help you. You have the right to wait but the P1s are really the folks that we serve and that preference system has been in place for probably 10-15 years, certainly before my time and it was set up with conjunction of our municipal clients.

COUNCILMAN MESSINA: Thank you.

SUPERVISOR CUNNINGHAM: Any other questions? Thank you.

MR. KING: Hi, is your name Jim?

MR. MASTRIANNI: I'm Jim.

MR. KING: Could you clarify for me this HUD program as to how it is financed and I will give you just 2 examples. One would be like Medicaid which is done where the Federal Government provides 50 percent, the county provides 25 percent or the State provides 25 percent and the county provides 25 percent. Or is it like HEAP which is a Federal block grant that a private agency can then apply for. So, in other words, my big question is does this cost the Town money to offer this program. If you could just tell me how that structure works I would appreciate it.

MR. MASTRIANNI: This program is 100 percent funded by the Federal Government for both subsidy and fees and there is no cost to the municipality to administer this program except for a little bit of oversight. You know, Jack, you sign the checks and see... and receive reports from us. Does that answer your question?

MR. KING: Almost. One thing with like a HEAP format, agencies actually receives a fee. We do not receive a fee, this Town, to administer this program and if there is a cost, approximately how much per year is the cost to the Town?

MR. MASTRIANNI: Yes. The Town does not receive a fee. That fee as part of our contract

comes directly to my organization. A cost to the Town I could not estimate that, Jack would have to comment on that.

SUPERVISOR CUNNINGHAM: Suzanne, we don't have any real costs? There is no cost, there is no program cost here. It would simply be, you know, my time signing checks or something like that. But, the funding comes from the Federal Government, the fee for the service which comes from the Federal Government is turned over to the administrator.

MR. KING: Thank you.

MRS. SLEURS: Can I....

SUPERVISOR CUNNINGHAM: Could you please come up to the microphone because we have a camera here and they would like to.... And could you give us your name when you speak?

MRS. SLEURS: Hi, I'm Yvonne Sleurs. I was curious the people that participate in the Section 8, the landlords -- do they get a tax break from the Town of Bethlehem for participating in this program?

SUPERVISOR CUNNINGHAM: No. No, there is no....

MRS. SLEURS: Get no tax breaks at all for participating in the Section 8 program.

SUPERVISOR CUNNINGHAM: No.

MRS. SLEURS: Okay, thank you.

COUNCILMAN KOTARY: Jack, on that point, we don't have the authority to create a tax break on that if we wanted to and it ties into we've had over the last 4 years anyway every exemption that we legally through the State that we can give to local property tax owners we've given. Unfortunately, the municipalities don't have that authority to offer... unilaterally create tax break incentives which actually is a great idea. We've already investigated it and unfortunately we can't do it given the current Federal law.

SUPERVISOR CUNNINGHAM: Other comments on the Section 8 Housing Program? If not, 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 6:34 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.

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Town Clerk

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Hearing began: 6:35 p.m.

SUPERVISOR CUNNINGHAM: Next item on the agenda is a public hearing on the Town of Bethlehem Budget for 2010. Could I have a motion to indent the Notice of Public Hearing, Affidavit of Posting and Affidavit of Publication on the minutes?

The reading of the call of the hearing was waived on a motion by Mr. Hennessey and seconded by Mr. Kotary 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.

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Noes: None.  
Absent: None.

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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, 2010 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 6:00 p.m. on the 28<sup>nd</sup> day of October 2009 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	\$109,028
Councilmen (each)	14,386
Town Clerk	70,725
Superintendent of Highways	97,244
Receiver of Taxes & Assessments	63,029

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 14, 2009 and the TIMES UNION, an Albany newspaper, on October 14, 2009.

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 14, 2009 and that I posted the Notice of Public Hearing on October 14, 2009 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

14th day of October, 2009.

/s/ Julie S. McNeil

Notary Public

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SUPERVISOR CUNNINGHAM: Okay. I will just give a brief overview of what the budget entails. We have a 3.9 percent spending increase. A large majority of that spending increase is due to our contribution to the retirement program which had a 48 percent increase from last year to this year due to the downturn of the economy. We have a 78 percent increase in our contribution to Medicare for our retirees. We have an 8 percent increase to our health insurance program and the budget includes a COLA of 1 percent in January and 1 percent in July for our employees which equates to 1.5 percent increase for 2010.

The budget has been on line so I am assuming anybody who has comments has already read the

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budget and won't have questions on that. So, we will open it up to the public hearing on comments.

And I am going to ask everybody to please state your name before you start speaking.

MR. NEVIN: Hello, my name is Brian Nevin. I reside at 35 Dunwoodie Road. You know, I think I sat here for the last 40 minutes to hear a very comprehensive overview from Jim regarding the HUD program and I think he hit on a number of important factors which are people losing their jobs, poor economy which I heard from Mr. Kotary, people need to cut back, government needs to cut back. I think you just pointed out a very important thing, Supervisor, this budget includes a 1.5 percent raise, I think that includes everyone here. At a time when families need to cut back, when foreclosures are up in the Town, we should not be raising property taxes. This budget needs to cut spending. You need to reign it in and you need to find the way, that's why we elect you. And, to give yourselves a 1.5 percent raise is despicable. Everyone of you in front of me today, need to rethink that because this Town has had enough. Taxes go up year after year and when we are cutting back, you need to cut back too.

SUPERVISOR CUNNINGHAM: Thank you very much.

MR. DEMAGGIO: Good evening, Supervisor and Members of the Board. My name is Fred DeMaggio. I'm a candidate for Bethlehem Town Board this year. I have 3 questions. I know that these are difficult economic times and I can appreciate the difficulty the Board had putting together this budget given the mandatory increases you had to have for contributions for pension and other contractual obligations but at the same time to echo what was just said, these are tough times for families as well. They are making cuts, the reality of what it is to live now facing the difficult economic circumstances is one which is hard to believe this proposed increase in Town Board Members. Rather, it should be a... you should be looking at 5 to 10 percent cut in salaries instead in my mind.

I guess the 3 questions I have is: 1. Have the department heads been effectively asked to find ways to cut 2 to 4 percent within their respective departments to achieve savings in the budget so we can avoid an increase of 2 percent? 2. 8 percent of the revenues... general revenues are from government, in fact have all the avenues been extinguished to look for application for monies both State and Federal government including the Federal stimulus plan? 3. The whole issue of looking at salaries of Members of the Board?

So, I would appreciate responses to those.

SUPERVISOR CUNNINGHAM: Okay, thank you.

MR. KING: Jarod King, 22 Paxwood Road. I have 4 comments that I prepared and I have also now seen the budget letter from the Town Supervisor in the Bethlehem Our Towne.

First, a point of clarification, Supervisor, you had said on the record that the budget increase is 3.9 percent. In the Our Towne publication you mentioned it is a 3.2 percent increase. Which figure is correct?

SUPERVISOR CUNNINGHAM: I believe it is 3.9 percent spending increase.

COMPTROLLER TRAYLOR: Inaudible.

MR. KING: Okay. It's not so important but obviously in terms of people watching, I just thought it would be...

SUPERVISOR CUNNINGHAM: Well, that's... I'm assuming everybody has read the budget that's making comments. Did you read the budget?

MR. KING: No. That's why it is going to be funny when you see what I am about to say. I have not had the opportunity to look at the budget so I cannot make specific comments as to certain spending levels as I did last year when I made a comment for example, of raising the Town beautification spending from \$10,000 to \$60,000 from the 2008 to the 2009 budget. Instead I would like to bring up 4 general ideas.

The Spotlight reported that the 2010 budget as proposed had a 1.5 percent cost of living adjustment for Town employees. I'd like to point out to the Town Board that the consumer price index has fallen 1.8 percent since July of 2008. That is why there was no cost of living increase in Social Security for next year and I would ask my Town Councilmen why is there a cost of living adjustment in the 2010 budget for Town employees that are non-unionized because you are can budget... your union contract.

My second general point, my sister has just learned from her employer that there will be no raise this year as there was no raise last year. And, I heard from another friend who works at General Electric and the same situation is true for him. My sister's response to her boss when told that information was she thanked... she was just appreciative that she had a job. And, I think that at \$100,000 a year salary I think Police Chief, Louis Corsi, might also say the same thing. It is not like there are many police departments in the Capital District that are beating down the Town of Bethlehem's door to recruit Lou Corsi as their Police Chief.

And, I would ask, why is the Town providing civil service raises at a time when there is 9.8 percent unemployment based on the 1973 metric or 17 percent unemployment based on the metric used during the Great Depression. The difference being in 1973 the Federal Government included an adjustment to reduce the figure by people who had stopped looking because they were so beaten down and felt there was no reason to continue to look. In the Great Depression, unemployment was 23 percent in 1932, I am just comparing our 17 percent to give you an idea of where we are in this depression, 26 percent in 1933 and 21 percent in 1936.

My third general point, after 2 terms of Democratic mayors in Jersey City who were convicted of bribery and were sent to Federal prison, Jersey City elected a Republican and Wall Street executive, Brent Shindler, as Mayor of Jersey City - a community that is approximately 65 percent public housing and 90 percent below the poverty line and 95 percent African American. And, I may have those figures mixed up -- 90 percent African American, 95 percent below the poverty line. In an interview he was asked what he thought was wrong with how Jersey City had been run coming from a business perspective into a municipal corporation. And, he said that ... the town or municipality always spent all of its dollars every year on whatever spending it wanted to spend on and it never invested in capital improvements. And, the yield on some of these capital improvements is staggering. Many of you may be familiar and I believe it is called now Public Service Energy Group, PSEG, now owns what was the Niagara Mohawk or National Grid power plant but the modification they made was 97 percent reduction in pollution. That's frankly amazing. In his case, he spent a lot of money improving the water system which hadn't had any kind of investment in years.

And, I think it is a strong recommendation for creating a capital plan in the Town of Bethlehem to analyze what is underutilized in our Town and where we can make capital investments that could have huge returns.

Fourth, I think that we need at this time from our municipal leaders out of the box thinking. I've been thinking a little bit about education because frankly the real money that is spent in this town ...

SUPERVISOR CUNNINGHAM: Mr. King, can I just interrupt for just... you're over your 5 minutes, could you just...

MR. KING: I didn't even know we were limited to 5 minutes.

SUPERVISOR CUNNINGHAM: Well, yeah, with public comment, we try to limit it to 5 minutes. Please go ahead and finish, I just want to make sure everybody else has some time to talk.

MR. KING: Well, okay, one question Mr. Supervisor. I appreciate the courtesy that the Board extends to anybody for a normal Town Board meeting for 5 minutes. My understanding of State Law is that in a public hearing, the public hearing may speak as long as it has information to provide the Town Board -- it's actually a statutory requirement, am I mistaken?

TOWN ATTORNEY POTTER: I am not aware of that statute. I mean, you are being given an

opportunity to speak now and we are just asking you to be efficient in courtesy to the other people.

MR. KING: Understood, I have 1 general point and then I have 2 points from this here but I am pretty sure that you actually have a legal obligation to hear whatever and if we have to continue this public hearing to another day it gets continued.

As I was saying, there is a real problem of course is with the school system. For example, why do we even need schools, the Romans and Greeks actually educated people in their homes. And, we have college classes available now from the learning center and other websites where we can get education and classes and lectures, etc. Obviously children do need socialization but often times, frankly, schools are not the best place for that. So, it is that sort of thinking that I would hope that could be done here in our Town. Thinking about not how can we save 1 percent here, 2 percent here but how do we really maybe cut out entire line items. What can be eliminated?

I think and I am just going to give 1 example here, is that many years ago but after Mayor Koch had been Mayor of New York, he mentioned that he could cut the municipal budget of the City of New York by 20 percent if he had the ability to choose where to cut the 20 percent. Unfortunately with many union contracts he doesn't have that flexibility. So, I think a proposal, one that Town Councilman Messina has proposed of a 2 percent reduction in spending across the Board and 4 percent in the major departments is fairly reasonable.

Now, I am just going to make 2 comments on the article here in the Our Towne. According to the Supervisor's letter and this is page 20, the main portion of increase is attributed to the increase in pension contributions mandated by New York State. Several years ago I was in a public forum with Senator Seward, State Senator Seward where I asked him directly because we had the same problem with the State return on the State pension funds being abysmal, could we opt out of the State pension fund. He hemmed and hawed but he eventually admitted that you can. With that in mind, I would recommend that the... certainly at the County level that the County give serious consideration of opting out because the State pension fund is managed with a S&P index fund plus a little bit of difference from that but because it is not really being managed at all, it's going to be in the vagueries of the market and I would think that this is a time if any for real ideas in professional management.

The second point... oh, I am sorry there are 3 points here... was that the health insurance costs are increasing by 8.2 percent. Here I'd just like to give a strong compliment to County Executive Breslin who I think has shown extreme real leadership in setting up a self-funding for the County which I hope all municipalities in this County... you know, obviously it is their choice... would certainly take a look at and participate in. That is an excellent way certainly with some sort of co-pay to start reducing health care costs.

And, the last comment I just want to make in paragraph 3 was, we are taking steps to update our heavy equipment fleet to replace pieces that are as much as 20 years old and have exceeded their useful life making them inefficient to operate. I used to have clients who were in the construction industry and I can assure you that a well maintained Cummins engine, those big thick steel walled engines you can find in dump trucks and in a lot of our trucks will last 50 years if well maintained. I am not going to second guess Superintendent Sagendorph, he may have other equipment that is beat up from plowing but I just keep that in mind in terms if we maintain our equipment, these are not automobiles. Thank you.

SUPERVISOR CUNNINGHAM: Thank you.

COMPTROLLER TRAYLOR: I just wanted to add some comment to the figure of 3.2 or 3.9 in the budget. Jack, I believe both numbers are correct.

SUPERVISOR CUNNINGHAM: Thanks. See that, this is government, we can have all sorts of numbers.

COMPTROLLER TRAYLOR: 3.78 overall blended for all funds -- that would be highway, water, sewer and general fund. 3.2 for the General Fund.

SUPERVISOR CUNNINGHAM: Okay, which is... I probably pulled the general as opposed to

the whole thing. So, I apologize for that, didn't mean to mislead anybody.

MRS. CAPONE: When you have nothing to do, why don't you look where Jarod lives, he lives in Coxsackie. His mother lives on Paxwood. He is always attacking Lou. Lou is always here at 8:30 in the morning, he never leaves before 4:30 in the afternoon and he is a cop. We need cops, we don't need nobody else but the cops. I don't know why he is always after them. Thank you.

SUPERVISOR CUNNINGHAM: Thank you, Mrs. Capone. Mr. Smolinsky.

MR. SMOLINSKY: John Smolinsky, Orchard Street. We are faced with some pretty unusual economic times. Federal, State and County budgets are in trouble and although we all wish there were new revenues or we're looking for new revenues, that's really wistful and wishful thinking. There's not new revenue in sight. Also for the first time maybe ever but first time in a long time there will be no social security cost of living increase. These are really unusual times. A 2 percent Town tax increase is inconsistent with the economy that is around us. Your leadership should not be limited to how low we can go. It should be we need to do more with less. I can't tell you line by line where to reduce the budget, that is your job, that's staffs job. But, I can suggest that you sharpen your pencils and think outside of the traditional budget box.

With regard to the salary decreases for Supervisor and Board Members, what better way can you show our Town an excellent example of commitment during these difficult economic times. It is time to walk the talk.

Consolidation of services and responsibility need a closer look and sooner rather than later. The ZBA, Planning Board consolidation example is a pretty good one. There are potential cost savings in valuable staff time, meeting time and reallocation of salaries while fulfilling all the mandated responsibilities.

Let me venture off into a little more specific area, I am not a paving or repaving expert but I know it is expensive, I know we need to do it. In difficult economic times it is important to reevaluate how we prioritize projects. I want to give you 2 examples of thinking that might have been improved if we added some details to our evaluation. Clapper Road -- Clapper Road has been repaved from 9W to the Thruway bridge, I think that is the extent of it. There is a subdivision that has been approved along Clapper Road and part of that subdivision approval will require the improvement of a dangerous intersection at Clapper and Church Road. It will require straightening and relocation of some turns toward the other end of Clapper Road and we went ahead and repaved that road when presumably at sometime in the not too distant future, we have an opportunity for a developer to pay for those improvements. In addition, the Town itself is reevaluating Clapper Road to be a truck route from the Thruway to Creble and eventually to Selkirk Yards. Why repave a road when you are still rethinking what that road is supposed to be or going to be.

The second example, kind of near and dear to my heart but one I am pretty familiar with, repaving Orchard Street. I enjoy the new paving on Orchard Street, I enjoyed meeting the highway workers that were there for a couple weeks doing the job. They did an excellent job but Orchard Street really didn't appear to need new pavement. Why repave something in these economic times that doesn't need attention.

Now, those monies have been spent, paving is on the road, they are excellent jobs but let's not do that again. Let's spend time reevaluating how we prioritize projects and when we undertake those projects. If we don't have money let's not spend it on unnecessary projects or on less important projects.

In conclusion, I urge you to take up the challenge to eliminate the tax increase, give us better government for less tax dollars. Thank you.

SUPERVISOR CUNNINGHAM: Thank you, John.

MR. JASINSKI: Good evening, Bob Jasinski, Bender Lane again. First off, I want to thank you for letting all of us come up and speak and I hope in the future all the Town Board and the Supervisor lets us do this because we're residents and we want to express ourselves. So, I thank you very much for that.

I do have one question on the budget and I'm not going to hit line by line. You said there was an 8 percent increase on the insurance. Am I correct, Jack?

SUPERVISOR CUNNINGHAM: Health insurance costs were up 8 percent, yes.

MR. JASINSKI: All right. At one time you were talking about insuring through an organization of municipalities, has that come to fruition?

SUPERVISOR CUNNINGHAM: Mary, can you just address that for Mr. Jasinski?

MRS. TREMBLAY-GLASSMAN: I had met with Albany County and their consolidation plan and they are currently under review and studying the feasibility of combining the Town of Bethlehem along with other municipalities and form a large group that would give us discount costs for Town employees, however, that feasibility study has not been completed.

MR. JASINSKI: Because government seems to move very slowly except for....

SUPERVISOR CUNNINGHAM: Tell me about it.

MR. JASINSKI: ...except for here and lots of time they stub their toes and they fall. When Terri Egan was Supervisor, I suggested self-insurance...

SUPERVISOR CUNNINGHAM: This plan is a self-insured plan.

MR. JASINSKI: It is but it is through an organization.

SUPERVISOR CUNNINGHAM: Yes, well what it is was the County went self-insured and when I came here... when I was in the County Legislature, I helped get that approved and passed. When I came here I said that is a great idea, let's try and apply it here. Our group is too small so what I tried to do is go to the County and just join their plan which is not allowed by law. So, that's what spurred this entire study, we have to go through the State, do a study, do a presentation, demonstrate the value and then hopefully get a law passed that will allow us to consolidate so that all municipalities in Albany County can participate in the County self-funded plan. That's the approach.

MRS. TREMBLAY-GLASSMAN: It's being conducted by Albany County not... the study... feasibility study is all being done by Albany County. It is not...

SUPERVISOR CUNNINGHAM: We signed up as a participant in that study because we are very interested in pursuing this because Albany County in the first year when they went self-funded saved \$2 million in health insurance and the Town will not realize \$2 million in savings but, I believe, there are some savings there and we are trying to get this done. But, it is like pushing a wet noodle.

MR. JASINSKI: My other question probably, after this conversation, would come out to be who do we... are we insured by at present, is it a local company and has this company had the insurance for a number of years?

SUPERVISOR CUNNINGHAM: We've got several insurers.

MRS. TREMBLAY-GLASSMAN: We have.... Insurance companies that are offered to Town of Bethlehem employees and they have the option to meet with all 3 of them because all 3 of them have been here for several years. We offer other plans and had them come in and meet with employees, however, health insurance plans won't stay here if the Town of Bethlehem employees are not choosing to participate. So, as many companies as we bring in, if Town of Bethlehem employees don't choose them, they eventually ....

SUPERVISOR CUNNINGHAM: And, we do work with a broker regularly to go out and price these programs and look at ways we can reduce those costs and next year we are actually bidding out the broker and starting the whole process all over again.

MR. JASINSKI: That's what I was going to suggest again. Thank you very much.

MR. SORELL: Good evening. My name is Neal Sorell, I live in Hasgate. Would also ask, Mr. Supervisor and your team, to redouble your efforts to look for zero cost increase going into 2010. I do believe that given the economics that we are looking at in the State government what we can expect to see, probably in the near future, the mandates... the potential of mandates coming down on us that I would like to see our Town going into next year with a zero increase in taxes only because given the past history of the people at the Capital I can only expect bad things coming from those folks.

I would also ask that, yes I have, looked at the budget but there is one piece of information -- it might be there but I'm not sure if it is or not but I would like to see a worksheet, a cost benefit work sheet, which clearly states the cost, the benefit and the alternatives to that cost -- good, bad, what's the best case, the worst case. I want to feel what it is like to take 2 percent out of this budget. I want to know that if I give you a dime that you're squeezing it as hard as I am and that when I wake up the next day, it's going to get 13 cents worth of work. I don't feel that way. Thanks again.

SUPERVISOR CUNNINGHAM: Thank you, Mr. Sorell.

MRS. SLEURS: Again, my name is Yvonne Sleurs. I still have a few things I would like to throw out there. You know it seems like every year the budget comes up, it gets raise, it gets raised and we can stand here and talk to you until we are blue in the face and nothing seems to happen. His budget, your budget proposal -- did you sit down and look at his and compare yours and see if you could come to a conclusion that would better meet our... what we want? Would you be willing to take a pay decrease like he's suggested? He would, would you? Would you take a decrease in your pay?

SUPERVISOR CUNNINGHAM: You are recommending a decrease in pay?

MRS. SLEURS: Yes. He suggested it, he would take it, would you?

SUPERVISOR CUNNINGHAM: Mrs. Sleurs, Councilman Messina has done press release on a budget change. He's not talked to any of the Town Board about that. He has an opportunity as a Board Member to make motions to see if those changes are adopted by the Board.

MRS. SLEURS: He threw that out there but I am asking you with the budget, would you be willing to take a decrease to help us?

SUPERVISOR CUNNINGHAM: I'm not doing a question and answer, I am taking comments. So, you are recommending that we reduce the salary of the Board and Supervisor like other people.

MRS. SLEURS: Exactly.

SUPERVISOR CUNNINGHAM: Okay, thank you. Other comments.

MR. FLANAGAN: How you doing? My name is John Flanagan. I live on 33 Peel Street. Mr. Cunningham, back in June in Bethlehem Our Towne you talked about how you couldn't believe we're halfway through 2009 and this economic downturn that we are in that you see the end of the recession. I will say you were sorely mistaken then and you are now. A report just came out a million people have left New York at a tune of about \$4.3 billion in taxes that we are not going to collect because of it and it will come here to roost at some point. Now, early on when Bob came up here you said that Mr. Messina was out of the loop as a Board...

SUPERVISOR CUNNINGHAM: I did not say Mr. Messina was out of the loop.

MR. FLANAGAN: Someone was out of the loop and he was referring...

SUPERVISOR CUNNINGHAM: He said is Mr. Messina out of the loop and I said I don't know if Mr. Messina is out of the loop.

MR. FLANAGAN: Well, maybe we could play the tape back once again. But anyway, politics should not be coming into when we are doing a budget. I understand there is an election next week. It's our money, taxpayers money and I think if he is going to propose a zero percent increase in taxes, I think that should be entertained. Thank you.

SUPERVISOR CUNNINGHAM: Are there other public comments on the budget? If not, could I have a motion to close the public hearing?

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to close the public hearing at 7:02 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.

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Town Clerk

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The next item was to approve the Town Board minutes of September 23, 2009 as submitted.

The motion was made by Mr. Kotary and seconded by Mrs. Dawson to approve the Town Board minutes of September 23, 2009 as submitted. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The following item was a request from Nan Lanahan, Administrator, Parks and Recreation Department to approve the use of \$30,000 from the Parkland Set Aside Fund to purchase new playground equipment for the South Bethlehem Park and to complete the Shoreline Stabilization study for the Henry Hudson Park. Mrs. Lanahan noted this request was to spend \$30,000 out of the Parkland Set Aside Fund indicating these funds are provided to the Town through housing builders in a special trust and used for park development and park improvements. She said \$21,000 of the funds would be used to rebuild a playground in South Bethlehem Park noting photos were given of the park equipment at this time. She said they have plans and there is a special grant that would allow the purchase of a new system for literally half of what the list price is. She said this is well below even a State contract price.

Mrs. Lanahan said the \$9,000 is a grant match. She noted the grant was given by NYS Department of Environmental Conservation to do a shoreline study to look at different ways to stabilize the shoreline at the Henry Hudson Park. She said the grant is a 25 percent match required of the Town. She said the total project would be about \$33,000.

The motion was made by Mr. Hennessey and seconded by Mr. Kotary to approve the use of \$30,000 from the Parkland Set Aside Fund to purchase new playground equipment for the South Bethlehem Park and to complete the Shoreline Stabilization study for the Henry Hudson Park as requested by Nan Lanahan, Administrator, Parks and Recreation Department. The motion was passed by the following vote:

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

Noes: None.

Absent: None.

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The following item was to acknowledge receipt of a 2009=10 Local Government Records Management Improvement Fund grant in the amount of \$5,487. Supervisor Cunningham noted

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this a grant that is received for the Town Clerk's office each year. One thing he pointed out is that with this grant, as talked about budget, although application was made for \$10,000, each year the grant money provided to the Town for this purpose is diminished each year. He noted this money now comes out of the Records Management Line item which comes from taxes.

The Supervisor noted these are a part of the unfunded mandates from the State that are mentioned.

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Supervisor Cunningham asked if there was any new business from the Town Board. Councilman Messina said he did not know quite where to cover this but perhaps new business is a good a place as any. He noted his name has been raised as much as anything else. He proceeded to outline his proposal for the budget noting he had sent it to his colleagues from the Town Board and the Supervisor. He said the 2-4 percent in reduction over some 38 programs that would save about \$155,000. He said he does not believe in just mandating reductions, he thinks how they occur is for leadership, in this case the Supervisor to sit with programs to say okay let's ratchet it up a little bit, I have confidence in you, how can we work this out to save a bit more.

Councilman Messina noted the second one is Boards and reductions in Supervisor's salary. Specifically, he proposed 10 percent reduction in Boards salary and Counsel to Boards - there are 27 individuals -- it really would spread that pain out and a 10 percent reduction on a job that is supposed to be and is part time and is service because you believe in the public work that you are doing. These are not major income sources, Mr. Messina said. He said he thought this was reasonable. On the Supervisor's salary, his thoughts were with a 10 percent reduction with that salary being over \$100,000, would that be competitive and would that be the right signal to send to the community. He believes it would be.

Councilman Messina said the other proposal was to consider consolidating 2 boards - Planning Board and the Zoning Board of Appeals. He said this can be done and in some communities, about 15 percent of the communities, there is no Planning Board. The work is done either by the Town Board or by the Zoning Board of Appeals which is a statutory required body. He said savings there would be about \$30,000. He thinks the Boards do a good job but he thinks there is an opportunity to do an even better job by integrating them so they work with the same information.

Councilman Messina said he recommended postponing and not including in the capital plan area \$780,000 for paving. He said his recommendation is based on his getting a lot of calls and some emails and feedback from the community when I go around much as John Smolinsky mentioned when he was at the microphone.

Councilman Messina also noted he looked back at the IMAC study that was done several years ago and there were specific recommendations in there to do analysis and look at modern schedule ways and methodologies to be more efficient in the paving. He noted all he is saying is that before we capitalize \$780,000 which is about 1/3 of the total amount that would be bonded that a harder look be taken at this.

Councilman Messina said to put it another way on a \$39.3 million budget which is our budget with all funds, the savings that would be looked for to have a zero based budget is less than 1/2 of 1 percent. He said he thinks that is achievable to save in the budget. He said the program managers and the fiscal officers have done there job and that is the reason there is only a 2 percent to zero increase. He thinks leadership from this place forward can get the budget to zero increase this year.

Councilman Messina said he was not on the Town Board because he believes in status quo. He said he always tried to be here because he believed it was their job to push the envelope to be different where different meant being better. He does not look at any other local government and believe that we should follow their lead if there lead is not where Bethlehem should go.

Supervisor Cunningham thanked Councilman Messina.

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Councilman Kotary added a couple comments regarding a few of the questions and issues that were raised. He said first off in terms of tightening belts and almost everyone knows there was \$1 million dollars cut out of the budget. He said it was a long and difficult process working closely with the department heads noting it was not easy to do. He said he thinks he can say with 100 percent certainty that at no time in the Town's history has any Board ever cut \$1 million from the budget. He said that is not projections, it is not estimated costs, it is actual costs.

In addition to that, a couple other points, Mr. Kotary said, in terms of capital plan, the plan is being worked at. He said they have been looking at infrastructure. He said the infrastructure has been neglected for 30 to 50 years. He said there are costs piling up because there was no capital plan, no opportunity for the Town to appropriately address infrastructure. He said they done that in planning and in practice.

Couple other points related to paving, noting paving has been addressed to the fact that there is a paving plan in place and Highway Superintendent Sagendorph has addressed this in terms of if you neglect paving in 1 year, you have to make up for it in another. He said if you continue to put off investments, the infrastructure will decline and deteriorate.

Another point had to do with Mr. Messina's budget plan. Mr. Kotary noted the budget has been worked on for 6 months noting there were public meetings. He said in the final meeting, the Supervisor stressed that this is a Town budget. Mr. Kotary said he wonders where the suggestions were that they did not come up until after the budget meetings. He noted everyone has done their part through open and public meetings to bring the budget to this point.

Councilman Kotary said in conclusion he wanted to simply say that this has been a difficult year, they hear everyone's concerns and comments. He said they have cut where possible. He noted the cuts are not easy. He noted no one wishes to cut the Senior Services Department services and said the COLA question, as far back as he could find data, 20-30 years of data, there was a 3 to 4 percent cost of living increase. This year, he noted, as a symbol of both supporting our hardworking employees, the 1 and 1 averages out to 1.5, is very fair and they have heard from a lot of employees that those are significant increases. He further noted the employees are residents here and he thinks the COLA adjustment is a significant demonstration of tightening their belt.

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Councilman Hennessey said he could go on at length about his sense of disappointment when he got when he received a copy of the budget proposal press release from one of the local reporters instead of getting it from Mr. Messina. He said it presented an alternative case as to how they could have gone had it been presented at the time the budget was being put together. He noted one of the colleagues during the budget process went through very carefully, line by line on all the travel expenses, the honorariums, the memberships that employees have and ourselves as well, questioning them. He said he was duly impressed that with the work she put in.

The reason Councilman Hennessey raised this is because all of the Board Members had times in the budget process they were a little uncomfortable with. He noted he spoke to the CPI and how that interacted with some of the initiatives that were put forward. He said he was happy about was that they could scale back, noting he hopes it will be trend that will continue. He said everyone did a lot of work to get where they were. He thanked everyone for their hard work. Supervisor Cunningham thanked Mr. Hennessey.

The Supervisor said this is on new business, this is not supposed to be a debate right now. He said the debate was tomorrow night. Councilman Messina said he thought they were discussing the budget. He noted he wanted to raise some issues. He said the budget just doesn't happen and have the budget meetings. He said there was never any goals or objectives laid out for this budget, noting it was not just this year. He further noted he saw the budget coming together on Monday and it was presented on Wednesday. He said it was a year ago that he sat in hearings in terms of let's pick some programs and do comprehensive budget analysis which was not done. He said a budget development program has been mentioned and nothing is ever done because unless you develop performance measures and build it into the program, you really don't have the evaluation side to do. He said this is not a new thing that he has raised, indicating the

first time he saw the full budget was on Monday. He said he raised to his colleagues at that budget meeting and there were no members of the public or media there that no comprehensive budgeting was done and he is not happy with it. He said that was why he raised the proposal for them to consider.

Councilman Messina said this was not to skewer anyone and not for political advantage. He said he does not play the game that way. He said he does it so the Board can get back to reconsider the budget. He said he will have his vote the same as everyone will but right now he is leaning toward we don't need an increase.

Mr. Messina asked if anyone can tell him how the 1 million dollar savings was achieved on the budget. He asked if a large portion of that was fuel savings. He said he thinks it was, like \$600,000, and he is glad the Town got it but it did not take strong management action. He said it took changes in the economy so that the price of fuel was \$2 rather than \$4. He noted other savings were achieved by holding the line and not filling new jobs. He said that is great but it is a pretty common place thing to do. He said it is not creative working with the staff. He said he was not pleased with the way budgeting went not because of the way the staff operated -- they did a great job -- but he did not think leadership was demonstrated in this unique year. He said not because of people running for office but because of the challenge of families living their lives for us to do a little bit better. Supervisor Cunningham thanked Councilman Messina.

Councilman Kotary questioned Mr. Messina regarding his only reading the budget on Monday when it was presented in September. Supervisor Cunningham noted this is not supposed to be a debate, the debate was for Thursday evening. Councilman Messina said he would be glad to answer that in a factual and non-adversarial way. He said they saw pieces of the budget and we discussed pieces of the budget with all program managers but it really was only 3 days before the proposal that we knew that that the increase cost would be 2 percent. Mr. Kotary said this was not true, noting he was looking at the budget presented September 23, 2009. He said they could go on all night but you are entitled to your own opinion, not your own facts. Councilman Messina said September 23<sup>rd</sup>, asking when it was presented to the public at the public meeting - the 25<sup>th</sup>, that sound about right. He said it is 2 days to him.

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Supervisor Cunningham made the following announcements:

- First he announced that Susan Leath, Town Historian, has been doing some work and in the back were pictures taken on Snapshot Day which was in September. She has also done work along with the intern to create a Supervisor Wall of Fame out in the hallway.
- Saturday, October 31, Delmar Farmer's Market is the final market and it will continue up at the Presbyterian Church after this.
- Halloween Haunted House for children at Elsmere and Slingerlands Fire Houses and Bethlehem Ambulance.
- Reminder that Sunday at 2 a.m. the clocks go back and remember to change batteries in smoke detectors and carbon monoxide detectors.
- Family preparedness kits from Albany County Department of Health are available in the hallway.
- Town offices will be closed November 3 - Election Day, November 11 - Veterans Day, and November 26 and 27 - Thanksgiving Holiday, 2009. Due to this schedule the Town Board meetings will be held on Tuesdays November 10 and November 24, 2007.
- As in past years, the Holiday Parade will be held December 4 at 6:00 p.m.

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Next item was public comments on non-agenda items.

Mr. Robert Jasinski said he will have to sit closer since this was his 3<sup>rd</sup> time at the microphone. He asked about the article in the Spotlight by Jay Jacovic about the sidewalk and his electric fence noting one of the things mentioned was that he did not think -- although he did not know -- a meeting was held with Mr. Jacovic to come up with a solution to this problem. Mr. Jasinski said Mr. Jacovic is concerned about the public welfare and his own safety. He said one of the things with the open space planning and everything is it does not seem that the Town Board did not involve Mr. Jacovic. He said when you involve the people who own the open

space, there is no meeting of one-on-one. He said if Mr. Jacovic was approached, he might have sold the Town some property to give added protection to the walk. He noted it might be to the Town's advantage to have a meeting.

Supervisor Cunningham said to give some points, the sidewalk is 16 feet from the fence and the fence itself is not electrified. He said it is the wire inside the fence and not the fence itself. Highway Superintendent Sagendorph said it is 16 feet and they measured it. The Supervisor said there is a stormwater trench in between there. He said Mr. Jacovic's electric fence on Brightonwood Road is closer to the right-of-way than it is on Feura Bush Road.

Mr. Jasinski said maybe a little correspondence could settle this. The Supervisor said he is always happy to talk to Mr. Jacovic. Mr. Jasinski thanked the Supervisor for that.

Mr. Jasinski said the other item which does concern Mr. Sagendorph but also the Supervisor is his favorite subject the dump, the landfill, transfer station. He said the fee is going from \$60 a ton for construction to \$120. Supervisor Cunningham said that was correct. Mr. Jasinski said Waste Management pays Albany about #38 a ton to dump there, asking if all this money is cost for trucking. He said he wondered if there could a better deal with cost with the City of Albany on this. Supervisor Cunningham said he would defer that to Mr. Sagendorph. He noted Mr. Sagendorph manages those budgets and knows that the goal is not to operate it at a deficit with construction debris. He said prior to this when the Town operated its own landfill, it could be taken in and it was a profit center for the Town. He said that no longer exists but they do not want to lose money in taking construction debris. He said the opportunity for contractors to go elsewhere exists, noting they do not have to come to our location. Mr. Cunningham said we do have to haul which is part of the expense. Mr. Jasinski said this cost is directed down to the people and the residents of the Town and that was why he was bringing to the Board's attention.

Mr. Jasinski said he had another one, last time I was here I asked about the gathering we had for Tonko down to the Town Park. He asked if he came up with a firm figure. Supervisor Cunningham said he got that but he forgot to send it to him. Mr. Jasinski asked what the figure was. The Supervisor said if he waited until after the meeting, he would pull it up on his computer. Mr. Jasinski asked to satisfy him, the Supervisor was talking \$.23 per person noting his confusion seems to be a person... the Town has 33,000 people. Supervisor Cunningham said he did not say \$.23 per person, he said he thought on a property assessed at \$300,000 it would cost that taxpayer about \$.28 or \$.23 cents -- he could not remember the exact number. Mr. Jasinski asked if he got a total figure. Supervisor Cunningham said he has the folder in his office and he has it on a spreadsheet, noting he forgot to pull it off for him. Mr. Jasinski said he is looking at a figure in thousands of dollars, that's why he was questioning it. He said it is an expense that he thinks if any political person wants to come to our Town and everything, he ought to pay for his own way. He said he goes to some vacation spot he pays his own way, nobody pays for him. And, he feels it is the same thing. Supervisor Cunningham said he did not think Mr. Tonko is going to vacation in Bethlehem. He said that was no vacation for him. Mr. Jasinski thanked the Supervisor.

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

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to adjourn the regular Town Board meeting at 7:35 p.m. The motion was carried by the following vote:

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

Noes: None.

Absent: None.

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Town Clerk