

TOWN BOARD  
NOVEMBER 2, 1992

A special 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: Kenneth J. Ringler, Supervisor  
Frederick C. Webster, Councilman  
M. Sheila Galvin, Councilwoman  
Charles Gunner, Councilman  
Sheila Fuller, Councilwoman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR RINGLER: Good evening, I would to call the special meeting of the Bethlehem Town Board to order. First item on the agenda is a public hearing on the Preliminary Budget. I would ask the Town Clerk to read the call of the hearing.

Public  
Hearing  
Preliminary  
Budget

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, 1993 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 7:30 p.m. on the 2nd day of November 1992 and that at such hearing any person may be heard in favor of or against any item or items therein contained 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	\$58,406.00
Councilmen (each)	\$ 8,152.00
Town Clerk	\$38,019.00
Superintendent of Highways	\$53,509.00
Receiver of Taxes & Assessments	\$39,519.00

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 21, 1992 and the TIMES UNION, an Albany newspaper, on October 21, 1992.

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

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STATE OF NEW YORK )  
COUNTY OF ALBANY )

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 21st day of October 1992.

/s/ Kathryn Olsen

Sworn to before me this 22nd  
day of October 1992.

/s/ Bruce A. Neyerlin  
Notary Public, Albany County

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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 that I posted on October 21, 1992, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk

Sworn to before me this  
2nd day of November, 1992.  
Bruce H. Secor  
Notary Public, Albany County

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SUPERVISOR RINGLER: Thank you, Kathy. Motion to indent.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the Town Board meeting. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin,  
      Mrs. Fuller.  
Noes: None.

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I will read this although I think every one in this room has probably heard this before. But, for the record, I have to read this into the record. Tonight's meeting is a public hearing in which the taxpayers of the Town have a chance to comment on the proposed budget for 1993. To bring you up-to-date as to what has transpired thus far in the budget process, on September 28th I presented a tentative budget for the upcoming fiscal year to the Town Clerk for review by interested taxpayers and for consideration by the Town Board. The Town Board reviewed the proposed budget and made changes they deemed necessary based upon inquiries and a series of workshops held in October where the Board reviewed requests with department head personnel. The following comments will give you a general picture of the financial concerns which were considered in preparing the 1993 budget and a summary of the impact on tax rates. With the recession, continuing budgeting for the upcoming year, once again has been a difficult process. Uncertainties about future revenue streams created many questions regarding the direction the Town should be taking. As we all know, we will be receiving additional sales tax revenue for part of 1993, however, it is unsure if this will continue beyond August 31, 1993. We continue also to loose other revenue sources from different government entities and those government entities are passing on additional cost to the Town. Revenue sharing from New York State continues to decrease and we do not know what direction this will take in 1993. The New York State Building Code Enforcement funding has been eliminated. We do not know if the consolidated highway improvements program will be replaced with the new dedicated highway funding. Interest rates have dropped and as a result revenues from our investments have decreased. We do not expect rates to improve next year. With all this in mind, we again, ask our department head personnel to be very frugal in their budget requests while also giving them the difficult task of continuing to provide the services our residents expect. I believe this budget accomplishes that to a great degree. The tax levy in the General Fund will decrease approximately 18 percent, again as a result of additional revenue from the one-time sales tax increase. With the 5 percent increase in the highway levy, the two Town-wide taxes combined will decrease by 2.5 percent. There will be modest increases approximating 3 percent in water and sewer districts. The

budget provides for an increase in our Town employees salaries by 3.5 percent cost-of-living increase. This is tied in with the projected cost-of-living for 1993. However, I must point out that over the last 2 years, the total increases to Town employees have been less than the current inflation rate. I thank our employees for their understanding through this very difficult times. I now ask the Comptroller to provide some of the highlights in the various funds. Judi.

MRS. KEHOE: In the General Fund, appropriations will increase by approximately \$360,000. This increase cost is basically due to normal inflationary increases that affect everyone. However, I would like to point out some of the highlights.

Workers Compensation costs have risen by 11 percent. In addition, health insurance has risen approximately 15 percent, representing an increase of \$58,000. to the General Fund.

Our Contingency Fund has been increased by approximately \$100,000. We have increased this because we are concerned with the direction the New York State Retirement System is taking. As we know, several years ago, the State tampered with this System in an effort to mitigate revenue sharing reductions to localities. They have since been sued by State unions. The union prevailed in their suit, and although, New York State may appeal the decision, it is likely that municipalities will be forced to pay sizeable contributions to reinstate the fund to the levels that would have been achieved if the State had not changed the retirement funding in 1989.

Debt service has been increased by \$132,000. to provide for debt service on the proposed recommendations by the Capital Projects Committee. This recommendation includes required repairs to our tennis courts and a new computer aided dispatch system in the Police Department which will enhance the 911 system.

With these increases, the General Fund tax levy still has decreased by approximately 18 percent. As indicated in the opening remarks made by the Supervisor, increased revenues from a one-time sales tax increase have allowed this tax decrease. The uniform tax rate for the General Fund would be approximately 55 cents per thousand of assessed valuation. However, current law which is in effect and has provided for homestead/non-homestead rates affect this rate differently. If the Town Board does not make any changes to the current law, the homestead tax rate would be approximately 51 cents per thousand and the non-homestead tax rate would be approximately 62 cents per thousand.

The Highway Fund appropriations have increased by approximately \$135,000. There are no major increases of significance in the highway appropriations. The increase is based upon the proposed salary increase and inflationary increases in operating this department. Some expenses and revenues will have to be adjusted in the Highway Fund, if the State of New York does not provide the anticipated monies through the dedicated highway fund. This is still unknown, however, the Highway Superintendent has budgeted this into his projections. If this is lost, he will have to reduce the amount of work to be done in next year's paving programs. The Highway Fund tax rate will be \$1.40 per thousand, again, due to the homestead/non-homestead provision, the homestead tax rate would be approximately \$1.30 per thousand and the non-homestead tax rate would be approximately \$1.56 per thousand.

The Water Fund shows an increase of approximately \$300,000. This increase is due primarily to increases of water rents paid to the City of Albany equal to \$140,000. Increases for the cost of electricity at the deep wells and water purification plant equal to \$15,000. Increases in taxes paid to the Town of New Scotland for property owned in New Salem equal to \$19,000. Hospitalization of \$6,000. and increased debt service for interest during construction of the major water facilities expansion program of \$120,000. The increase in appropriations will be funded by a requested increase in the industrial water rate of 3 cents per thousand gallons from \$1.00 per thousand gallons to \$1.03 per thousand gallons and by a projected

3 percent tax increase for the general water district tax which translate into a rate of 66 cents per thousand of assessed valuation.

The 1993 sewer budget shows an increase of \$200,000. from \$2,562,145. to \$2,769,000. The major increases in the sewer budget are, the purchase of a new utility dump truck for the sewage collection crew and purchase of safety equipment including a trench safety box for \$33,500., increases in cost of electricity for pumping stations and other repairs \$15,000, increases in contractual expenses for disposal of sludge at the sewage treatment plant, \$36,000. Increases in debt service of \$60,000. due to principal and interest on the payments on bond improvements for major maintenance improvements at the sewage treatment plant. These increases in appropriations will be financed through a raise in the property tax and the water use surcharge of approximately 3 percent for both the Delmar/Elsmere Sewer District and the Bethlehem Sewer District Extensions. The tax rates in the Delmar/Elsmere Sewer District will approximate 47 cents per thousand and the rates in the extensions will approximate 53 cents per thousand.

SUPERVISOR RINGLER: Thank you, Judi. I know the Board has had lots of time to ask questions but before we open it to the public, are there any further questions from the Board.

COUNCILWOMAN GALVIN: I have a couple.

SUPERVISOR RINGLER: Okay.

COUNCILWOMAN GALVIN: First of all, I was going through the old minutes and in the past we had discussed the issue of whether or not their was a hiring freeze and whether or not there was a policy. I went back through the old minutes and I could find where we had established a policy of a hiring freeze but I couldn't find any place where we had in effect, lifted the hiring freeze. And, if we are going to be doing that, I think we should have some Board action indicating what our policy is or isn't.

SUPERVISOR RINGLER: I think... you know, I didn't go back and look at the specific minutes but administratively, you know, I had taken some actions and I had asked the Board for a vote of confidence in the actions that I was taking at that point in time. I didn't realize we had established a specific Board policy. The Board, through its actions with the budget last year and so forth, basically provided funding for sources such as that and I don't know if one is necessary or not. I don't believe one is but I certainly would entertain a motion, if you would like to remove the hiring freeze. I mean, I don't think...

COUNCILWOMAN GALVIN: I would like some discussion on the topic, I don't know exactly whether our position should be to remove the hiring freeze or to continue on a case-by-case basis.

SUPERVISOR RINGLER: Case-by-case -- I mean, let's face it, every hiring we do the Board takes an action on individually as it is.

COUNCILWOMAN GALVIN: But, from reading over the minutes, there seems to be a clear indication that the Board had adopted a policy of a hiring freeze and at no point did we specifically say that we were going to have the hiring freeze in effect considered on a specific case-by-case basis.

COUNCILMAN GUNNER: Was there a motion to that effect?

COUNCILWOMAN GALVIN: There was discussion, I couldn't find a specific motion. It was discussion about a hiring freeze, that we were in favor of a hiring freeze because of the financial condition.

SUPERVISOR RINGLER: And, that was 2 years ago, I believe.

COUNCILWOMAN GALVIN: Right.

COUNCILMAN WEBSTER: We had a memo from the Supervisor but I don't remember a resolution.

COUNCILWOMAN GALVIN: We never voted on it.

SUPERVISOR RINGLER: I guess there was no vote.

COUNCILWOMAN GALVIN: It was hanging.

COUNCILMAN WEBSTER: It was like an administrative decision.

SUPERVISOR RINGLER: From administrative action, I informed the Board, the actions that we were taking and I asked for your support and I believe I had everybody's support. I don't think we needed a specific motion to do it. I don't think...

COUNCILMAN GUNNER: I remember, we did discuss a few.

SUPERVISOR RINGLER: Right, that was just a case of keeping the board apprised and doing what I felt had to be done at that point in time and we did it and as a result I think relative to other towns we're in pretty good shape. I don't think -- we have to look at each one... every hiring carefully. There's no question about that and we have continued to do so but to say that we have a hiring freeze in place, that basically has not been the case for probably six months at least or a year. On an individual basis we have been hiring some individual people. Once we got through the budget in the prior year we basically as you recall, this was in 1991 where we had some very difficult losses of revenue and those are the actions that I recommended and took at that point in time. Last year we budgeted and we budgeted for additional items in some instances and we filled some in some instances but we still have been watching it very carefully. It's on ongoing administrative review of where we are and how we're spending our money. I really don't think we need a specific Board action on that, personally. I can go back and look at the minutes but...

COUNCILMAN WEBSTER: Based on the... I would like to suggest based on the constraints of this budget that we allow, on a case by case basis, the supervisor, administratively, to do what is necessary to keep the valuable post positions that are necessary to fill for valuable people to go ahead and fill them. They'll be coming to us anyway.

COUNCILWOMAN FULLER: They have to go through the Town Board for approval of appointment.

COUNCILMAN WEBSTER: That's right.

SUPERVISOR RINGLER: Absolutely.

COUNCILWOMAN FULLER: Every appointment.

SUPERVISOR RINGLER: As they have been.

COUNCILMAN WEBSTER: As long as we stay within the constraints of the budget, I'd rather not tie his hands with a resolution.

COUNCILMAN GUNNER: Is there anything in the budget, Sheila, that you saw specifically?

COUNCILWOMAN GALVIN: No, where my concern had come up was what we had discussed in the budget workshops, Charlie, that I had been under the impression that we had a hiring freeze and I was observing more positions being added. I know that in the past we had voted specifically on filling positions which were identified as being necessary and which were recommended by the Supervisor as being necessary. But going back and reading the minutes I think that there is... it could be construed that we had a policy of a hiring freeze which we never clarified.

SUPERVISOR RINGLER: We did but it was an administrative policy basically.

COUNCILWOMAN GALVIN: It's your position then that there is no hiring freeze at the present time.

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SUPERVISOR RINGLER: No, other than the fact that as I said, not a freeze but it may be called a thaw. I'm not encouraging anybody going out there saying that we want mass hirings. We have to look at these very carefully and we do and before I make a recommendation on hiring to this Board, the department head certainly has to justify that those particular individuals are necessary.

COUNCILWOMAN GALVIN: Now that we have that clarified, going to a nonspecific item -- I'm not going to a line item in the budget but I'm going to a general area and the general area is going to be the Building Department and I'm very happy to see John here with us tonight. I attended the Board of Appeals meeting on October 21st and I asked specifically for a copy of the minutes of that meeting because at that meeting there were two public hearings. Both involved correction of existing violations of the zoning ordinance. Now it was very interesting because basically the plans that originally had been presented to the Building Department showed full conformance with all of the set back, side yards, etc., etc. The Building Department went out and inspected and everything was correct according to the plans. When the buildings, in fact, were constructed it was discovered later on when these people came back for variances or for building permits, that there were existing violations. One was a chimney that encroached on a side yard and there was another one where the building had been constructed in such a way so that it too had a side yard violation. These things would have been caught had the Building Department had the personnel to actually go out and do the inspections and there wouldn't have been the need for these people to come in to the Zoning Board to seek a correction of a violation. We have lots of people in some departments and we're very concerned about getting plans reviewed and developments considered. I think we ought to be just as concerned about getting the actual construction properly monitored and I'd like to hear from John on the subject of whether or not there is a need to consider changing your budget to allow for additional staffing over and above what we have considered and what has been included in this year's budget.

MR. FLANIGAN: Well, at the staff, at our meeting when we sat down and talked about it the only thing that I came in for -- I had in the last two or three years put into the budget that additional personnel in the field because we end up enforcing a lot of things now and a lot more than we used to -- more than building. I keep putting that in the budget but I didn't put anyone in specifically for that. My only point in there was that the one part-timer be increased from six to seven thousand which you did and why I originally asked for ten but I've worked it out, we've sat down and gone over it but I think we can live with that seven. I would have liked the ten but we can do what we can do.

COUNCILWOMAN GALVIN: One of my questions is, with the increase only from six to seven as opposed to six to ten that is requested, is that going to provide adequate staffing and adequate personnel to avoid the type of problem that occurred and that we heard two of at the ZBA meeting on the 21st.

MR. FLANIGAN: To answer, I'd have to say no at that point. It's not an inspection point out there, it's things that surveyors have done which are on certified plans that get approved or they submit. One place in particular that you speak about, was someone had moved the side line on a building from one to the another and that's how we got it. The other one was after the fact. My men were there and gave the final and then they went back and put the chimney on. So those things are ongoing things and we just happen to catch them. The only thing we caught on that. I'd have to say that I don't believe that would catch those things. Those are things that we have to catch by paperwork which we happened to pick up in the computer. Like I said, you just happened to be in that night and we found two. We might find four or five a year but that's basically what it is. But those were surveyors who had certified to something that wasn't true.

SUPERVISOR RINGLER: So, John, do you figure you're adequately staffed to take care of your needs?

ATTORNEY KAPLOWITZ: That's a general question.

MR. FLANIGAN: At this immediate time, I would say yes. I would say that but I want you keep it in mind that we're doing recycling and everything so it is a point that's why I keep putting it in the budget but I appreciate your asking.

SUPERVISOR RINGLER: Anything else? Questions from the public.

MR. DAVIES: Ken...

SUPERVISOR RINGLER: Yes, you don't have to come up to the microphone. You can stand right there, I am sure it will pick you up.

MR. DAVIES: If I could have a few moments, I would like to comment on some specifics. I reviewed your 1993 budget message and the attached Revenue and Appropriations. I think it's necessary to provide a few reflections on the past year and projections for the future which really is not reflected in the budget. Let me be specific. This last year the Town identified a solid waste problem and there was a referendum. Solid waste regulations were proposed. The incinerator referendum was defeated. The County sales tax, of over fourteen percent increase was established which provides a considerable amount of money to the Town coffers. The Town was involved in litigation which diverted time and money and then the Cable TV franchise was extended for ten years. I'd like to go on for the projections for this coming year with regard to some of these points.

Will the solid waste regulations be enacted and what steps will be taken to resolve our solid waste problems? Little if any information is available. What will it cost? Is it reflected in the budget? The fourteen percent increase in the County sales tax expires August 31, 1993. Will the Town make the suitable adjustments in their 1994 budget so as to be able to oppose an extension of this increase or will they take the position that they want to approve an extension of the increase?

The Town budget shows from Cable TV Franchise fees an increase from \$70,000. last year to \$120,000 this year, a substantial increase. I understand the rate was increased three percent up to five percent. At last month's hearing it was suggested that in lieu of the Town collecting this franchise fee why not eliminate such fee and reduce the customers' rates. As I recall, the response I think from either Steve Shea or the Cable TV manager, the representative, everyone else does it, that is, charge a franchise fee -- why shouldn't Bethlehem benefit from such a fee. It essentially comes, as I inferred, from the Cable TV profits. There was no indication that there would be any tax per se on our bill. Today I received a bill, as probably many of you did, and it reads as follows: Important Notice - Cablevision will pass along the increase in franchise fee which will appear as a separate line item on your monthly statement effective December 1, 1992. This represents an income of maybe 40 or 50 thousand dollars to the Town by this increased fee. I think in justice to the Cable TV users and all residents in the Town do not use Cable TV. I think the Town Board should challenge the Cable TV approach, at least determine if really what was indicated was correct when they appeared at the public hearing. If not, I would urge that the Town Board eliminate the collection of franchise fees and include the needed revenues in the general tax base. I think it's that clear cut.

Let me make some specific comments. Our total Town budget approximates \$18,000,000. Thirty-one percent of that revenue is from the Town property tax. Obviously we're collecting an awful lot of money from other sources, State, County, fees, etc. The Town general budget of \$8,000,000, only 12% of the revenue is from the property tax, so any change in the State giveth or taketh away and a few thousand dollars, impacts the Town general tax rate tremendously and that's what's occurred in the past. I think Judi mentioned the retirement system. It used to be only fifteen or twenty years ago that the retirement system assessed 20% of the person's salary to pay for the retirement. It's dropped down to 3 or 4 percent. If you get into those figures, you're speaking of big, big dollars and I think you've got to consider that for the Town. I would urge that maybe that money from the State be spread over the different programs

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whether it's highway, water, sewer, whatever it might be, so that the impact is not that great.

On Contractual Services in the budget, it's something like 30%. Actually it appears to me that this is operation and maintenance, and O&M item. I had always inferred contractual expenses might be that you contract for for legal services, engineering services, architectural services and I think it would be helpful in reviewing your budget is to find out how much actually is a contractual arrangement with lawyers, engineers, architects, etc. The personal service item is shown as a salary. It does not include the approximately 33% fringe benefits. I am wondering why it should not include that as a personal service or a personal salary.

There's been extensive building including extensions of sewer and water mains in outlying areas. You can drive around anywhere in the outlying areas and they're putting in new sewers, new waters. Why is it not possible to establish a fee to recover all costs of the Building Department and Planning Department on the basis of let the user pay?

And, lastly I'd like to comment on some comments I made at the sewer hearing. But, before I do, let me just quickly summarize here. The revenue from the property tax for our Town is about 12%, highway 80%, water 35%, sewer 23% and total of 31. I'd like to speak to the comments I made. I had suggested -- well, let me back up just a moment. I did call Bruce Secor and he very kindly provided me some detailed information on the development of the sewer charges. I spent ten minutes on the phone with him. He was extremely helpful in explaining many aspects of this. I have heard since that day I spoke at the sewer hearing, that some people are really not familiar with where I was coming from. I had used some examples by making an average assumption on costs and what I've done now is to use the information I managed to get from Mr. Secor -- I will just pass those out, I hope I have one left. Let me make the... I had suggested that the bonded indebtedness, which is the greatest amount of bonding indebtedness for any program in Town, that that bonded indebtedness for the sewers be collected from the property tax. That the sewer collection be on the basis of charges for front footage and that the water use surcharge pay for sewage treatment. If you look at that second page -- and these are figures I got from Bruce Secor and I'm sure he will challenge me if they are incorrect -- I've included the tax rates for the bonded indebtedness, the front footage charge for sewer collection and the water use surcharge. The tax revenue this year as a property tax is about \$660,000. and the bonded indebtedness is about \$1,280,000. You can really see that the water use surcharge which is 160% of the water rents in Bethlehem would pay for the sewer treatment plus a lion's share of the bonded indebtedness. I only urge or would suggest that the Town Board recognize that this actually is the way it is. And, would further urge that they might reconsider collecting monies for bonded indebtedness from a property tax base, sewer collection be the front footage charge, and sewer treatment be the water use charge. And I indicated down at the bottom of page two what those rates would amount to and what the income would be.

Let me just finish by saying instead of the residential water user paying the sewer treatment costs and the lion's share of the bonded indebtedness, it seems to me to be more equitable to support our present level of sewer fund bonded indebtedness from the property tax. This would mean a reduction of the water use surcharge rate presently 160 percent of the water rents to the same rate that's charged for water. The homestead and nonhomestead properties would equally support our bonded indebtedness through a property tax.

SUPERVISOR RINGLER: Just one comment. Homestead is not involved in the sewer. That is only involved in the general fund and highway fund. We only have one tax rate in the sewer. There's not a homestead and nonhomestead.

MR. DAVIES: I agree. I have no problem here. What I'm leading up to is that a family of five with a \$100,000 home, probably pays more in the bonded indebtedness maybe than CVS. I don't know... or a doctor's office or a lawyer's office. But who does it benefit. I

mean the bonded indebtedness that we've acquired. Really, it doesn't benefit residential user as much as expansion of industry -- Delmar Plaza, CVS, Main Square, etc. and the land builder and speculator. So I think that that is the bottom line that I come across with and thank you.

SUPERVISOR RINGLER: Thank you Sherwood. Bruce, do you have and...

MR. SECOR: I did speak with Sherwood and I tried to explain this. You're getting closer Sherwood. We both agree on the answer and just to say again and I gave it to you on the sheets you have. Over 90% of what is collected in water use surcharge is operation and maintenance. There is little or no debt service in the bottom line on water use surcharge. The majority of the bonded indebtedness for major facilities is already collected in the ad valorem tax -- which you are promoting and exactly what we do. The confusion comes over the front footage charge and again \$400,000. of the million two in debt service is for lateral sewers in North Bethlehem or Selkirk which no one else pays for except the people in those extension areas. I gave you the breakdown on that.

Again, I agree with his conclusions and we're already doing that but the difference is in just shuffling money around but our user charge system is set up. It's about a million and a half dollars. It's about a million two in bond indebtedness and about a million and a half dollars total in the sewer budget. The water use surcharge is set up to come near that but there is a little bit of debt service in water use surcharge but it's a minor amount.

SUPERVISOR RINGLER: And that was originally set up on the Federal program?

MR. SECOR: Yes, that was the original user charge system.

COUNCILMAN GUNNER: Bruce, is it true that a large piece of the employees from the -- that are now in the Water Department were transferred there from Town to Town budget?

MR. SECOR: Yes, well not a large group. A couple of individuals. For example, the inspectors who are out all day inspecting sewer lines and water lines. Instead of carrying them in General Town and then billing back their hours from -- I had to budget them twice. Actually I had to budget them four times. I had to budget them in water, I had to budget them in sewer, had to budget them in General Town and then put inter-fund transfers in to transfer the money back and forth and to try to keep the bookkeeping straight and make it obvious where the money was being spent, we simply -- and I gave you that breakdown sheet with the budget workup -- I gave the breakdown, said all right here's the employees in the Engineering Division and we're going to charge one inspector against sewer, one inspector against water so it saves all this inter-fund transfers and budgeting and contractual services one place and personal services in the other and it also allows us then to show the fringe benefits and all the other things that go with that in the funds where they're actually doing the work. So it's the same net effect as if we had backcharged those funds but it saves all the inter-fund transfers.

COUNCILMAN GUNNER: But, it reduces the Town tax and raises the...

MR. SECOR: No, it doesn't make any difference...

COUNCILMAN GUNNER: Because you were back charging them.

MR. SECOR: ...because we back billing them anyway so the net effect is nothing, except it saves us a lot of bookkeeping. And the only other problem was -- and it didn't matter if it was Phil or George Manne or myself wherever you get busy and -- if you forget to make the inter-fund, you've expensed it out of General Town and then all of a sudden at the end of the year you say, wait a minute, I forgot to back charge water this and you sit down and try to make up these numbers and make the transfers in. It just made it so much simpler to direct code it on the payroll and it got taken care of and then we didn't have to worry about the inter-fund transfers.

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COUNCILMAN GUNNER: So, it was a wash all the way around.

MR. SECOR: It was a wash and it started with Mr. Hendrick, when we started whether it would be the sanitation or whatever, is to try to budget the money directly into the fund that was getting the service -- so that a person who sat down and looked at the budget could see where it is. Otherwise you would have this artificially high level in General Town under personal services and then you have all these inter-fund transfers, General Town -- and what were you inter-fund reimbursement -- you would have an inter-fund reimbursement showing in General Town. It was a bookkeeping nightmare which inflated total budgets because you had to carry these things a couple of different places.

COUNCILMAN GUNNER: So basically, what I think I hear you saying, was that the water use surcharge should be used for one specific thing, property tax mostly for the... front footage tax, excuse me, for the bonded indebtedness.

MR. DAVIES: The property tax for the bonded indebtedness because this would spread it against commercial interests, residential users, the whole smear. As it is right now the bonded indebtedness, commercial interests are getting -- well, a little free ride.

SUPERVISOR RINGLER: Do you agree with that, Bruce?

MR. SECOR: No, I don't. Again, almost all of the bonded indebtedness is paid off by the ad valorem tax -- which is exactly what you're proposing. The only difference is you keep pulling out the front footage charge which is debt service to lateral sewers and you can't do that because only the people in North Bethlehem and Selkirk, who have the Federally-aided sewers, are paying that \$400,000. You're trying to mix that money in under sewer collection and you have it in the wrong spot.

COUNCILMAN GUNNER: And isn't it in the Elsmere, Delmar section.

MR. SECOR: No. There are sections -- when the large sewer district expansion was done in the early seventies and the sewage treatment plant was built, certain areas got Federally-aided sewers. Those areas are paying a front footage charge, a debt service charge to that. Many other areas in Delmar have these contracts and whether it's Darroch Road or Pine Street or whatever -- I have fifty-seven different contracts where for a long time the way the sewers got put in were these individual little contracts and small bond issue was issued and we have a front footage charge then. That all shows up again under the debt service for front footage charges. Most of those are getting paid off. There's about 20 of those left or 25 but they're falling down in their amounts because they're getting to be 20 years old and the bonds are being paid off. When the next sewer district expansion came along, that was basically all of North Bethlehem, some areas down Lauralana Heights, Normansville, down under the Delaware Avenue bridge, areas of Selkirk, the trailer parks on Route 9W -- a number of areas were picked up that were determined to be eligible for Federal Aid. The money that was expended, 75% of the money for the lateral sewers was paid for by the Federal Government under a direct grant and then 12 1/2% of major facilities -- pump stations and force mains -- the State of New York kicked in on. So for major facilities we got 87 1/2% aid. For lateral sewers that were deemed federally eligible, we got 75% so there was a whole mixture of funds. So what we did is, we sat down and computed the constructed cost of the lateral sewers and said okay that was 20% of the lateral sewers and said, okay that was 20% of the total project. So 20% of the debt service has to be paid off by who benefited from those front footages. That's why I said there is \$400,000. that's only paid for by a specific group of people, just as all the people who are on those contracts -- only the people who had that sewer put in front of their house under that specific contract are on these various contract sheets and pay that front footage charge. And so, you have to separate that out because that money cannot be spread district-wide. We would be wrong to do that.

MR. DAVIES: If we look at this third column over under sewer treatment, would you not agree, Bruce, that the budget appropriation for sewer treatment is approximately \$700,000.?

MR. SECOR: No.

MR. DAVIES: It's in your budget.

MR. SECOR: No, I told you on the phone, the total for operation and maintenance of the system is about a million five. I don't know what you're leaving out.

MR. DAVIES: What you're doing is combining sewer treatment and sewer collection.

MR. SECOR: Oh, I'm sorry, then I answered your question wrong. The sewer treatment -- I don't know how you split up administration, hospitalization and all the other stuff.

MR. DAVIES: No, it is from the budget.

MR. SECOR: Do you have hospitalization and all the other stuff?

MR. DAVIES: I do and I prorated your administration across the whole three. So, would you agree then that approximately \$700,000. would be under treatment?

MR. SECOR: I'll take your word for it.

MR. DAVIES: Then, if that's agreeable then, all I'm saying is that the water use surcharge, I think, should go to the sewer treatment and we're exceeding that by \$500,000.

MR. SECOR: Again, you're picking this number out of the air.

MR. DAVIES: No, I am not.

MR. DAVIES: Okay, there's no sense getting into that.

COUNCILMAN GUNNER: Why don't you pursue it a little longer? I'm interested.

MR. SECOR: Oh, that is all right. Well, what I'm saying is, you have to collect the water, pump it to the interceptor sewer and the interceptor sewer gets down... there's various treatment levels as it goes down through the various primary treatments that screen out bricks and debris before it gets on down through the pipes... and the total of the operation and maintenance budget for the district is about a million five. So, the amount of money that's raised from the water use surcharge -- there is about \$700,000 in the extensions and about \$400,000 and some in Delmar/Elsmere. So the total is about a million two. There's about a million two hundred thousand total not \$700,000. that Mr. Davies has listed here. There's about a million two that's -- he has that listed. There's a million two hundred sixteen thousand that's raised, against a million five in expenses. So, we don't raise enough money in here to collect and treat the water. What Mr. Davies is suggesting is that the collection part of that be paid for on a front footage basis. That would be a different user charge system. I mean that's just a different approach to things. But your user charge system now -- the \$760,000. that he has on there, you have to add to that \$400,000. for debt service that can only be paid for by the people who are designated that they had those old sewers. So you have to go back and recompute all this. It's basically massaging the user charge system. The bottom line is he wants to double the tax rate, double the front footage rate and halve the other one. I mean... isn't that six and one half dozen of another.

COUNCILMAN GUNNER: I guess that's why I get back to the point there. It isn't, if one class of people are paying more or less.

MR. SECOR: I think the user charge system now we have is very fair. If you said you were going to collect \$776,000. on a front footage basis at a \$1.77 per foot -- if you had a doctor's office and you had

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60 feet of frontage or a hundred feet of frontage, you would pay the same as someone who has 60 or 100 feet of frontage on a residential street. So there's really no difference in that. What the \$1.34 per thousand or for 100 cu.ft. is, it says if you're a laundromat or someplace that uses a lot of water and creates a lot of water for us to treat, you pay more. So again, it's just a different approach to the user charge system. The user charge system we have set up now, it is a surcharge that costs more to treat the water... collect it and treat it, than it does to put it in as drinking water and I guess it's just a different approach. The net at the bottom line, I mean we're not talking over the sewer charge, the total sewer budget should be more or less, it's just a way to go about charging for it.

MR. DAVIES: That's right.

SUPERVISOR RINGLER: I think that's the first you two ever said to each other, that's right.

MR. SECOR: We are getting there.

MR. DAVIES: His O&M is combining sewer collection/sewer treatment, I think.

MR. SECOR: Yes.

MR. DAVIES: That's -- and I've broken it down for the budget. But there's one other quick additional factor I had not intended to bring up but, I think it's very important. At the present time the property tax for your sewers -- for the Delmar/Elsmere Sewer District -- the amount of revenue you collect is about \$200,000. from the extension on sewers is \$420,000. But the unsewered areas - we've only got 91 parcels in the Delmar/Elsmere -- \$200., for the unsewered areas in the extensions only \$15,000. What are those unsewered areas? Land holdings that may run five acres to over one hundred acres. It's within the sewer district, the plant has been built, the force mains have been built, pump station built. The only thing that's not there is the lateral. I would urge that those rates be increased considerably to recover costs that would be reflected in what that builder and land speculator is gaining by being in the sewer district.

MR. SECOR: But again, the unsewered rate, I think, is one third of the sewer rate.

MR. DAVIES: Eighteen cents in the extension per thousand.

MR. SECOR: But isn't that one third of fifty-four cents?

MR. DAVIES: Yes, about, eighteen cents. I mean, it's peanuts though.

MR. SECOR: But, again, the user charge system was established back with the first Federally-aided grant money. When the application went in they said, here's our user charge system and that has gone on. I don't know to be honest with you and I told Sherwood this on the phone, I don't know what ability we have know. We took seven or eight million dollars from the federal government based on all the applications and stuff that we sent in and we established our user charge system. I don't know what ability we have to substantially change it. We may be able to, I just don't know and I don't know how to go about applying for that. I think the biggest difference is, these are unsewered areas. They may be within the sewer district but they have no access to a sewer line. In order for them to do something they have to spend, for example, there's a subdivision just going under construction down at the end on Bender Lane just south of the by-pass. They're going to spend a million two of their own money to bring the sewers to them. They are in the sewer district and they are paying one third the tax rate, they have no access to the sewers. It's going to cost them a million two out of pocket to bring those utilities up to them. So, I don't know how you judge that. All I can say is that at the time of application when the user charge system was established, the thing that was offered was one-third of the rate if you were unsewered to full rate if you are sewer within the district and the idea being that as Sherwood said the interceptor trunk sewer and some other things -- not necessarily all the pump

stations because you're only allowed to put so much expansion into some of these facilities -- but if you think about it, whether you buy twenty-four inch diameter pipe or a thirty inch diameter pipe when you're putting the thing in, the incremental cost in that next size of pipe is really minor compared to the original design and construction. And, I don't know whether it was Charlie or Sherwood I was talking with, but the minimum size pipe we're allowed to put in the ground for sanitary sewers is eight inches. An eight inch sanitary sewer line laid at minimum grade will serve up to six or seven hundred homes. So whether you putting in one house or six hundred homes, you have to put in the same size pipe. When you go from an eight inch to a ten inch now you can serve like twelve hundred homes. The incremental cost is pennies per foot in the size of that pipe. The manholes are the same size. All the other costs are the same. It's just a difference in cost of the pieces of pipe. It certainly is a point of discussion. I just don't know if we're at a point in our lives where we can decide to change the user charge system. I don't know.

SUPERVISOR RINGLER: Let me just ask a question. I hear his concern about large parcels and so forth but I've also had some people come in to see me, some homeowners who live on small parcels that are in the sewer district can't access whether or not economically they weren't able to do it at that point in time or whatever and they're paying for this now and their gripe is, I'm paying for something I can't get. Is there a lot of people in that situation?

MR. SECOR: There is -- and again, you could argue forever about what's fair and what's unfair. The point is though and the reason that some charge is levied, is that some of the facilities are there and there is some increased capacity available for future development. And again, it would be just a matter of trying to decide whether one-third and the full price is fair or unfair, if they are sewerred they would be paying a front footage charge, which again would help pay off some of the debt service. If they are undeveloped, there's no water use surcharge because they're not producing any water that we have to collect or treat.

COUNCILMAN GUNNER: Did I hear you say that the sewer line and water line goes right by their property? This property you're talking about?

MR. DAVIES: No, I said the laterals are not in the street, as Bruce suggests, but the fact that the Town established the sewer district means that at one point in time when the laterals aren't in the street that but they are close to the service.

MR. SECOR: Again, the developer would have to put those in at his own expense.

MR. DAVIES: Yes, right.

COUNCILMAN GUNNER: And you don't feel that one third is an adequate amount.

MR. DAVIES: Well, fifteen thousand dollars and you have eight hundred parcels and some of them are pretty damn good sized. The average assessment is around \$100,000. It's income that you could well use.

Let me, could I just make one more comment? I think from what I've seen, Bruce has really spent an awful lot of time in going over this in detail and I can really see where he's upset if there is any criticism of it. It's not meant to be criticism of Bruce and if you were to get somebody to replace him, you're going to have to spend \$100,000.

MR. SECOR: What did I hear?

SUPERVISOR RINGLER: Sherwood, number one, please don't put it on the record and number two, then stop picking on him. Is there anyone else who would like to speak or ask a question?

COUNCILMAN GUNNER: On what? On anything?

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SUPERVISOR RINGLER: On anything on the budget.

COUNCILWOMAN GALVIN: I have...

MICHAEL BERGAN: I have a comment that I'd like to make.

SUPERVISOR RINGLER: You're name for the record please.

MICHAEL BERGAN: Michael Bergan, 71 Elsmere Avenue. I regret that I wasn't here at the beginning of this meeting and I may be repeating something that's already been offered but there's been some coverage in the local newspapers recently, The Spotlight in particular, about enhanced facilities for the Police and Fire Department, a computer, \$300,000. going to bond that over a period of time to upgrade their capacity to respond to emergencies. There has also been some coverage in the newspaper recently about regionalization shared services and that seems to be supported across the board at the line so there is bipartisan support for that effort. It would seem that this particular item -- the capacity that's being offered with this computer would be a logical first step in regionalization.

SUPERVISOR RINGLER: Well Mike, this is something that is being reviewed right now with the enhanced 911 system and it's very conceivable that we will be involved in dispatching for some other communities, if this works out. Right now that whole thing is in a state of flux because, not so much because of political but because of... I don't want to say empires of various police agencies and emergency services. Everyone is reluctant to give up their capacity to make, you know, to dispatch calls and so forth. We were at a meeting not too long ago at the Albany County Jail with the Sheriff and so forth where this was just discussed and I think you're going to see us moving in that direction. I think it's very conceivable that we could be dispatching for some other agencies and you're going to see more regionalization in this area.

MR. BERGAN: What I'm trying to suggest though is that I'm not unaware of the fact that there is turf... as a major consideration, especially among police agencies but others also -- I mean, it's not exclusive to police departments and yet if you really were serious about trying to regionalize, this is an easy step -- something that might be acceptable across boundary lines whereas there might be some harder ones to deal with in the future. If you have one that you've taken in the first place, that makes it easier for the second one to come along. That's what I ask you to think about.

SUPERVISOR RINGLER: Thank you.

COUNCILMAN WEBSTER: I'd like to comment on that too, Mike. In the 911 system, we are one of the principal answering points. We're one of the five PSAP's for the county regionalized system in 911 and part of this computerized dispatching system here is to prepare us for being a PSAP as part of the county system.

MR. BERGAN: And what does PSAP stand for.

COUNCILMAN WEBSTER: That is one of the principal answering points. If the county jail were to go down, we would be the county system, one of the 5 answering points.

SUPERVISOR RINGLER: Any other questions?

COUNCILWOMAN GALVIN: I have some questions on the budget, if there aren't any more from the public.

SUPERVISOR RINGLER: Okay.

COUNCILWOMAN GALVIN: I am going...

SUPERVISOR RINGLER: I thought we got them all at the workshops.

COUNCILWOMAN GALVIN: Oh, I am going to the October 28th run. The changes from the....

SUPERVISOR RINGLER: Okay. Judith.

COUNCILWOMAN GALVIN: First of all, this one goes to Bernie, in your budget it looks like you got creamed, you lost \$23,000 on legal and auditing fees.

ATTORNEY KAPLOWITZ: As long as it is not salary, Sheila.

COUNCILMAN WEBSTER: I move we take it out of salaries.

ATTORNEY KAPLOWITZ: Judi, can you explain that?

COUNCILWOMAN GALVIN: I saw that it went from \$70,000 -- this is account number 1420 and it is line 453 for legal and auditing fees which went from \$70,000 down to \$47,000.

MRS. KEHOE: Right.

COUNCILWOMAN GALVIN: Now, appraisals went up to \$40,000 but of that at least \$10,000 came out of the Assessor's budget on the Ni Mo line items and looking at the original line items, there was in the \$70,000 there was \$15,000 budgeted for appraisals. But not, I, I can't see where the number, how, how you...

MRS. KEHOE: Where the changes went?

COUNCILWOMAN GALVIN: Where the changes went. Especially the decline to \$47,000.

MRS. KEHOE: We started out with the \$70,000 in legal and auditing, from that I subtracted the \$8,000 which was the court levied appraisals that were originally included within the legal expense. In the budget workshops we indicated that we wanted to split that out. All I did was reclass it, I took \$8,000 out of the attorney's fees and added that into the appraisals line. Then I subtracted out \$15,000, which is the appraiser's testimony that was also originally included in that line -- so then just to reclass form one to the other -- so, that's \$15,000 plus \$8,00 added to the appraisal line, plus \$10,000 from Brian's budget code, No. 1355, plus another \$7,000 from budget code 1490, bringing us up to the total of \$40,000.

COUNCILWOMAN GALVIN: Okay. That still leaves adequate in the legal and auditing fees?

SUPERVISOR RINGLER: Well, if not, we take it out of his salary.

COUNCILWOMAN GALVIN: It was a.. it was a \$23,000 drop, so I figured I better ask.

MRS. KEHOE: ...reclass, reclass.

COUNCILMAN GUNNER: Buy a lot of TV time.

ATTORNEY KAPLOWITZ: Yes.

SUPERVISOR RINGLER: Anything else, Sheila?

COUNCILWOMAN GALVIN: A couple of others. As long as that's okay. When we discussed, this is account number 1910, the contractual expenses for insurance, \$407,000. Judi, I believe you had indicated a willingness to give us some information on how that was let. In other words, since it wasn't bid, since the Town didn't bid it, their was an indication -- has anything been scheduled for letting us know how that is being put out?

MRS. KEHOE: The insurance committee is putting that together almost as we speak and once that's finalized they will be contacting Ken to schedule a meeting of the Board.

COUNCILWOMAN GALVIN: Okay...account number 1990, intention to count, if I can ever find it, the original, ...

COUNCILMAN GUNNER: Data process it, is Jeff here?

SUPERVISOR RINGLER: No.

COUNCILMAN GUNNER: I don't think it will take much effort on their part to get these pages numbered -- on his part.

MRS. KEHOE: Well, he doesn't give the final report though, he could number the original pages but by the time I put my inserts in their it wouldn't mean anything to you. I could put in numbers once we had a final package.

COUNCILMAN GUNNER: If they run it off, they could put it in as the sheets go, everytime they had a jump, to print the Town of Bethlehem which prints on most of the pages, they could just number the pages. Simple process.

COUNCILWOMAN GALVIN: On ...

MRS. KEHOE: It is multiple inserts, but I'll look at it.

COUNCILWOMAN GALVIN: On number 1992, contingent account, we had talked about the increase of a \$100,000 there. One of the things that you had mentioned, was the possible change for the retirement system, but with that you had indicated you anticipated a potential \$130,000 increase, is that correct?

MRS. KEHOE: There is a \$131,000 included within that which is for the employee's retirement system and then miscellaneous. The bulk of that would have to be to the employee's retirement system. I can't predict what they are going to be billing us, that is just my desire to give us a little reserve, looking forward in the future when they finally say, oh we've changed our mind, we would like to bill you back the additional amounts.

COUNCILWOMAN GALVIN: Is that also to take into account any potential problems with sales tax variations?

MRS. KEHOE: I mean those revenue numbers have been booked as best we can get in the budget in general.

COUNCILWOMAN GALVIN: I'd noted that in tonight's packet we have a job description. I believe that -- have you had a chance to look at that Charlie with respect to account 7520, which is cable administration?

COUNCILMAN GUNNER: Cablevision? Yes.

COUNCILWOMAN GALVIN: Yes, okay.

COUNCILMAN GUNNER: There were... actually there were two proposed job descriptions, not accepted yet. As far as I know, and so, yes they are available. Thank you.

COUNCILWOMAN GALVIN: Did you have a chance to ...

COUNCILMAN GUNNER: ... look at them?

COUNCILWOMAN GALVIN: Yes.

COUNCILMAN GUNNER: Yes, I think they probably should be blended a little bit.

COUNCILWOMAN GALVIN: Okay, my other one was a generalized question, going to the planning expenses, and one of the questions that I had raised at the meeting when we were in budget workshop, was questions about comparable costs for other towns -- Judi, did you have a chance to get any comparable costs for...

SUPERVISOR RINGLER: I believe I gave you some that night.

COUNCILWOMAN GALVIN: I believe there were a couple that we had specifically discussed that we didn't have, for example Niskayuna...

SUPERVISOR RINGLER: I didn't believe...

COUNCILWOMAN GALVIN: ...was when we

SUPERVISOR RINGLER: ...quite frankly I didn't realize we had requested anymore.

MRS. KEHOE: I hadn't follow up on that, I didn't realize that was...

SUPERVISOR RINGLER: I don't recall that being requested. And you know, we had, we had some information that showed where we stood in comparison to some towns, but I didn't hear a request.

COUNCILWOMAN GALVIN: As I recall the numbers that were discussed, were general numbers and they were not specific. One of the issues that had been raised at that time was the, as I recall the Town of Niskayuna had been mentioned as comprable and I thought we were getting some additional information on that, since we do have rather high expenses and the planning area. The other question was in relation to the costs for professional services in the department and that was one of the reasons why I was asking John if by comparison in his department if it was adequately staffed.

MR. LIPNICKY: I've been asked of this of Niskayuna county, a community of 19,000 people, two persons in the department and one planner, the budget is approximately \$65,500 and it's a community that's really not growing.

COUNCILMAN WEBSTER: Two people.

COUNCILWOMAN GALVIN: Three.

MR. LIPNICKY: One professional, one secretary.

COUNCILWOMAN GALVIN: Do you have any other comparables Jeff?

MR. LIPNICKY: Other than the ones we had, that we talked about at budget workshop, no.

COUNCILWOMAN GALVIN: And on the comparables, do you also have their comparable figures on Planning Department and Planning Board combined total budgets?

MR. LIPNICKY: When I talked, called around I didn't ask for the Planning Boards.

COUNCILWOMAN GALVIN: As I recall you said Colonie, my figures from the other night where, you had a Colonie figure also, do you have that tonight?

MR. LIPNICKY: Approximate... Colonie is a combined department between Engineering and Planning. And when I got the number it was the combined number \$490,000. So, Colonie has three planners on staff, 10 total people in the combined Engineering/Planning Department.

COUNCILWOMAN GALVIN: And, you were looking at Guilderland, did you get a figure for that?

MR. LIPNICKY: Guilderland, somewhere in the range of \$90 to \$100,000. One and a half planners plus a consultant.

COUNCILWOMAN GALVIN: Based on your experience, Jeff, is Guilderland comparable to the type of planning problems that we have in this Town or is there any significant difference?

MR. LIPNICKY: Of all the communities... you have to consider that most of the communities that have planning departments, Niskayuna, City of Albany, City of Troy, various cities, Glenville, other communities like that, even Colonie or communities that aren't really growing as fast as the Town of Bethlehem is, the only community that is really comparable is probably Guilderland.

COUNCILWOMAN GALVIN: Basic question, if you are talking about Guilderland with 1 1/2 planners and one consultant, do you know how much their consultant budget is? How much of the \$90-100,000. goes to consultant?

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MR. LIPNICKY: Off hand, no.

COUNCILWOMAN GALVIN: Well, what my concern is is we are talking about a planning department budget of \$171,300. for Bethlehem and, if as you say Guilderland is the closest comparable, we are talking about a difference of, call it, \$70,000. for round figures and I was looking for the justification for that differential.

SUPERVISOR RINGLER: Well, I think we discussed that at the workshop also, that this... that \$171,000. includes the work that is being done on the Master Plan, which these other communities aren't doing, including \$30,000. some for the CDTC for the traffic study and additional staff that will be reduced -- in my view at least -- and I think Jeff concurs, once that process is complete. So, actually ours will probably be less or pretty similar to what Guilderland's is, once a Master Plan process is complete.

COUNCILWOMAN GALVIN: Well, we are talking about basically what was designated as LUMAC was line item 452 which was under engineering fees which was the \$33,000 which would still leave close to \$40,000 of differential, so if we are talking about eliminating...

SUPERVISOR RINGLER: But, again, as I just said we talked about...

COUNCILWOMAN GALVIN: ...a complete position?

SUPERVISOR RINGLER: Yes.

COUNCILMAN GUNNER: I am sorry, I missed that point.

SUPERVISOR RINGLER: We would be eliminating a complete position once the LUMAC process is done. My view, yes and I believe Jeff concurs with that.

COUNCILMAN WEBSTER: I think we discussed that at the workshop.

SUPERVISOR RINGLER: He is not answering, but I think that we have discussed that in the past and the size of the department could be reduced.

MR. LIPNICKY: Well, again, it depends. If you don't want the Planning Department to be doing activities, such as traffic studies, such as applying for grants and things of that nature, just reviewing applications to the Planning Board activities like is done in most other communities that have a staff of one person, then the answer to that question is yes. If you are talking about a period of time when there is 3 to 4,000 housing units on drawing boards and in addition you want additional studies and alike, then the answer is 2 people can't do that. It really depends on what the Town Board is looking to do.

COUNCILMAN GUNNER: Jeff, I guess...

MR. LIPNICKY: But, as a general rule, I would agree with what Ken is saying.

COUNCILMAN GUNNER: I guess I sort of agree with Ken's position because as I remember when we hired additional staff -- and I don't remember what that staff was specifically -- but, was so that you could work 90 percent with LUMAC.

MR. LIPNICKY: That is correct.

COUNCILMAN GUNNER: So, therefore, is LUMAC is finished, then that 90 percent -- in logic anyhow, my logic and I guess in Ken's too -- could be maybe possibly used some place else but otherwise, reduced.

COUNCILWOMAN GALVIN: Charlie, I agree completely with both you and Ken, where my problem comes in is that we have budgeted for that other position for the full year. If that were our intent, I should think that we should be looking to end that position and budget accordingly, with LUMAC coming to an end roughly in March and assuming some overflow going to the middle of the year. In other words, budgeting that position for only a half year.

SUPERVISOR RINGLER: Well, I would not recommend that at this point in time, because once LUMAC is done, then the Town Board has to make a determination as to what actions are going to be taken, including changes to the Code and so forth to implement LUMAC and I do think that would at least take that year and then next year at budget time we can evaluate it and make a determination as to whether or not we should cut the staff.

COUNCILWOMAN GALVIN: Well, I would hope the changes to the Code would be handled by the Town Attorney who would be doing that drafting work.

SUPERVISOR RINGLER: But, there is going to be an awful lot of technical work from the staff that would be required in addition to the Town Attorney's work on such work.

COUNCILMAN GUNNER: The last time they had a master plan study and there was one -- a lot of people forget, 1968 as I remember.

COUNCILMAN WEBSTER: Yes, before my time.

COUNCILMAN GUNNER: No, you were alive when Methusa was around.

ATTORNEY KAPLOWITZ: The other plan was 1965.

COUNCILMAN GUNNER: 1965, thank you, and a lot... although it was never adopted in total, it was... pieces of it was and the codes and the new adjustments to the Planning Board for specifications and that were accepted and they were rewritten -- there was a special manual developed by that. I have a copy of it at home somewhere that was fully adopted, I wasn't around. I was younger than Fred so I wasn't around then. So, I guess that some of that would have to be done. I wouldn't think that the Town Board would be getting involved in that too much, Ken.

SUPERVISOR RINGLER: Well, we are going to have to...

COUNCILMAN GUNNER: We would have to deal with seeing that it is financed and so forth.

SUPERVISOR RINGLER: Approved and done, right.

COUNCILMAN GUNNER: But, we wouldn't be getting into the technical end of that.

COUNCILMAN WEBSTER: Unless you volunteer.

SUPERVISOR RINGLER: Is there anything else before I open it to the public because this is what this is, is a public hearing?

COUNCILMAN GUNNER: Go back to the public, I would rather have the public and then I will come back.

SUPERVISOR RINGLER: Yes, right, okay. Is there anyone who would like to speak in favor of the budget? There was no one. Anyone like to speak in opposition? There was no one.

COUNCILWOMAN FULLER: Nobody cares about the budget.

COUNCILMAN GUNNER: Hell of a good crowd.

SUPERVISOR RINGLER: I would entertain a motion to close the public hearing.

COUNCILMAN GUNNER: Whoa, whoa, whoa, no, I said I had a couple things I wanted to bring up. It is just one, really.

SUPERVISOR RINGLER: Oh, okay, fine.

COUNCILMAN GUNNER: I did find that thing I spoke to you this afternoon, all right and I would like to ask Judi. COGEN, okay, and there was a story -- can't tell you which newspaper, September 23rd, I don't know whether it was yours or the Spotlight -- Mel Hyman, so it is the Spotlight -- and it says that the first... Bethlehem will

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receive its first payment in lieu of taxes next February, about \$200,000. and I did speak with somebody and they showed me where \$62,000 of it was. Is there -- well, are we going to get...

SUPERVISOR RINGLER: The school district gets the rest.

MRS. KEHOE: Well, there is more than...

COUNCILMAN GUNNER: The school district gets the rest.

MRS. KEHOE: Yes.

COUNCILMAN GUNNER: Okay.

MRS. KEHOE: It is split between the highway, the general fund and then the school district.

COUNCILMAN GUNNER: Oh, you have split it. How much did the school district get?

SUPERVISOR RINGLER: They will get about 60% of it.

MRS. KEHOE: That is about 60%.

COUNCILMAN GUNNER: Well, how much do we get and subtract it?

MRS. KEHOE: That is about 60% and we get about 40% of that total.

COUNCILMAN GUNNER: Oh, okay.

MRS. KEHOE: Which is about \$42,000 in the general fund and about \$127 in the highway.

COUNCILMAN GUNNER: Yes, the other money goes to Ravenna, right.

SUPERVISOR RINGLER: Yes.

COUNCILMAN WEBSTER: Unfortunately.

COUNCILMAN GUNNER: Yes, you are right there.

SUPERVISOR RINGLER: Well, it is not unfortunate to many of the residents of the Town of Bethlehem.

TOWN CLERK NEWKIRK: Thank you.

SUPERVISOR RINGLER: You have to go live in the RCS school district. They would disagree with your comment.

COUNCILMAN GUNNER: The lack of... The Town Clerk will argue with that.

TOWN CLERK NEWKIRK: That is right.

COUNCILMAN GUNNER: In the last paragraph, it says, the Town will also reap the windfall of the company pays a \$500,000. financing fee to the Town. Half the fee will be paid next month, this was September -- did we get half that fee?

SUPERVISOR RINGLER: It just came in to the IDA last week at the closing.

COUNCILMAN GUNNER: How much?

MRS. KEHOE: \$250,000.

COUNCILMAN GUNNER: And, that is in this year's budget.

MRS. KEHOE: In '92.

COUNCILMAN GUNNER: In '92.

SUPERVISOR RINGLER: If the IDA gives it to us.

MRS. KEHOE: Right, that was paid over from the IDA.

COUNCILMAN GUNNER: I think they will.

SUPERVISOR RINGLER: I do have some influence there, though.

COUNCILMAN GUNNER: Now, so that \$250,000 -- we are near the end of the year, right and that goes into the fund balance?

MRS. KEHOE: Right, it is revenue for '92 which will be closed into... right.

COUNCILMAN GUNNER: Most of that, I would think would roll over because our budget is in pretty good shape and I complement you on that. Okay.

MRS. KEHOE: Took a little help.

COUNCILMAN GUNNER: Now, the other half will be paid in the spring.

ATTORNEY KAPLOWITZ: No, Charlie, when the certificate of occupancy is granted.

COUNCILMAN GUNNER: I am just reading it off here, you can't trust the press to get the facts right.

ATTORNEY KAPLOWITZ: When the certificate of occupancy is granted, in other words, when it is done which they expect to be in '94.

COUNCILMAN GUNNER: So, we won't get the other half of the fee until '94.

SUPERVISOR RINGLER: '94.

COUNCILMAN GUNNER: Okay, that answered that question.

SUPERVISOR RINGLER: Okay. Anything else? Entertain a motion to close the public hearing.

The motion was made by Mr. Gunner and seconded by Mr. Webster to close the public hearing at 8:43 p.m. The motion was passed by the following vote:

- Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.
- Noes: None.

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SUPERVISOR RINGLER: Next item on our agenda is consider a resolution regarding the base proportions for homestead. This is an adoption of some numbers which have been derived at through the process. These are already on file with E&A and so forth but this is a step at... basically, sets down the facts that these are what the proportions are. And, I would like someone to offer a resolution to authorize... to adopt that resolution setting the homestead base proportion at 56.96857% and the non-homestead base proportion at 43.03143%. Anyone like to offer that resolution.

RESOLUTION

WHEREAS, THE Town Board has adopted the provision of Section 1903 of the Real Property Tax Law concerning homestead base proportions; and

WHEREAS, the Town Board wishes to extend town general and highway taxes using the homestead base proportions; and

WHEREAS, the Town Board has received contingent approved assessing unit status and such status entitles the Town to adopt the provision of Section 1903 of the Real Property Tax Law; and

WHEREAS, the homestead and nonhomestead base proportions have been calculated based upon the taxable value from the final assessment roll filed, completed and verified in 1991; and

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WHEREAS, the Town submitted to the State Board of Equalization & Assessment on June 2, 1992, the calculations of the Homestead and nonhomestead base proportions from the 1991 final assessment roll;

NOW, THEREFORE BE IT RESOLVED, that the Town of Bethlehem establishes the homestead base proportion as 56.96857% and the nonhomestead base proportion as 43.03143%.

The foregoing resolution was adopted on a motion made by Mr. Gunner, seconded by Ms. Galvin and passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.

Noes: None.

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COUNCILMAN GUNNER: I have a question.

COUNCILMAN WEBSTER: I just want to. Okay, go ahead.

COUNCILMAN GUNNER: There wasn't a chance for a question.

SUPERVISOR RINGLER: I am sorry.

COUNCILMAN GUNNER: I just think it was important that we did this. I had brought it up at a meeting about a month ago, I guess, with Brian right here in this room because we would have been in violation of our own Town Code. And, this satisfies that and makes it the right way to do it. Otherwise, we could have been incorrect.

MR. LASTRA: Right, you don't want to be in that when you are taxing.

COUNCILMAN GUNNER: Yes, right. We don't want to be in that kind of situation.

SUPERVISOR RINGLER: I am going to vote yes on this but I must point out that this does not indicate my support for homestead and does not change how I previous vote. All this is asserting that these numbers are correct and I certainly will assert to the fact that these numbers are correct that Brian has put together.

COUNCILMAN GUNNER: I think that that is self-evident and that that was over. If you want to fight that again, we will go.

SUPERVISOR RINGLER: I don't want the press to misconstrue.

COUNCILWOMAN FULLER: They haven't gotten it right yet, Mr. Ringler.

COUNCILMAN WEBSTER: I would also like to go on record that I will be supporting this resolution but I still do not support homestead provision.

SUPERVISOR RINGLER: Okay.

COUNCILMAN GUNNER: Well, I can't help it what you guys do.

SUPERVISOR RINGLER: I know that. We can't help what you do either.

COUNCILMAN GUNNER: You were in... no, I wouldn't even say that. I could have given you a real dart right in the heart but I am not going to do it. I am going to kill you with kindness tonight.

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SUPERVISOR RINGLER: Okay, originally I had asked for an executive session to discuss land acquisition at the end of this meeting, however, that information is not ready. Therefore, I will not be requesting an executive session. Is there anything else?

ATTORNEY KAPLOWITZ: Yes, I just want to mention something. The last meeting, you decided not to accept the bids from Green Electrical for the work on the addition to the sewage treatment plant. Just so you are aware, the next morning I heard from their attorneys in Rochester and received a couple notices from them today, threatening but who knows if they are serious. They may consider suit. They are taking

the position that our reason for not accepting the bids is not adequate. For what it is worth, just so that you are aware.

SUPERVISOR RINGLER: Okay. Anything else?

COUNCILMAN GUNNER: Yes, I will tell you both of you guys, that that statement was unnecessary and I would be glad to tell you in private later why and what I think. And, you won't be happy but I won't say it in public because I wouldn't be happy either, the results.

SUPERVISOR RINGLER: Okay. Entertain a motion to adjourn.

The motion was made by Mrs. Fuller and seconded by Ms. Galvin to adjourn the special meeting of the Town Board at 8:45 p.m. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin,  
Mrs. Fuller.  
Noes: None.

*Kathleen A. Newkirk*  
Town Clerk