

TOWN BOARD
NOVEMBER 9, 2005

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 5:30 p.m.

PRESENT: Theresa Egan, Supervisor
Daniel Plummer, Councilman
George Lenhardt, Councilman
Tim Gordon, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney
ABSENT: Thomas Marcelle, Councilman

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

The Supervisor asked if anyone had any comments on any item on the agenda. She asked if there were comments on any item not on the agenda that they be held to the end of the meeting.

Mr. Moran asked if he should comment on the budget now or later. The Supervisor said now would be the appropriate time since the budget is on for discussion and vote. Mr. Norman Moran said he had several things. He said the last meeting, he brought up the fact of consolidating some fire districts, asking if any thought has been given to this. Supervisor Egan said there is continuing discussion with the fire districts and their representatives and it is not something as simple as 'we are consolidating the fire districts.' She noted there are several legal issues that go into it. She said it is one item that a discussion will continue on.

Mr. Moran said they are talking about building a new fire department for Delmar and asked why the taxpayers should spend that kind of money when the Elsmere and Slingerlands Departments are no more than 2 miles away. Supervisor Egan encouraged Mr. Moran to contact the appropriate people at the Delmar Fire District. Mr. Moran asked if the Town Board assesses the people in the Town and paying taxes through the assessment. Supervisor Egan said the Town Board does not have any decision-making ability/jurisdiction in regard to the fire district matters. She said the fire district operates independently of the Town of Bethlehem. She said they are their own legal entity. She said if there is a concern, please contact the department.

Mr. Moran commented that the districts submit the budget to the Town Board. Supervisor Egan said the Town is just the collecting agency for it. She said the Town does not comment on it and they cannot change it. She said that is all done within the district and the voters of the district themselves. Councilman Lenhardt said fire commissioner elections are in December. Mr. Moran said apparently the City of Albany and the City of Schenectady and Troy run a different operation. Supervisor Egan said they are paid personnel and it is a very different situation when it is a volunteer service. Councilman Lenhardt said the Districts budgets are gathered in September and adopted in September. He said it is then passed to the Town to be included in the bill.

Mr. Moran said when the Board originally talked about the budget, the Board was talking about a 5 percent increase. He said that did, if he was not mistaken, not include the amount it would cost to run the fire departments. Supervisor Egan said that was correct, noting the 5 percent only had to do with Town taxes. Mr. Moran asked what the rate would be including the fire department. Supervisor Egan said as discussed at the last Board meeting, there has been some recommendations and some work done by staff that has allowed the Board to reduce the highway tax proposed to 4 percent, which would reduce the blended rate for the Town taxes to be about 3.08 percent. She said she does not know what the fire tax is. Mr. Moran asked when the people are going to know

that. Supervisor Egan asked Comptroller Kehoe, noting each fire district is a different matter.

Mr. Moran said another thing he brought up was the Town's payment of approximately 1.6 million dollars for the employees' health benefits. He asked why the Town does not turn around and have the workers pay at least half of that amount. He said the projection is for a 2.7 million dollar gap in revenues by the year 2010, noting if they paid half their medical insurance that would close the gap considerably. Supervisor Egan said that was certainly an issue that will be examined as they go forward. She said as they talked about at the last meeting, there will be an inter-departmental management committee that will start looking at not only management and proficiency issues within each department but all different areas of cost savings alternatives. Mr. Moran volunteered to be a civilian on that review board. Supervisor Egan said she received that and thanked Mr. Moran.

Mr. Moran said also his understanding is that the Board is using some surplus amounts to decrease the amount of the tax increase, asking if this was correct. Supervisor Egan said what is being proposed and there will be a further discussion is that Mr. Sagendorph was able to realize some savings in his own budget from 2005 as a result of Mother Nature being a little kinder to us in the spring and raining too much in the fall to do paving. She said there are some savings that can be carried over and apply to the highway budget for 2006 that will allow the drop in the proposed tax to 4 percent. Mr. Moran asked if they were using surpluses. Comptroller Kehoe said it is taking the surpluses from this year and spending it next year.

Mr. Moran said there is a 12 million dollar increase in the assessed valuation this year and there is still talk of a tax increase. He said the Board should make some serious decisions in the future of where they are going because they just cannot keep digging into the taxpayers pockets. He said somehow or other they have to come to grips with spending. Supervisor Egan said they understand that. Mr. Moran said the problem is that it is not happening, noting there was increase last year and there is an increase this year. He said if there is a 2.7 million dollar gap between now and the year 2010 there is going to be bigger tax increases. He said the interest rates are going up and therefore, the housing boom is not going to continue.

Supervisor Egan thanked Mr. Moran for his comments. Mr. Moran asked how many holidays the employees get off. Mrs. Kehoe said there are 13 holidays. Mr. Moran said something should be done about that. He said leaves are blowing all over the neighborhoods and he believes there is a traffic hazard on the corner of Carstead and Route 85. Supervisor Egan noted the Highway Department worked on Election Day. Mr. Moran said if there is an accident in that area in the next few days, he was going to hold the Board responsible. He said in the daytime you cannot see over the leaves.

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The Supervisor asked if anyone else wished to comment on any item on the agenda. Mrs. Capone asked if there was ever going to be a budget for the people to have. Supervisor Egan said the copy has been available at the Clerk's Office and the Library. Mrs. Capone said the Town Clerk noted all she had was in the binder. The Supervisor said the budget is available for review.

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Mr. Robert Jasinski said in regard to the budget he wished to ask if the Town employs Manpower personnel. Supervisor Egan noted on occasion the Town does. Mr. Jasinski noted the employees cannot handle this and Manpower personnel are needed. Comptroller Kehoe said Manpower is used to supplement the staffing levels that we have rather than increase the number of full time employees that come with a price tag for benefits and other costs like that. She said it is more cost effective to supplement during peak work periods. Mr. Jasinski asked how many are employed. Mrs. Kehoe said she could not answer that off the top of her head. Mr. Sagendorph said it depends on the season and where in the

season they are. He said right now there are 8 Manpower. Mr. Jasinski asked where these workers come from. Mr. Sagendorph said they are from Albany and some from as far away as Troy.

Mr. Jasinski said the Town has blacktopped every street that he knows of in the Town and noted this includes dead ends and cul-de-sacs and everything. He said Bender Lane is going to be waiting for a big accident and the Town is going to wind up being sued. He said nothing has been done on Bender Lane and yet it is used to go to Walmart and/or Price Chopper by many people. He said for 2 years it has been surveyed and asked if there was another crew due out there in the next couple weeks. He said snow is going to fly pretty soon. He said he would like something done with Bender Lane. He thanked the Board. Supervisor Egan thanked Mr. Jasinski.

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

Hearing began: 5:45 p.m.

SUPERVISOR EGAN: Kathy, could you read the call of the meeting, please.

TOWN CLERK NEWKIRK:

WHEREAS, 2006 Assessment Rolls have been prepared for the Bethlehem Sewer District and it is necessary to hold a public hearing with reference thereto,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hold a public hearing with reference thereto, at 5:45 p.m. on Wednesday, the 9th day of November 2005, at the Bethlehem Town Hall, and,

BE IT FURTHER RESOLVED, that the Town Clerk be, and she hereby is authorized and directed to publish a notice of such hearing in THE TIMES UNION, a newspaper published in Albany County and having a circulation within the Town of Bethlehem, on the 29th day of October 2005.

All interested persons 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. 183. Advanced notice is requested.

The foregoing resolution was adopted by the Board at their meeting held October 26, 2005.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk, MMC, RMC
TOWN CLERK

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State of New York)
County of Albany)

T. DOLLARD of the City of Albany, being duly sworn, says that he is the Principal Clerk for TIMES UNION, a weekly newspaper printed in the County of Albany, Town of Colonie, and published in the County of Albany, Town of Colonie and the City of Albany, aforesaid and that notice of which a printed copy is annexed has been regularly published in the said ALBANY TIMES UNION on the following dates:

10-29-2005

/s/ T. Dollard

Sworn to before me this 31st day of October 2005.

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

/s/ Jodi M. Burick
Notary Public, Albany County

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STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

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 Nov. 1, 2005, 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
Town Clerk

Sworn to before me this
1st day of November 2005.

/s/ Colleen Hummel
Notary Public

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Town Clerk Newkirk noted the notice was also published in the Spotlight on November 2, 2005.

The motion was made by Mr. Plummer and seconded by Mr. Gordon 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: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.
Noes: None.
Absent: Mr. Marcelle.

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SUPERVISOR EGAN: Okay. Do we have anyone that wishes to be heard or testify in regard to this matter? This is the 2006 Assessment Roll for the Bethlehem Sewer District. Going once, going twice. Okay. Do I have a motion to close the hearing?

The motion was made by Mr. Plummer and seconded by Mr. Gordon to close the public hearing at 5:47 p.m. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.
Noes: None.
Absent: Mr. Marcelle.

Town Clerk

Supervisor Egan asked if the Board wished to adopt the 2006 Sewer Assessment Rolls for the Bethlehem Sewer District.

The following resolution was presented for adoption:

WHEREAS, assessment rolls for the year 2006 have been prepared by the Town Board for and in connection with the Bethlehem Sewer District, the Special Sewer District No. 1 and the South Albany Sewer District, which said rolls were completed and filed with the Town Clerk of said Town, and

WHEREAS, due notice of the completion of the assessment rolls and of the time and place when and where this Board would meet to hear and consider any objections that might be made to said rolls and for the purpose of reviewing, correcting and amending the same, was duly given by the Town Clerk by publication of due notice in THE TIMES UNION, a newspaper published in the County of Albany and the Town Board met at the time and place specified, and the hearing was duly had upon said assessment rolls,

NOW, THEREFORE, BE IT RESOLVED, that said assessment rolls be and they hereby are approved, affirmed and adopted by the Town Board as filed.

The foregoing resolution was presented for adoption by Mr. Gordon, seconded by Mr. Plummer and duly adopted by the following vote:

Ayes: Ms. Egan, Mr. Lenhardt, Mr. Plummer, Mr. Gordon.
Noes: None.
Absent: Mr. Marcelle.

Supervisor Egan asked for a motion to go to Executive Session to discuss contract negotiations and personnel matters.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to proceed to Executive Session to discuss contract negotiations and personnel matters. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Lenhardt, Mr. Plummer, Mr. Gordon.
Noes: None.
Absent: Mr. Marcelle.

Meeting resumed: 6:25 p.m.

The motion was made by Mr. Gordon and seconded by Mr. Lenhardt to return to the regular Town Board meeting. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Lenhardt, Mr. Plummer, Mr. Gordon.
Noes: None.
Absent: Mr. Marcelle.

Supervisor Egan apologized in regard to Mr. Moran's comment regarding going to an Executive Session when there were other items on the agenda, she noted that there were certain things that needed to be handled before the related items on the agenda. She thanked everyone for their patience.

The Supervisor noted the Board was prepared to take action on some of the items discussed in Executive Session.

The first item regarded four (4) pending certiorari matters that Josh Effron, Esq. had been handling on behalf of the Town in conjunction with M. David Leafer, Assessor. She noted there were actually five (5), however, Imper Realty Corp has been discontinued. She said there were recommendations from Mr. Effron and Mr. Leafer in regard to the other four (4) with petitioners – Selkirk Ventures, Lowe's Home Centers, Verizon New York and Walmart where it is her understanding that there has been an agreement reached on the fair market value of these properties. She said there is a request to the Board to authorize the settlement of those certioraris.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the settlement agreements for Selkirk Ventures, Lowe's Home Centers and Walmart as proposed by Attorney Josh Effron and Assessor, M. David Leafer. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.
Noes: None.
Absent: Mr. Marcelle.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the settlement agreement for Verizon New York as proposed by Attorney

Josh Effron and Assessor, M. David Leafer. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Gordon.
Noes: None.
Abstain: Mr. Lenhardt.
Absent: Mr. Marcelle.

Supervisor Egan said there is a pending personnel matter and there has been a request to appoint a hearing officer in regard to the personnel matter.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to appoint a hearing officer regarding a pending personnel matter. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.
Noes: None.
Absent: Mr. Marcelle.

The Supervisor said the third matter handled in the Executive Session had to do with the Human Resource Committee's review of the 2005 requests for changes in job title and various other things. She said there has been discussion on that and it was her understanding that Mrs. Kehoe and Mrs. Glassman will work up an official memorandum with the recommendations as agreed to and it will be on the next agenda.

Supervisor Egan said the final item coming out of Executive Session was a discussion in regard to the proposed settlement of the Police Contract. She said the Contract expired January 1, 2005 and engagement regarding negotiations has been ongoing for the last 11 months. There was a recommendation, according to the Supervisor, to approve certain changes which would then be written up in formal contract. The Supervisor said in summary, the proposed agreed upon terms for consideration are a 3 year contract – 2005, 2006 and 2007 – and basically the COLA which would be a 3/2 percent for each of the 3 years. She said in addition to that, there is a request regarding the residency requirement for residence in Albany County to be changed to require a living radius within 25 miles of Town Hall and in addition to that there is a dry cleaning provision, as well as, changing the Sergeant's pay scale to consist of only two (2) steps similar to the same two (2) step salary scale of the Detectives. She said these are in essence the major terms.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the proposed settlement of the Police Contract for a 3-year period. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.
Noes: None.
Absent: Mr. Marcelle.

Supervisor Egan asked Comptroller Kehoe to notify Michael Smith, Esq. of this approval to have the official agreement drawn up.

The next item was to approve the Town Board minutes of September 28, October 12 and October 26, 2005.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve the Town Board minutes of September 28, 2005 as submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.
Noes: None.

Absent: Mr. Marcelle.

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The motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the Town Board minutes of October 12, 2005 as submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.

Noes: None.

Absent: Mr. Marcelle.

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The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to approve the Town Board minutes of October 26, 2005 as submitted. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.

Noes: None.

Absent: Mr. Marcelle.

The next item was to consider adoption of the Proposed Local Law regarding the Planning Board. Supervisor Egan noted this was discussed at the last meeting. She said there was some proposed changes which have been distributed to the Board. She noted there has been some further discussion based on some of the information. Mr. George Leveille, Director of the Department of Economic Development and Planning, said they are not at the point of making a full recommendation to the Board. He said the issues being groped with are term limitations which they seem to think there should be a limit on the term of any member appointed. He said they still have not concluded whether 4, 5, 6 or 7 years is the appropriate term of that and they would like to hone in on those recommendations, as well as, the role of the alternate member. He said he thinks the alternate member is a good idea but there needs to be some more structure to how that member plays a role. He said one of the thoughts they have would be that the appointment of an alternate member could be sort of a step precedent to that person being appointed as a new Member to the Planning Board. He said so in effect it gives them an opportunity to be involved and be trained a little bit before being a full voting member.

Mr. Leveille said these are the kinds of things they are evolving and will have a recommendation by the end of this month together with a revision to the proposed law so that it could be adopted hopefully in December.

Supervisor Egan noted one of the other things being discussed was the attendance issue. Mr. Leveille said they did look at attendance, noting the proposed law indicates that four (4) absences could be a cause for Town Board removal. He said they looked at the historical attendance of the members over the last couple years and with the exception of one member, 4 has been a reasonable target that would appear to be a good number.

Councilman Plummer asked if Mr. Leveille meant the staff is recommending term limits. Mr. Leveille said they think it is appropriate to the extent that there are more people in the community who can get involved in participating in this, that it is probably preferable that they would encourage new people and new blood to be involved depending again on their term. He said if it is a 7-year term, that is a pretty long term and sort of lends itself to a single term. He said they would not preclude the ability for the Board to reappoint somebody at a later time to a second term. He said they are saying it would not be a consecutive term. Councilman Plummer said his view of that has not changed that he personally does not like the restriction. He said he thinks that is why they are here at the Town Board and have the opportunity to review the candidate every year. He said they are elected and they do not have term limits and he thinks, in his judgment, it is wrong to place that restriction on Planning Board members when, in fact, it does not apply to the Board Members. Mr. Leveille said he thinks, again, the relationship there would be that in the case of not being restricted in terms of terms, they probably would

recommend a shorter term for the initial appointment so that there is more of a review on a more regular basis noting those 2 things work together. Councilman Plummer said he thinks he does not want to tie future boards.

Supervisor Egan said they are not reviewing yearly either. She just wanted to be clear. Councilman Plummer said that is what he meant and he understands that one individual comes up per year now. Supervisor Egan said that was right, noting they are not reviewing the entire Board every year. Mr. Leveille said these are the areas where they are still a little fuzzy and working through the details of the alternate member. He said they thought the Board gave some good guidance at the last meeting on how that should be treated and they are thinking that there is a possibility they could weave that into a sort of step precedent to being appointed as a full member since every year there will be a new member being added or potentially a new spot being created on the Board.

Mr. Leveille said they will get those to the Board in the form of a memorandum with a recommendation with the revised law prior to the end of November so that it could be considered early in December.

Supervisor Egan asked for a motion to table consideration of a proposed local law regarding the Planning Board.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to table the adoption of proposed local law regarding the Planning Board. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.

Noes: None.

Absent: Mr. Marcelle.

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Councilman Gordon said he agreed with Councilman Plummer regarding the term limits, noting if after a term if the Board deems it is not appropriate for someone to return then someone else would be selected. He said he did not know how necessary the term limit is. Supervisor Egan thanked Councilman Gordon.

The next item was a request from Comptroller, Judith Kehoe, to designate an additional depository. Supervisor Egan noted usually this is done during the January meeting, however, this is requested now and will be reconsidered in January.

The motion was made by Mr. Plummer and seconded by Mr. Gordon to approve an additional depository, HSBC Bank, as requested by Comptroller Judith Kehoe. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.

Noes: None.

Absent: Mr. Marcelle.

The following item was to acknowledge receipt of Quarterly Franchise Fee from Time Warner Cable for the period July through September 2005 in the amount of \$101,736.73.

The next item was a recommendation from Town Engineer, Erik Deyoe, to adopt a resolution regarding maintenance of Route 85 roundabouts and landscaping median. Supervisor Egan said there was a presentation at a previous Board meeting by NYS Department of Transportation regarding the Route 85 extension. She said it contained information that there would be roundabouts maintained at the Blessing Road, Maher Road and New Scotland Road intersections. She said with that since they are not traffic circles, roundabouts are actually landscaped and maintained. She said Highway Superintendent Sagendorph has been part of the

conversations and DOT is looking for the Town to agree to maintain the areas -- basically, weed, water it, and mow it – so they are requesting the Board to authorize the Supervisor to sign a resolution.

The following resolution was presented for adoption:

**Resolution for
Maintenance of Route 85 Roundabouts and Landscaped Median
Resolution No. 31
Resolution of the Bethlehem Town Board**

WHEREAS, the New York State Department of Transportation proposes the construction of three roundabouts and a median within the Slingerlands Bypass project, between Cherry Avenue Extension and Blessing Road, S.H. 2006-1 and 64-013, in the Town of Bethlehem, Albany County; and

WHEREAS, the State shall include, as part of the above mentioned project, the construction of landscaped roundabouts and median with curbing, turf, precast concrete pavers, “gateway” signage, planting beds with ground cover, shrubs, and trees, as shown on the contract plans relating to the project;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Bethlehem, acting by and through the Supervisor, approves the construction of landscaped roundabouts and median with curbing, turf, pavers, “gateway” signage and plantings in the above mentioned project and as shown on the contract plans relating to the project, and

BE IT FURTHER RESOLVED, that the Town of Bethlehem will maintain or will cause to be maintained the landscaped roundabouts and median, to include all maintenance, care, and replacement work necessary to keep the turf and landscape plantings of the roundabouts and the median (from Cherry Avenue Extension to Blessing Road), in a neat and attractive appearance. This maintenance shall include periodic cleanups of debris and litter; the cutting and caring for established turf; and, shall conform to proper horticultural practice including, but not limited to the following: watering, weeding (of beds and pavers), remulching of planting beds, pruning of shrubs and trees, and replacing dead or damaged plants.

BE IT FURTHER RESOLVED, that the Clerk of this Town is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation.

The foregoing resolution was presented for adoption by Mr. Plummer, seconded by Mr. Gordon and passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.

Noes: None.

Absent: Mr. Marcelle.

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Councilman Lenhardt said as opposed to what the State would put in, this is a much more attractive alternative. Supervisor Egan thanked Town Engineer Deyoe and Highway Superintendent Sagendorph for their work on this.

The next item was a request from Receiver of Taxes and Assessments for approval of rehiring of part time Clerk Typist 1. Supervisor Egan said Mary McGuire has taken a position elsewhere, wishing her luck, and asking for a motion. The motion was made by Mr. Gordon and seconded by Mr. Plummer to approve the rehiring of part time Clerk Typist I, Karen Boughton, to assist with mailing and collection of 13,000 school and property tax bills and to assist with other duties as needed in the Tax Office and requested by Receiver of Taxes and Assessments, Nancy Mendick. The motion was passed by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.

Noes: None.

Absent: Mr. Marcelle.

The following item was to consider adoption of the 2006 Town of Bethlehem Preliminary Budget. Supervisor Egan said as most people will remember there was a presentation a month or so ago on this which was not the budget, the budget was a separate item, not to be confused with the presentation.

The Supervisor said there have been discussions in regard to reducing the highway tax that was originally proposed at 8 to a 4 percent, which would create a blended rate of 3.08 percent for the entire tax bill across all 4 funds. She said as discussed, the management committee will be established and start moving forward to see what other alternatives they have to realize additional efficiencies and savings as they move through 2006. She said one thing she would like to add is that in the ensuing last couple weeks continuing to beat up on the department heads to see what could be done to try and find some immediate savings, she has had a discussion with the Chief of Police. She said he had originally proposed a car purchase of 4 patrol cars and one unmarked car and has agreed to forego the unmarked car for some savings. She said the Highway Department has also found some savings and that is the update since this was last discussed.

Councilman Plummer said he obviously supports those savings. He said he thinks that is very positive. He said one thing he wanted to open up for discussion is that in his opinion with the management review committee it is important to discuss the proposal for two (2) police officers. He said the way he understands it, it would be done with one being hired right away and a request made for hiring of another mid-year or later, noting this was how it was proposed. He said his view is, because of the management committee being established to look at all the departments, his support would be for the hiring of the police officer now but ask that the management committee work with the Chief of Police. He said however that gets put together or developed then they can look at the prospect of another police officer either later this year or at another time. He said that is another area where he believes some savings can be gained immediately. He said if it is decided from the management committee that there is a need to do something right away, then the Board can deal with that at that time. He said this was his suggestion and he opens it up for comment.

Councilman Gordon said he imagined that would produce a savings of about \$40,000 in the one year but the Board does not know if they will need to hire someone before the year is out. He said there may be no impact on the budget if the person is hired later in the year. He said the money would be in the budget to hire the person depending on the outcome of the management review.

Councilman Plummer invited the Chief of Police to join in the discussion, noting his understanding is that there are some police officers that are out on injury right now and they may be back or not. He said he did not know the status of all of those and those are considerations also. He said that may lessen the need to bring someone on board mid-year. He said those are the kinds of things that need to be looked at. Chief Corsi said there are three (3) personnel on long-term disability without much hope of returning. He said at the present time they are working with a negative and that is an impact to the overtime budget. He said it is not cost effective to continue to do it in the fashion they are doing it. He said his recommendation of 1.5 is a savings to the Town for 6 months and try to put them back at an operating level that was there before the people were injured.

Chief Corsi said there are also some people out on short-term injuries but they expect recovery on those. Councilman Plummer asked if they were expected to be back this year. Chief Corsi said they do on the short-term injuries but he does not expect the long-term people to return. Supervisor Egan again asked how many were out on long term. Chief Corsi said three. Councilman Plummer said the Chief is asking for 2 to cover the 3. Chief Corsi said that was correct. He said there were moves that had to be made right now to cover school slots and to continue the program. He said those individuals came from the rank and file on patrol. He said now there are openings there that create a strain for the Department to maintain minimum standards for operation. He said the proposal was done after several considerations of the budget and operating needs of the agency.

Councilman Plummer asked what everyone thought about this. Councilman Lenhardt said for what it is worth, anything that saves a dollar he is in favor of. He said he will not be with the Board to decide. He concurred with Mr. Plummer's assessment.

Councilman Gordon asked the Chief how he has been making up of the difference with regard to the shortage. He asked if that was done with the overtime. Chief Corsi said there is a lot of things that play into this noting the denial of time off which allows people to bank time which is problematic in itself. He said additionally there are overtime expenses to cover these things and there is a lot of training requirements that they have to do and there is a cost effect with that because he does not have those slots filled. He said over the course of the year, there is going to be time when he will pay overtime to cover that. He said that is not good management.

Councilman Gordon asked if the idea was to bring in the second officer in June or so. Chief Corsi said half way through only to bring the staffing level back to where it was at the beginning of 2005. He said it is just a matter of trying to maintain the staffing level. Councilman Gordon said the second officer would be in June. Chief Corsi said that was done after consideration of trying to save some money in the budget by deferring it for 6 months. He said there is another thing that if they do not bring a person on laterally, he has to put the person through the academy and it only runs twice a year for 25 weeks. He said it is a scheduling thing also. Councilman Gordon asked about the lead-time if the person had to go into the academy. Chief Corsi said he would need 3 months for a background investigation and all the ancillary things that have to be done. Councilman Gordon said this is only fair for someone who knows there is a position for them. He asked if that would be 3 months from when the class commences. Chief Corsi said that is if they were looking at someone who has to attend the academy. He said if it was a transfer this time would not be needed.

Supervisor Egan asked Comptroller Kehoe if there was a way to technically give one person now but reserve that money somehow so that in the event that the management committee can come in and look at this issue sooner, agree with the Chief that he needs this and tap into the money or do they have to take the money out. She wanted to figure out logistically how that is done. Comptroller Kehoe said the Board does not have to pull the money out. She said when the budget is approved, the source of funding is approved. She said the approval of hiring an employee is a separate authorization that is required from the Board. She said just because it is in the budget does not mean that it happens automatically. She said the Chief would still have to make the request to the Board to hire one (1) officer and he could not hire the second officer until after he had the other approval. She said it is in the budget and there is no harm in leaving it there. She said if it was not approved, it would just be unexpended as of the end of the year.

Supervisor Egan asked Chief Corsi again so she understands the 1½ person kind of item as it is referred to, it really looks like 2 people in the budget indicating there are 2 line items there. She said when they talk about half it is because they are understanding that the second person would be somebody coming out of the academy who we would not be able to tap into probably until June. Chief Corsi said that was correct but if they have to put the person through the academy, in his world it means he cannot use them until December of that year and then giving them about 10 to 14 weeks of in-service training. He said you are looking at 2007 before he can put his hands on the person. He said it is a structured growth but not growth, it is just trying to maintain where they are.

Supervisor Egan said they are talking about 2 different things, one being a fiscal line item and secondly just practicality of when you can physically use the person. Chief Corsi agreed. The Supervisor asked about how the system works with the academy. She asked if the Chief has to in January reserve one recruit or is it something that as it gets closer to June, he wants to get a recruit. Chief Corsi said if he wanted to get one into the academy, he would have a very difficult time now trying to complete the background and doing all the things needed to get the person

into January. He said they are probably looking at a lateral transfer at this point and the rollover time is 10 to 14 weeks of in-service with his department.

Further discussion was held regarding the lateral transfer or a new recruit between the Board, the Comptroller and the Chief of Police. Councilman Plummer noted for the Comptroller's information that the Board will support the hiring of a police officer as soon as the Chief can and that the management review committee will be established and report back to the Town Board by April 1 with recommendations in regard to the second police officer request and other activities. He said the Chief will be part of that as it is put together. Councilman Gordon asked about the money remaining in the budget. Supervisor Egan noted this made sense only because otherwise there would be a problem finding the \$40,000.

Supervisor Egan asked if there was any other discussion with regard to other budget items. The Supervisor asked the Comptroller if she understood the recommendation with regard to the one (1) unmarked police car being a revision. Councilman Gordon said sometimes only an elected official can tell someone a 3 percent increase is a tax cut but with inflation and the cost of living really, a 3 percent increase is less than the cost increases that are being faced with fuel and the impact of higher fuel costs and other commodities we buy. He said he knows the Highway Department is certainly impacted by it. He thinks it is holding the line and it is reasonable.

Supervisor Egan asked if the Board was ready to vote. Comptroller Kehoe clarified that for the one unmarked car the line item would be reduced within the Police Department and correspondingly reduce the planned deficit by the same amount, that's 4 percent. Supervisor Egan said it was. Councilman Plummer asked why it would not be given back to the taxpayers, noting that would be his suggestion. Comptroller Kehoe said if the Town was not in a deficit position, she would agree but right now there is a \$750,000 deficit. Councilman Plummer said the planned deficit was more than that, it was about \$820,000 and he thinks the sales tax came in significantly more than was expected. Comptroller Kehoe said that was 2005, noting she was talking about 2006 indicating the General Fund has a planned deficit of \$750,000. So she said the question is if this one car is removed which she believes is around \$15,000 should she just reduce the \$750,000. Councilman Plummer said his view is to make it part of the effort to reduce the taxes and he would couple it with the savings that has been identified by the Highway Department. He said he thinks the fund balance is higher right now than it was a month ago because of the sales tax. He said he thinks the more that can be given back to the taxpayers is good. He said his inclination would also be to do the same with the second police officer but he thinks it is a different issue -- public safety -- and he thinks they have to go through the review. He said in this instance it is a savings to the taxpayer and he would add it to the mix.

Supervisor Egan said she was not sure how much the Highway Superintendent was able to come up with to create the \$135,000 of additional revenue in the Highway Fund to be able to reduce the 8 to the 4 or if this was part of that savings. She said that was being used to help offset that \$135,000. Comptroller Kehoe said she thought they were 2 different things. She said the \$135,000 was just lowering the tax rate and instead of collecting taxes as a revenue, it was drawing on the prior surpluses. Supervisor Egan said the question was whether there was enough prior surpluses. Comptroller Kehoe said they are anticipating this subject to what the weather may deal at the end of the year. She said based on Mr. Sagendorph's review they believe they have \$135,000 that would be a surplus from this year that could be used to offset the tax rate increase for 2006. Supervisor Egan said her feeling would be that they have to make sure that happens so that the \$15,000 should be reserved first to make sure it can be met. Comptroller Kehoe said that is General Fund versus Highway Fund, 2 separate funds.

Councilman Gordon said there can be a transfer from the General Fund to the Highway Fund. Comptroller Kehoe said that has already been budgeted for this year. She said that will be another request later this year. Councilman Gordon said they could give it back to the taxpayers by getting it into the Highway Fund by

transferring the price of the car which is \$15,000 which would lessen the 4 percent highway tax increase. Comptroller Kehoe said \$15,000 does not even get 1 percent in the Highway Fund because it is a higher tax rate. She said she would recommend keeping the 2 separate. Councilman Plummer said he knew it was minimal but he would just go for reducing the tax levy. Comptroller Kehoe said that would be about 1.2 percent off the tax rate. Councilman Lenhardt said then you are talking about a 2 something percent increase. Councilman Plummer said he would support that.

Supervisor Egan asked the Comptroller if there were any concerns doing it that way versus just reducing the deficit. Comptroller Kehoe said her preference would be to reduce the deficit but it is the Board's decision. She said she can live with it either way.

Councilman Gordon said he would support returning it to the taxpayers as well. Supervisor Egan said it is not returning it to them, all that is going to be done is adjusting the overall tax rate. Councilman Gordon said maybe it will result in the overall increase under 3 percent. Councilman Plummer said it will. The Supervisor said the Comptroller will do her math.

The following resolution was presented:

Resolution No. 32

WHEREAS, the Town Board has met at the time and place specified in the Notice of Public Hearing on the Preliminary Budget and heard all persons desiring to be heard thereon,

NOW, THEREFORE, BE IT RESOLVED, that the Preliminary Budget be and it hereby is adopted as the Annual Budget of this Town for the fiscal year beginning on the 1st day of January, 2006, and that such Budget as so adopted be entered in detail in the minutes of the proceedings of this Town Board, and be it

FURTHER RESOLVED, that the Town Clerk of this Town shall prepare and certify, in duplicate, copies of said Annual Budget adopted by this Town Board, together with the assessment rolls for benefit improvements, if any, adopted pursuant to Section 202-a, of the Town Law, and deliver two copies thereof to the Supervisor of the Town to be presented to the Albany County Legislature.

The foregoing resolution was presented for adoption by Mr. Plummer, seconded by Ms. Egan and duly adopted by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.

Noes: None.

Absent: Mr. Marcelle.

Supervisor Egan asked if anyone had any comment on any other items. Ms. Linda Jasinski said she wanted to bring up one of her favorite subjects, the comprehensive plan and zoning. She said she attended the last Planning Board meeting and apparently Marshall's wants to come in to the Ames Plaza and they presented a really nice looking façade they wanted to put in. She said they were given some suggestions about it although the plan, as she remembers, suggests that they make buildings look like nearby buildings. She said the Planning Board kind of suggested that they should change the building from looking like all the other buildings.

Mrs. Jasinski said the big issue was apparently they can only put one free standing sign on this parcel, noting they wanted to put two – one on Route 9W and one on Feura Bush Road – which makes all the sense in the world if you are a business. She said they need to advertise and tell people where they are. She said after much discussion it was found out that they cannot put any sign on because McDonald's has their free standing little sign with just the golden arches on it. She said this whole zoning, comprehensive plan making it easier for businesses to come in apparently kind of got lost in this section. She said she thinks this needs to be reviewed and hopefully soon because these people did a wonderful presentation and had this 'I can't believe I am getting into this' look on their face.

Supervisor Egan noted this point was well taken and said they have already spoken about that as one of the issues that needs to be addressed.

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Mr. Robert Jasinski said it is always nicer to follow a younger person. He said two of his favorite subjects – Clapper Road plant anything new on it. Commissioner Holmes said they are evaluating the test results from the month of October and trying to understand how they do or do not meet all the parameters of operation. He said the tests have been concluded. Mr. Jasinski asked if the Town was going out for a consultant to conclude the tests, noting they have a problem with engineers and not having insurance. Mr. Holmes said he does not believe they need a consultant to analyze the test results.

Mr. Jasinski said this was one of his pet subjects but it also probably goes in with the budget, rifle range. He asked if there was any money in the police budget to buy the rifle range that they are presently using. Police Chief Corsi there is money in the budget but it would come from other lines. Mr. Jasinski asked what the rental was. Supervisor Egan said it is \$1.00. Mr. Jasinski said it is rented for \$1.00 but the Town is going to buy it and take it off the tax rolls. Supervisor Egan said the issue is that it may be sold and the Town would not have use of it. Mr. Jasinski noted the Town has access to Guilderland rifle range. Chief Corsi said scheduling on that is real difficult. He said the further you get from Town Hall, he has to deal with contractual issues due to an 8 hour day. He said it costs money in the long run and it should not cost the Town money. He said it should be on the straight time. Mr. Jasinski noted when he was with the Capital Police, they went from the Plaza all the way out to Guilderland and it did not take that long. He said he is in argument about this. Chief Corsi said there is an issue with scheduling and trying to get everybody out there.

Mr. Jasinski asked about the police officers that are in the school, and whether there is any chance the school can pay for them. He asked what comes of the officers come summer time when the school is closed. Chief Corsi said the detectives that are in the school are being offset by the school for any overtime that occurs there. He said they have been in negotiation with the school to try and raise the amounts. He said when they are out of school, the officers are back here working on a lot of the stuff that they do while the students are in school. Mr. Jasinski asked if they could be used for road patrols or anything like that. Chief Corsi said that was correct, they cannot, however, in a crisis you probably could but there is a lot of work to be done during the summer. Mr. Jasinski commended Chief Corsi on the way he worded the fact that the school pays for the overtime but that means the taxpayers still pay for the regular time. Chief Corsi said that was correct. Mr. Jasinski thanked the Board.

The motion was made by Mr. Plummer and seconded by Mr. Lenhardt to adjourn the regular Town Board meeting at 7:10 p.m. The motion was carried by the following vote:

Ayes: Ms. Egan, Mr. Plummer, Mr. Lenhardt, Mr. Gordon.

Noes: None.

Absent: Mr. Marcelle.

Town Clerk