

DATE: MAY 22, 2014

KIND OF MEETING: TOWN BOARD

WHERE HELD: SCHODACK TOWN HALL

CLERK: DONNA L. CONLIN

PRESIDING OFFICER: DENNIS E. DOWDS

MEMBERS PRESENT: FRANCIS CURTIS
SCOTT SWARTZ
JAMES E. BULT
MICHAEL KENNEY

MEMBERS ABSENT:

ATTORNEY: DAVID GRUENBERG

COMPTROLLER:

OTHERS PRESENT: WILLIAM RYAN, SPECIAL DISTRICTS COUNCIL

Supervisor Dowds called the May 22, 2014 meeting to order at 7:04 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

Items to be discussed:

1. **Water Issues:** William Ryan, Special Districts Council, and the Board discussed the feasibility of extending water into the Rte. 9 Exit 12 area. During the discussion, Atty. Ryan explained that the Board could do a water district extension for a selected geographic area or consolidate all existing water districts and then decide on the geographic area you want to serve. If the Board wanted to do a townwide consolidation of all water districts, they would have to commission a Map, Plan and Report, calculate the charges and how it would be financed. He said he has had discussions with the Comptroller about a townwide consolidation and realized that many of the districts have capital debt at different rates. If the Board wants to consider a townwide consolidation, he suggested that the existing debt structure be reviewed and then make a logical determination within the Map, Plan and Report as to what will happen with that debt – will it remain the same or be spread out over the entirely new consolidated district? The Comptroller explained that when the water districts were consolidated into Consolidated Water District 101 they opted to leave the original debt with the original districts so she wondered if those individual debts from the districts of origin can now be consolidated into a larger consolidated water district. Atty. Ryan said yes. If the Board creates a new consolidated district that is encompassing a greater area, it was his opinion that any existing, or new, debt can be spread out among the properties of the new consolidated district. C. Kenney asked if the procedure was subject to a permissive referendum. Atty. Ryan responded yes, if it is done under Article 12A of NYS Town Law, which was the most likely scenario. The other option, under Article 12, would be to have a petition signed by 50% of the eligible voters within the geographic boundaries of the new district. S. Dowds discussed the feasibility of having a tiered system if they created a townwide district, with three levels of charges – a charge for those that are served, a slightly lower charge for those that do not have current service but have the potential to be connected in the future and a minimal charge for those areas that will probably never get

public water due to geographic location, but will receive an indirect benefit from the potential expansion of the tax base. Atty. Ryan said charges can be assessed on a water district by an ad valorem tax or on a benefit basis. Atty. Gruenberg felt that the Board would meet resistance from those homeowners that don't even have the possibility of being served. It is hard to assess costs to folks that don't even have a chance of hooking up even if it is only minimal. C. Kenney agreed. He felt that even if it starts off at a very minimal fee, people would be concerned about charges going up in the future and often, that is what happens. Even though he understands that if the town generated some commercial business which benefits everyone overall, he felt it would be a very difficult to get people to pay for something they don't have and was uncomfortable with the tiered concept. The Comptroller said that as additional areas come on line, the amount of people in the tiers change as expansion continues. C. Kenney was concerned because the costs of these things can become excessive and wanted the people to have a voice in the decision. Atty. Ryan reiterated that the Board has the option to continue to have the water district extensions just as they have been doing. C. Kenney's opinion was that if the Board is talking about spreading the costs over the entire town to put in a line going down Rte. 9, the entire town should be able to have a say on whether they think it is something they want to do. C. Kenney advocated for a mandatory referendum. Atty. Gruenberg said he didn't know if there was a mechanism in the law to allow for that. Article 12A is subject to permissive referendum, not mandatory, which means that enough people would have to petition the Board to call for a vote. In recapping the discussion, Atty. Ryan said the collective Board would have to decide if they want to continue doing extensions on an as needed basis or do an entire consolidated approach as described earlier. The next step is to determine which option they would like to do to form the districts/extensions - Article 12 or Article 12A of NYS Town Law. Article 12 requires the requisite percentage of property owners to petition the Board for creation of a district or an extension. A permissive referendum is not required under this Article because 50% of those in the district have already submitted a petition requesting the extension. Article 12A is a Town Board action creating the extension, which is subject to permissive referendum. Following that determination, the Board has to commission a Map Plan and Report outlining the costs to those residents in the proposed district. Most municipalities use Article 12A and that is the method this Town Board has used in the past. C. Kenney said he would love to consolidate the entire town and have tiers as suggested by the Supervisor but he is really concerned about how that will be received by the people. While they didn't have any valid estimates they knew it would be quite costly and Atty. Gruenberg wondered if enough development would occur in that area that would sustain the burden of taking on that debt. C. Bult said if this proceeds, they need to look for viable funding options to assist in that endeavor but first the board has to define the scope of the project.

2. **Casino** - Justin Hogan, representing Saratoga Gaming and Raceway and Churchill Downs, addressed the Board regarding a proposed casino in the Town of East Greenbush. He said New York State is siting one casino in our region and they have applied to build one in East Greenbush. He gave an overview of the type of facility they would like to build and where it would be located. He explained the tax benefits to the Town of East Greenbush and the County based on the contract with the State, which has very specific parameters. The projections are based on 10% of gross revenue predictions, and he felt they were conservative estimates. He noted that there was a potential for 1700 permanent jobs and

1700 construction jobs. C. Kenney said he had heard that Saratoga Gaming and Raceway was also considering purchasing Evergreen County Club, which is in Schodack and asked if that was still part of this project. Mr. Hogan said they initially thought it could be coupled with the main facility - they could make it into an 18-hole world class championship golf course including a spa with possibly some gaming tables. However, since the parcels are not contiguous, it would not enhance their application so they are taking it off the table. They still have an option on the land for one year so if they did anything there it would be a separate enterprise. Atty. Gruenberg noted that at the public hearing in East Greenbush there was a lot of expressed hostility to the application. Mr. Hogan said they have vast support throughout the county. Further, some local towns such as Grafton and Petersburg drafted resolutions of support. He continued that his purpose in coming tonight was to explain the project as well as requesting the Board to consider doing a resolution of support to submit with their application, which would be helpful in demonstrating community support. The application is due June 30th and the State will make the decision sometime in the fall.

3. **Police** - Chief Peter addressed the Board regarding some issues in his department with regards to staffing and the vehicle replacement schedule he has been working on with the Comptroller. He explained that one vehicle was totaled due to an accident, but the insurance check will almost pay for a replacement vehicle which he intends to purchase at the end of the year. Additionally, he budgeted (\$43,000.00) for a new vehicle. He found out recently that municipalities can piggy-back off county contracts. He can purchase a Tahoe on a county contract for about \$33,000.00. When it gets fully equipped it will add between \$5,000 - \$6,000, which will still be under budget. With regards to personnel, C. Bult asked about overtime costs. The Chief explained that an officer was out on medical leave for about 6 weeks which generated about \$4,000.00 in overtime. Lt. Belardo is retiring next week. He is part of the minimum manning requirement under the union contract, so the department will be down a full-time officer on the dayshift. This will create overtime because there will four days when there will be only 2 men on each day so if one books off, overtime will be needed. We do not have a similar problem with the night shift since there is adequate staffing which was made possible by the new hire last year. If he didn't have that additional officer on nights, there would have been a lot higher overtime this year. C. Bult asked if he could move a night person to days. The Chief said no - not until the next bid which is in September. He asked the Board if they would allow him to fill the position as quickly as possible, which led to discussion about the civil service list. The Chief offered another option that he felt would be better - getting a lateral transfer from some other agency. This would provide them with a certified, fully qualified officer immediately. In fact, he is considering two excellent candidates from City of Rensselaer who could start immediately as a patrolman. The contract does not demand a Lieutenant so they could fill the position with an entry level patrolman. Based on inquiry from C. Bult the Board discussed the DOT safety enforcement program. C. Bult, expressed concerns about the necessity of the program since the officer manning that detail does it on overtime or receives comp time since he is on the night shift. Further, given the size of our department, it might not be the best use of staff time, especially since the same individual doing that does some other special programs. The Chief said that the officer is essentially getting comp time and the revenue that the tickets generate exceed those costs and offered some statistical information regarding them. Additionally, he felt it was a safety factor for the town as a whole - getting unsafe trucks off town roads. C. Bult said comp time is still overtime

for someone. The Chief said the rule of thumb with comp time is that you can't use it if it creates overtime. The Chief felt it was a very cost effective program and hoped the Board will continue with the program. C. Bult said the Chief was in charge of his department so ultimately he needs to decide which programs are valuable and determine the best use of the limited resources. The Chief said he valued their opinions and would like to continue the program for a while. If he sees any problems, he will pull it back.

4. **Single axle dump truck with plow** – Ken Holmes, Highway Superintendent, addressed the board regarding replacing a 1998 dump truck. He explained that the Board previously authorized the solicitation of bids for the truck but he found out that the town can purchase off a contract from another county. He explained that Onondaga County has a contract that supports the type of vehicles in the town's fleet. This contract provides flexibility. The only caveat is that you have to pick the same vendor for the body, plow and wing as the cab and chassis. Since there was a previous resolution authorizing a bid, the Comptroller recommended that it should be rescinded as it will be a direct purchase. Their intention is to "sell" the 1998 truck to the transfer station after the highway mechanic assesses it and obtains the Kelly Blue Book Value.

5. **Human resources (HR)/Payroll Duties** – The Board and the Comptroller discussed a memo she sent them recently regarding absorbing some of the payroll duties in her office caused by the retirement of the personnel/payroll clerk. The duties of that full-time position (35/hr. a week) dealt with payroll and employee benefits administration about 85% of the time. The HR component was very small component and she supported hiring a consultant to handle those needs. Additionally, the consultant, under a separate contract, would assist the Town with job descriptions for civil service and help determine the classification of whether the position is exempt/non-exempt to bring them into compliance with the Fair Labor Standards Act (FLSA). She said while she fully supports the HR development with the consultant, Public Sector Consultants, LLC, it would not necessarily alleviate any pressures from that position transferring over to her office. In order to have the position assumed by her department she said there some things that would have to occur. They are as follows:

- 1) **Streamline the payroll cycles** – currently the town has over 57 payroll cycles - 24 bimonthly and 26 biweekly. She would like to consolidate them and have everyone on a biweekly payroll. It would provide continuity of workflow and significantly streamline the whole process. Unfortunately, since it is an issue of pay it needs to be negotiated with the police union, and would require opening up the contract which doesn't expire until 2015. The Comptroller said this would create a lag. Now, they are paid current to their payroll. The Supervisor said that was included in negotiations a couple of years ago and they were adamant that it remain as bimonthly unless there is an additional benefit for them. Changing this is a huge component. The Town Hall employees would also be changed but that would only take Town Board action. Another is the classification issue between exempt and nonexempt. We really don't have an evaluation under FLSA regarding who is exempt and who is not exempt. There is this idea that as long as someone is salaried, they are exempt, but that is not true. The attorney said this could also impact accrual of leave time. The Comptroller said if it doesn't happen, it will be a problem absorbing those payroll functions in her office.

- 2) Reassign the water/sewer billing function back to the building department – her office would gain approximately 150 hrs./yr. of Laura Palmer's time and those hours would be reallocated to help with the functions in her office. This was originally in the Building Department and they need to be asked if they would accept it back into their office. The Comptroller explained that this is essentially a quarterly function, not a weekly function, other than account maintenance. Ms. Palmer would still be involved with doing all the accounting work related to it. If the Board is o.k. with this they will talk to the Building Department.
- 3) Outsource the payroll tax – Currently in the process of doing that with ADP.
- 4) Eliminating special pays – There are a number of employees that have been catered to to allow special manual checks vs. direct deposits (i.e. special overtime checks, etc.) C. Curtis asked if that might impact any collective bargaining contract. The Comptroller said she would have to look into that, as there could be past practice precedent.
- 5) Increase staff hours for Staff Accountant to full time – This may not be permanent depending on whether the Board decides to fill the position or go with consultant.

She said without these things in place she has extreme concerns about being able to maintain the financial operations of the town. Her responsibilities require a lot of fiscal analysis of water districts, tax cap, tax freeze, fiscal stress scores, affordable health care act, etc. Additionally, we will be starting the budget season soon and she usually analyzes the department budgets to help them prepare their 2015 budgets. C. Kenney said given what the Comptroller has said, he wondered if they should just fill the position. He expressed concerns that one of the key components, the transition of the payrolls, might not be doable since it is tied to a union contract. C. Curtis said the Supervisor already indicated that they were not amenable to the change. C. Bult thought we could approach them again and see what they say. The Supervisor felt that if they did agree, there will be a cost, simply because there is a differential going from one cycle to the other. After much discussion the consensus of the Board was to have the Comptroller put together an analysis of the potential costs to implement this before the Supervisor approaches the union. Depending on the costs, it may make more sense to fill the position. C. Bult didn't want to put additional stress on the Comptroller's Office, but he didn't want to open the contract with the union if it was going to be costly. The Comptroller reiterated that it is more than just replacing the position. If the Board was looking at HR functions, it would be at a much higher salary. Both the Supervisor and Comptroller advocated for HR help in order to do the analysis of the FLSA. The Comptroller felt there were some inconsistencies on how some employees are being treated, such as with comp time. When C. Curtis asked her to elaborate on it, the Supervisor replied that he didn't want to get into details, but there were differences that need to be resolved which is tied to FLSA (exempt/nonexempt) status. The Supervisor said it was his opinion that the town is not running efficiently from an HR perspective. On another issue, the Comptroller stated that she was going to draft an RFP for an employee benefits administrator because she feels more expertise regarding the Affordable Health Care Act. She will circulate the RFP to the Board and invited members to sit in on the interviews if they are able.

6. **Article 7** – The Board reviewed the information submitted by Attorney Vincelette regarding tax settlements. C. Curtis questioned why it was even being considered for a

Board resolution since it was a \$10,000.00 reduction which equates to approximately \$6.00 for town tax. He believed the Assessor has the authority to reduce the assessment. Board Members appreciated being informed but agreed with C. Curtis. Atty. Gruenberg said theoretically it has been litigated so the Attorney wanted a sign-off.

7. **Town Hall Roof/Cooling Tower** – The Supervisor informed the Board that the roof and the cooling tower on the Town Hall may need to be replaced this year. The preliminary cost for the cooling tower is \$95,000 - \$125,000.00 and they are still getting estimates for the roof. He said the building is 25 years old and needs some maintenance.

Executive Session

C. Swartz made a motion at 9:32 p.m. to enter an Executive Session to discuss a particular personnel issue in the police department. Seconded by C. Curtis.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

At 10:00 p.m. C. Curtis made a motion to adjourn the Executive Session, seconded by C. Kenney.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

ADJOURNMENT

As there was no further business before the Board, C. Curtis made a motion to adjourn the 05/22/14 Town Board meeting at 10:00 p.m., seconded by C. Swartz. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin
Schodack Town Clerk/RMC/CMC