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TOWN BOARD  
SEPTEMBER 8, 1993

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 7:30 p.m.

PRESENT: Kenneth J. Ringler, Supervisor  
Frederick C. Webster, Councilman  
M. Sheila Galvin, Councilwoman  
Charles Gunner, Councilman  
Sheila Fuller, Councilwoman  
Michael Smith, Esq., Acting Town Attorney  
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR RINGLER: Good evening, I would like to bring the meeting of the Bethlehem Town Board to order. This is not a public hearing tonight but as with past practice, as items are discussed by the Board, when the Board is finished, if anyone would like to ask any questions of anything on the agenda, please raise your hand and as time permits we will allow you to speak. And, at the end of the meeting anyone can bring anything to the attention of the Board they would like.

First of all, a couple of announcements. As you can see, our Town Attorney is not with us tonight. Mr. Kaplowitz had surgery yesterday afternoon and is resting comfortably, we hope, at this point in time at St. Peter's Hospital and we hope he is doing very well.

I am going to move the very last item on the agenda to the first because we have a special announcement tonight. There was a letter in the Town Board's folder from the Chief of Police informing us that the Governor has declared Thursday, September 9th, National DARE day. I also will be declaring that to be National DARE day in recognition of this fine program but about 15 minutes before I left for the meeting tonight, I received a phone call from our Chief of Police informing me that a young girl from the Bethlehem Middle School is in Washington, DC and won today, the National DARE poster contest. She was presented an award by Janet Reno this afternoon and this is the top student in the entire country. We knew she was one of the nine finalists last week but she won today and we are very proud of Elizabeth Knoll, a 7th grader at our middle school. So, we don't know all the details, she will be coming home I guess tomorrow evening and we hope she will be honored and we know she will be locally for this great achievement.

National  
Dare Day  
Sept. 9, 1993

Okay, now we will move to the first item on the agenda and entertain a motion to adopt a resolution setting a display of the voting machine September 9th, 9 am til noon for the primary election on September 14th and to appoint Election Inspectors to serve at the display. Republican Ruth Downs and Democrat Maurie Flanigan.

Resolution  
Display  
of voting  
machine

RESOLVED, that in accordance with Election Law Article 7, Section 7-130, the date of September 9, 1993 between the hours of 9:00 a.m. and 12:00 noon is set whereby a voting machine showing the candidates to be voted on at Primary Day, September 14, 1993 will be exhibited at the Town Hall, Room 107, 445 Delaware Avenue, Delmar, NY, and

Appoint  
Election  
Inspectors

BE IT FURTHER RESOLVED, that the following persons will serve as Election Inspectors during the hours the voting machine will be on display September 9, 1993 and that they be compensated at the rate of \$6.25 per hour:

Ruth Downs Republican  
12 Quincy Court  
Glenmont, NY 12077

AND

Maurie Flanigan Democratic  
23 Kilmer Court  
Delmar, NY 12054

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

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

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SUPERVISOR RINGLER: Next we have a request from Judith Kehoe, Comptroller, for approval of Richard Webster, Deputy Comptroller, to attend the General Public Purchasing Seminar October 27-29, 1993 in Kingston, NY with the registration fee paid of \$487.

Seminar  
Deputy  
Controller

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approval the attendance of Richard Webster, Deputy Comptroller, to attend the General Public Purchasing Seminar to be held October 27-29, 1993 in Kingston, NY with the registration fee paid of \$487 paid. The motion was passed by the following vote:

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

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SUPERVISOR RINGLER: Next entertain a motion to adopt a resolution appointing Republican Election Inspectors as recommended by the Republican Committee. These are modifications, Kathy, to the original list?

Resolution  
Republican  
Election  
Inspectors

TOWN CLERK NEWKIRK: Yes.

The following resolution was offered by Mr. Webster and seconded by Mr. Gunner:

RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Election Inspectors as recommended by the Republican Committee for the term beginning July 15, 1993 through July 14, 1994 as follows:

- District 1 - Frank Martin, 481 Orchard St., Delmar, NY.
- District 4 - Phyllis Vandemark, 2 Marion Rd., Delmar, NY.
- District 11 - Margaret Spooner, 43 Jordan Blvd., Delmar, NY.

The resolution was adopted by the following vote:

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

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SUPERVISOR RINGLER: Next I have a recommendation from Terrence Ritz, Engineering Dept., for approval of a house number change on Iroquois Trail in North Bethlehem. This is at request of the owner to have it changed from 12 to 18. I questioned Terri about this to make sure it fit in with our numbering system and it does. These are rather large lots up there and actually the house next to it is number 20. So, there is no problem with confusion or anything of house numbers. This is as a request of the owner who apparently has always had number 18 where he or she lived.

House Nos.  
Iroquois  
Trail

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the assignment of number 18 Iroquois Trail to former number 12 Iroquois Trail in North Bethlehem. The motion was passed by the following vote:

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

Seminar  
Animal  
Control  
Officers

SUPERVISOR RINGLER: Next a request from Chief LaChappelle for attendance of Animal Control Officers Sleurs and Tompkins at a one day seminar on animal cruelty to be held in Utica with the \$30. registration fee paid.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approve the attendance of Animal Control Officers Sleurs and Tompkins at a one day seminar on Animal Cruelty to be held in Utica with the registration fee paid. The motion was passed by the following vote:

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

Seminar  
Telecomm.

SUPERVISOR RINGLER: Next a request from Chief LaChappelle to approve the attendance of Telecommunicator Molenbrok at the Basic Communications course to be held September 13-24, 1993 at the Colonie Police Department with transportation by police vehicle.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the attendance of Telecommunicator Molenbrok at the Basic Communications course to be held September 13-24, 1993 at the Colonie Police Department with transportation by police vehicle. The motion was passed by the following vote:

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

Conference  
Police Dept.

SUPERVISOR RINGLER: Next a request from the Chief to approve the attendance of Detective Corbett at the Forensic Hypnosis in Criminal and Civil Investigations conference to be held September 9-10, 1993 in Binghamton with transportation by police vehicle.

The motion was made by Ms. Galvin and seconded by Mr. Webster to approve the attendance of Detective Corbett at the Forensic Hypnosis in Criminal and Civil Investigations conference to be held September 9-10, 1993 in Binghamton with transportation by police vehicle. The motion was passed by the following vote:

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

Discussion  
Variance  
Procedure  
Re: Solid  
Waste Facility

SUPERVISOR RINGLER: Next I have a recommendation from Bruce Secor, Commissioner of Public Works, regarding a proposed variance procedure in regard to Article IV, Section 97, Solid Waste Facility Town of Bethlehem Code. Bruce has been working with Mike Smith on a draft proposal. Mike is with us tonight, filling in for Attorney Kaplowitz and perhaps, Mike, if you could give everyone an overview of what you are proposing here.

ATTORNEY SMITH: I was requested to put together a procedure that would allow for existing or proposed business to seek to avoid the impact of the Article IV changes that were enacted recently. After some tinkering, I put together a procedure. Mike Greco of my office had done an initial draft. I then made some changes in discussions with Bruce. The concern we had is this, you will remember that at the time the Article IV changes were adopted, as of the day of the public hearing or perhaps the day before for the first time we heard from an existing business that -- Oh my God, we can't have this. We wouldn't fall within those perimeters and we have been doing this

that and the other thing. It was at that point Bruce and my very firm belief that the issue although certainly valid, was being raised quite late and certainly would not in any way directly impact on the bonafides of the standards that were being established in the proposed law. At that time it was determined that we would not pursue the withdrawal of the standards to add a variance procedure but that we would consider the possible adoption of such a procedure at a later date by way of supplementation in the existing statute.

You have the language I proposed. It is intended to address the fact that if we are going to have a variance procedure -- and I am not exactly certain whether or not I believe that we should have one, at all -- but in the event that we are going to have a variance procedure we need to have articulated standards by which the Town Board would determine applications for variances. I believe the proposed 97.23 subdivision c contains those standards. Our intention in adopting the Article IV of Chapter 97 of the Town Code was to make a first effort, first step to assist in the creation of strong, defined criteria for the construction, operation, siting of various kinds of broad range of solid waste facilities.

I think that the proposed variance procedure in no way will diminish that goal. For example, the standard that we would be considering in connection with the variance procedure is not only financial hardship but substantial, practical and operational difficulties for the applicant which in addition to those difficulties, causes a substantial or unreasonable economical or technological burden. In the event then, there is going to be a variance procedure. I think that the standards I proposed are very strict. It allows the Town Board to continue to exercise its discretion in refusing any variances, let alone particular applications. I think it will protect against us being inundated with every applicant attempting to avoid the standards in some way but it also will allow the Town Board if, in its discretion, it wishes to exercise this kind of discretion, it would allow a basis to consider proposed hardships and to address them.

SUPERVISOR RINGLER: Questions?

COUNCILWOMAN GALVIN: Not speaking to the merits of whether or not this is something we should be looking at, I had some basic questions. Since I only got my packet on Tuesday night, I haven't had a chance to do a thorough review of this but I had some basic questions in terms of drafting Mike. First of all, in subdivision 3 where you have all of the small Roman numeral heading, I would like to see some clarification that it is all of those that would be looked at such as the insertion of the word and after each one and also there was...

ATTORNEY SMITH: That would be fine.

COUNCILWOMAN GALVIN: And, also there was some language in there that I thought needed some basic clarification. Again, it is getting into some technical nit-picking in terms of the way that the standards are framed. But, more specifically going over to sub 5 of page 3, you have Roman numeral 1 within 45 days of the date that an application is received by the Town Board, the Town Board shall accept the application and make a determination of whether it is complete and contains all the information required under this section. Going back to the first portion I didn't see any provision for acceptance. After looking at some of the sections of the Town Law, I don't think we have really an option of accepting if we establish this type of a procedure. We have an option of saying it is incomplete and that it can't be considered until it is complete but the word accept in there is troublesome to me.

ATTORNEY SMITH: Yes, the intention, Sheila, is just as you noted it, this was just to set forth a time frame for which it would be basically get the process started. So, there is nothing substantive about the term accept, as meaning any indication of approval but we can draft around that. It is not a problem.

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COUNCILWOMAN GALVIN: Okay. That one worries me because the term accept... the word accept would imply at least a certain amount of approval by its nature.

ATTORNEY SMITH: That is fine.

COUNCILWOMAN GALVIN: That we were accepting as, in effect, complete. There were a few other technical language changes as I went through but most of them were of that nature. Which I think when you go through and put this into a final form would be something that would have to be considered. But, this is not speaking as to whether or not I am for or against this type of proceeding.

SUPERVISOR RINGLER: Do you want to make some specific language changes?

COUNCILWOMAN GALVIN: I will be happy to give them to Mike.

SUPERVISOR RINGLER: Okay. Does anybody else have any other questions or comments at this point in time? There were no. Well, I wouldn't want to schedule a public hearing until we get the language clarified so...

COUNCILWOMAN GALVIN: I think there were several of that nature. To sit here and go through and nit-pick...

ATTORNEY SMITH: Or you and I can do that.

COUNCILWOMAN GALVIN: What I can do is fax it over to you.

ATTORNEY SMITH: That's great.

SUPERVISOR RINGLER: Why don't we do that, let 2 attorneys here work some changes into it and then bring it back and then at that point in time we can set the public hearing. In light of that, I would entertain a motion to table this.

Variance Procedure regarding Solid Waste Facility Tabled

The motion was made by Ms. Galvin and seconded by Mr. Gunner to table the recommendation from Bruce Secor, Commissioner of Public Works, regarding proposed variance procedure in regard to Article IV, Section 97, Solid Waste Facility, of the Bethlehem Town Code. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Thanks, Mike.

Discussion Capital Wood Recycling request for Permit

SUPERVISOR RINGLER: Next I would entertain a motion to remove from the table and consider a request for Solid Waste Facility permit from Capital Wood Recycling.

The motion was made by Mr. Webster and seconded by Mr. Gunner to remove from the table and consider a request for a solid waste facility permit from Capital Wood Recycling. The motion was passed by the following vote:

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

I love the way you guys like to play mind games here.

COUNCILMAN WEBSTER: Just watching Mr. Glover's face to see what would happen.

COUNCILMAN GUNNER: You did very well, though.

MR. GLOVER: Well, I was trying to breath.

SUPERVISOR RINGLER: Okay. This was previously on the agenda and since that time, the applicant has submitted additional information by letter dated August 15th and Bruce attached a copy of that with the enclosures. Mike Smith and his staff also prepared an opinion regarding how the current solid waste law fits in with this application and I guess that is probably the best place to start. Michael, why don't you give us an overview of that.

ATTORNEY SMITH: I looked at Mr. Glover's material that he provided to Mr. Secor. I had seen some of it previously, Bill, but some of it is new. It is my very, very, very strong opinion that there is no basis to... as requested by Mr. Glover to "grandfather" the Capital Wood operation from the exclusion of Article IV or the Town Code Section 97 in general. Even assuming and I don't assume this for other than the sake of argument, but even assuming that Article IV would somehow or other not be applicable to either the construction or certainly the operation of the proposed facility and even crediting the fact that it would appear to be on its face environmentally friendly, the Town Code, Section 97.11 currently contains a permit requirement. The current language and this is long before the Article IV standards were enacted, speaks of requiring a permit to collect, transport or dispose of solid waste within the Town. And, I don't think there is any question -- in my mind at least -- that under any definition of collect or certainly dispose, the proposed operation of Capital Wood falls within that permit requirement.

Now, if we start from that premise, and I think that is where we have to start from, we have articulated standards in Article IV. We don't need articulated standards. It makes it easier, it is preferable but the reality is, as set forth in the memorandum that Mike Greco prepared from my office -- that this Town Board has the ability to regulate activities within the Town under the police power without regard to Article IV. There is clearly a permit requirement. I don't see anything that would suggest that that language is anyway predated by Capital Wood in either construction or operation. I believe that 97.11 has been in the statute, Bruce, since 1969 or something?

MR. SECOR: 1982.

ATTORNEY SMITH: It has been there for a long time, certainly predating May. There is clearly a permit requirement and in consideration of that permit, this Town Board would be authorized even without the Article IV modifications to require various standards, limitations, qualifications, based upon your general authority. There is, however, in terms of my reading of the Article IV provisions, I don't see any way that this particular operation, even if permitted by DEC to construct, in any way avoids Article IV... the enactment of Article IV. The fact that DEC may have given conditional authority, allowed construction, whatever during our consideration of the Article IV standards does not in any way invalidate the application of those standards to this applicant. Even if we were to consider that the site is "existing" because it is technically there, that in no way limits us in terms of our ability to regulate it. And, no way, in my opinion, limits the applicability of the Article IV standards. As we sat forth in our memorandum to you, the adoption of new, different or onerous standards in June of this year by this Town Board, in no way would be avoided by the fact that it was physically present prior to that time or in fact... even if it would have been permitted by DEC prior to that time.

It is my understanding from Mr. Glover's letter to Mr. Secor that obviously it has been constructed. It has not been actually given, I believe, the final permit from DEC but I understand, Bill, that is kind of a...

MR. GLOVER: It is a formality at this point. When we post a bond we have it and we haven't posted a bond because we haven't had the approval.

ATTORNEY SMITH: Okay. It is my opinion that the... as best we can characterize what is in front of you now, which is a request that the existing facility be grandfathered without there being a permit

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application process, I don't believe there is any basis either under the prior statute or the existing standards. And, frankly, I have not exhausted potential objections or other basis by which there might be limitations on the proposed use. It is my opinion that a permit is required. It is my opinion that the Article IV standards apply both as to its operation, certainly and that hasn't started yet but also, as you will remember, I specifically enacted in the Article IV standards, that as part of a permit to operate, we could address construction related issues. So, I believe that any grandfathering would be improper.

SUPERVISOR RINGLER: Questions? Comments? There were none. Is the Board in agreement that we should not grandfather this as an existing facility?

COUNCILWOMAN GALVIN: Absolutely.

COUNCILWOMAN FULLER: Yes.

SUPERVISOR RINGLER: Okay. Would anyone like to make a motion to that effect.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that the proposed Capital Wood Recycling proposal is not grandfathered under the Town Code. 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: Now, one thing, there is an option here, if they can't meet the current things, is if this variance procedure is adopted, you could apply under that procedure which will be coming forward. Correct, counselor?

ATTORNEY SMITH: Yes.

SUPERVISOR RINGLER: I don't know if it would meet the standards and whether or not that will even pass but that...

COUNCILMAN GUNNER: There is also the problem of meeting the importation thing.

ATTORNEY SMITH: Which is... that was the other... Bill, just so that you know, it is my interpretation of your use and again, I recognize the environmental friendly nature of it, okay -- at least as we have seen it. Within our Code definition it is a class 3 facility. No matter how we shake it out and that is specific because in addressing the definitions, Bruce and I went over this kind of thing. You know, it is not a handling facility so arguably under 1 and 2, it really is a 3. The fact that it is not necessarily detrimental or that there is immediate negative impact, doesn't take it outside. So, it seems to... what Mr. Ringler is saying, is that you are a perfect case for where... someone is going to say we need a variance procedure, your application is the kind that would... that we would expect to see.

MR. GLOVER: Uh huh. Okay, we will have to give that one some thought. Would I speak to Mr. Secor as to the submission of such a request?

SUPERVISOR RINGLER: Well, as you saw, that was the item that was just before yours on the agenda so it is not on the books as yet. So, you will have to see exactly how that plays out. There is going to be language changes and that would have to be adopted by Local Law and ought to be a public hearing.

ATTORNEY SMITH: Where you stand now, is that you are a class 3 facility. You require a permit and that means you need to comply with the Article IV standards.

MR. GLOVER: Right. You do recognize that not only we are approved within all DEC standards but we are approved beyond that as a BUD or a beneficial use determination. And, which kinds of puts us up to another level.

ATTORNEY SMITH: Well, you know, from the perspective... from where you are coming from I understand but it has been clearly my opinion to this Board is that we have the ability to regulate over and above what DEC says under part 360.

MR. GLOVER: Understood.

ATTORNEY SMITH: So long as we do not do so in a manner that either diminishes their standards or is in any way specifically inconsistent.

MR. GLOVER: Yes. You can't undermine their standards, for sure.

ATTORNEY SMITH: But, we can enhance them and that is what we have done.

MR. GLOVER: Yes, right. Okay. Thank you.

SUPERVISOR RINGLER: Okay, thank you.

ATTORNEY SMITH: I will be glad to talk to your attorney at any time about this.

MR. GLOVER: Okay, if we have any questions, we will.

SUPERVISOR RINGLER: Thank you.

SUPERVISOR RINGLER: Next we have a request from David Austin, Administrator of Parks & Recreation Dept., for transfer of funds from the Recreation Capital Reserve Account to the present Parks & Recreation Dept. budget in the amount of \$12,430. for work to be completed at the North Bethlehem park location. This is not the playground that we have gotten the grant from. This is the monies that we have put away over the years to continue making improvements over there and Dave is going ahead with that and would like this transfer to continue at this point in time.

Transfer of  
Funds  
Parks &  
Rec. Dept.

The motion was made by Mr. Webster and seconded by Ms. Galvin to approve the transfer of \$12,430 from Recreation Capital Reserve Account to the Parks & Recreation Department budget to allow for the continuance of work at the North Bethlehem Park.

COUNCILMAN GUNNER: Wait a minute, I want to ask a question.

SUPERVISOR RINGLER: Sorry.

COUNCILMAN GUNNER: You are asking. You have one, let me just clear something up for me, please.

MR. AUSTIN: Sure.

COUNCILMAN GUNNER: You are saying presently you have roughly \$1720, so you are asking for an additional \$12,430 that is going to come out of your funds that you have put aside in your reserves, is that correct?

MR. AUSTIN: I am asking for \$12,400 approximately, which brings me to \$14,200 is what I feel I need.

COUNCILMAN GUNNER: Yes. Now, is this coming out of an earmarked reserve fund?

MR. AUSTIN: Yes, in '89 and '90 the Town Board put funds from the budgets into this Capital Reserve Fund specifically for development of this Park.

COUNCILMAN GUNNER: Oh, okay. Did you say that in here?

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SUPERVISOR RINGLER: Yes.

COUNCILMAN WEBSTER: The last line.

MR. AUSTIN: The end of the first paragraph.

SUPERVISOR RINGLER: Funds were placed in the Capital Reserve Account by the Town Board 1989 specifically...

COUNCILMAN GUNNER: Okay, I see that but I wasn't quite sure that they mentioned the same thing. I just wanted to make sure we weren't taking from another reserve fund.

MR. AUSTIN: I believe it is the same fund, Charlie.

COUNCILMAN GUNNER: Okay, there is no problem.

SUPERVISOR RINGLER: All in favor? 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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Appoint  
Seasonal  
Personnel  
Parks &  
Rec. Dept.

SUPERVISOR RINGLER: Next a request from David Austin, Administrator of Parks & Recreation, for appointment of seasonal personnel per the memorandum as submitted and the rates as indicated.

The motion was made by Mrs. Fuller and seconded by Ms. Galvin to approve the following appointments:

Senior Lifeguard at a rate of \$7.45 per hour.

John McCarthy  
48 Dumbarton Drive  
Delmar, NY 12054

Recreation Instructor III at a rate of \$7.95 per hour

Kara Ragone  
17 Belmont Court  
Selkirk, NY 12158.

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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Resolution  
regarding  
Funding from  
Div. of Youth  
NYS

SUPERVISOR RINGLER: Next a request from David Austin, Administrator of Parks & Recreation Dept., for adoption of a resolution regarding funding from the Division of Youth, New York State. This allows us to apply for the \$15,909 from NYS Division of Youth for the Youth Employment service and to help subsidize Project Hope.

WHEREAS, on the 8th day of September, 1993, the Town of Bethlehem adopted a resolution authorizing the Supervisor of the Town of Bethlehem to submit an application to New York State Division for Youth for funding of youth recreational programs and youth services in the amount of \$15,900. and,

WHEREAS, the Town of Bethlehem will abide by the decision of DFY as to the propriety of all expenditures upon which State Aid is requested and,

WHEREAS, the youth programs will be operated in compliance with all laws, rules, regulations, resolutions and codes of the State of New York and pertinent political subdivisions and,

WHEREAS, no youth will be denied the services or facilities of this project because of race, creed, color or sex and,

WHEREAS, no fees will be charged for programs which are supported by State Funds and, be it further

RESOLVED, that the Supervisor of the Town of Bethlehem and the Town Clerk of the Town of Bethlehem be, and are hereby authorized to sign the application and submit it to New York State Division for Youth on or prior to October 4, 1993.

The foregoing resolution was presented for adoption by Mr. Gunner and was seconded by Ms. Galvin and was duly adopted by the following vote:

AYES: Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller.  
NAYES: None.

DATED: September 8, 1993

SUPERVISOR RINGLER: Next we have a recommendation from David Austin, Administrator of Parks & Recreation, regarding award of bid for playground equipment to the Universal Play Systems of New Rochelle, NY.

Award Bid  
Playground  
Equipment  
Parks & Rec.  
Dept.

DATE: September 2, 1993  
TO: Kenneth J. Ringler, Jr.  
FROM: David Austin, Administrator  
RE: Request Awarding of Bid

On August 30th, two bids were received for the playground purchase for North Bethlehem Park. Attached is the bidders' names and addresses and the bid amounts.

I would like to request that you award the bid to Universal Play Systems, 33 Chelsea Road, New Rochelle, NY 10805. This company has submitted the corrected bid bond, completed the bid form correctly, and can meet the specifications given.

I am recommending you reject the bid from Bill Simione and Associates based on the fact that the company has failed to meet the specifications in a number of ways, which I have described on the attached sheets.

The bids have been reviewed by Mr. Kaplowitz.

Thank you for your consideration.

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Questions?

COUNCILWOMAN GALVIN: Do you know whether or not Bernie concurred?

SUPERVISOR RINGLER: Yes.

MR. AUSTIN: Yes, he got all the bids last Tuesday, I think it was the 31st and he called me on Thursday, the 2nd, I believe it was -- felt my recommendation was appropriate.

SUPERVISOR RINGLER: Anyone like to offer a motion to award that bid?

The motion was made by Mr. Webster and seconded by Mrs. Fuller to award the bid for playground equipment to Universal Play Systems, New Rochelle, New York as per the recommendation of David Austin, Administrator of Parks & Recreation.

COUNCILMAN WEBSTER: It also came in under our grant.

MR. AUSTIN: I am sorry, Fred.

COUNCILMAN WEBSTER: It came in under the amount of the donation too.

MR. AUSTIN: Yes.

SUPERVISOR RINGLER: All in favor?

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

Seminar  
Senior Cit.  
Services

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SUPERVISOR RINGLER: Next a request from Karen Pellettier, Director of Senior Citizens Services, for approval of attendance of Caroline Wirth at a Preserving Autonomy -- Health Care and Financial Decisionmaking conference to be held October 1st at Albany with \$35 registration fee paid.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approve the attendance of Caroline Wirth at a Preserving Autonomy -- Health Care and Financial Decisionmaking conference to be held October 1, 1993 at Albany with registration fee paid. The motion was passed by the following vote:

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

Seminar  
Police Dept.

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SUPERVISOR RINGLER: Next a request from Chief LaChappelle for attendance of William Cook at a Drug Recognition Expert program at Rockland County Police Academy, September 22, 1993 through October. There is going to be some intervals into October with expenses paid. And, this money is being paid from the STOP-DWI funds.

COUNCILWOMAN GALVIN: Is this going to involve any overtime?

SUPERVISOR RINGLER: No, I don't believe so.

COUNCILMAN WEBSTER: No.

SUPERVISOR RINGLER: No, no overtime will be incurred in the memo.

COUNCILWOMAN GALVIN: I noticed that but I was wondering if we were going to be paying for William Cook for overtime in the extra time that would be involved in this?

SUPERVISOR RINGLER: No, he will not.

The motion was made by Ms. Galvin and seconded by Mr. Webster to approve the attendance of William Cook at a Drug Recognition Expert program at Rockland County Police Academy, September 22, 1993 through intervals in October with expenses paid and use of police vehicle for transportation. The motion was passed by the following vote:

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

Refund of  
Water Rents  
For August  
1993

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SUPERVISOR RINGLER: Next a request from Kenneth Hahn, Receiver of Taxes and Assessments, for approval of reimbursement of overpaid water rents for the month of August totalling \$19.

The motion was made by Mr. Webster and seconded by Ms. Galvin to approve the reimbursement of overpaid water rents for the month of August totalling \$19 by Kenneth Hahn, Receiver of Taxes and Assessments. 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: Although it is not on the agenda, I would entertain a motion to have an Executive Session at the end of this meeting to discuss pending litigation.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to hold an Executive Session following the regular Town Board meeting to discuss pending litigation. 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: Mr. Gunner.

COUNCILMAN GUNNER: For the benefit of those of us and there are many of us in the community that wasn't aware of it, Sheila Galvin and Jim Morgan were married last month. You are blushing dear, good. That is good to see.

COUNCILWOMAN GALVIN: Something new and different for me.

SUPERVISOR RINGLER: Let the record reflect it is the first time I ever saw that.

COUNCILWOMAN GALVIN: There is a first time for everything.

SUPERVISOR RINGLER: First time, she has almost been speechless.

COUNCILWOMAN GALVIN: That doesn't happen, Ken.

COUNCILMAN GUNNER: If you would just take this token for you and Jim and enjoy it.

COUNCILWOMAN GALVIN: Thank you, Charlie.

COUNCILMAN GUNNER: And, we wish you good health, happiness, success in all the endeavors you have together.

SUPERVISOR RINGLER: That's from all of us, Sheila.

COUNCILWOMAN GALVIN: Thank you very much.

SUPERVISOR RINGLER: Okay, is there anything that anyone else would like to bring to the attention of the Board this evening? Any other marriages or anything like that?

COUNCILMAN WEBSTER: No births.

SUPERVISOR RINGLER: I would entertain a motion to adjourn.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to adjourn the regular Town Board meeting at 7:55 p.m. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Thank you.

*Kathleen A. Newkirk*  
Town Clerk

EXECUTIVE SESSION

There was no formal action at the Executive Session.

Executive  
Session