

TOWN BOARD  
SEPTEMBER 23, 1992

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

PRESENT: Kenneth J. Ringler, Supervisor  
Frederick C. Webster, Councilman  
M. Sheila Galvin, Councilwoman  
Charles Gunner, Councilman  
Sheila Fuller, Councilwoman  
Bernard Kaplowitz, Esq., Town Attorney  
Catherine T. Picarazzi, Deputy Town Clerk

SUPERVISOR RINGLER: I would like to call the meeting of the Town Board to order. Tonight we have several public hearings, the first of which is at 7:30 to consider Local Law of No. 3 of 1992, to consider through street designation for Krumkill Road and Blessing Road and stop intersections along each of the streets as indicated, the Town Clerk will indicate what those streets are in the call of the hearing.

Public  
Hearing  
Local Law  
No. 3, 1992  
Amend Traffic  
Ordinance  
Krumkill Rd.  
Blessing Rd.

DEPUTY TOWN CLERK PICARAZZI:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 23rd day of September, 1992 at 7:30 p.m. to consider Local Law No. 3 of 1992, Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC SECTION 119.9, through Streets, Schedule VI, Section 119-32 as follows:  
Krumkill Road and Blessing Road within the Town of Bethlehem  
AND

AMEND VEHICLE AND TRAFFIC SECTION 119.10 Stop Intersections, Schedule VII, Section 119-33 as follows:

AT EACH OF THE FOLLOWING STREETS WITH ITS INTERSECTION WITH KRUMKILL ROAD:

Andover Road, Beldale Road, Yale Avenue, Olympian Drive, Mohawk Trail, Marathon Lane, Beverwyck Lane, Iroquois Trail (at both intersections), Clifton Way and Googas Road.

AT EACH OF THE FOLLOWING STREETS WITH ITS INTERSECTION WITH BLESSING ROAD:

Staffords Crossing and Bradhaven Road.

All interested persons and citizens will have an opportunity to be heard at the said hearing.

BY ORDER OF THE TOWN BOARD  
TOWN OF BETHLEHEM  
Kathleen A. Newkirk, Town Clerk

STATE OF NEW YORK )  
COUNTY OF ALBANY )

MARY A. AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively commencing on the 26th day of August, 1992.

/s/ Mary A. Ahlstrom

Sworn to before me this 10th  
day of September 1992.  
/s/ Bruce A. Neyerlin  
Notary Public, Albany County

COUNTY OF ALBANY )  
STATE OF NEW YORK )

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 September 9, 1992, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen a. Newkirk

Sworn to before me this 22nd  
day of September 1992.  
/s/ Caroline G. Wirth  
Notary Public, Albany County

SUPERVISOR RINGLER: Motion to indent.

COUNCILWOMAN GALVIN: I have one question, was the notice properly published in the Bethlehem version of the Spotlight?

DEPUTY TOWN CLERK PICARAZZI: I have a copy of it right here, yes.

The motion was made by Ms. Galvin and seconded by Mr. Webster that the Notice of Public Hearing, the Affidavit of Publication and the Affidavit of Posting be indented on the minutes of the Town Board meeting. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Okay, this is on the basis... this public hearing and these additional stop signs is a recommendation from our Traffic Safety Committee who has reviewed both Krumkill and Blessing Roads and notice that many local intersecting streets are not controlled by traffic signs. Both these collector streets are high volume highways leading from the City and the Town of Guilderland and Town of New Scotland. The placement of stop signs at intersection streets would designate Krumkill and Blessing Roads as through streets and would now control these intersections. The way we run our public hearings on these issues, if anyone has any questions regarding the call of the hearing, you may do that first. And, then anyone who wishes to speak in favor, may speak and then anyone who wishes to speak against may speak. We do ask that you do stand and identify yourself for the record. You do not have to come up to the microphone, we can hear it from where you sit.

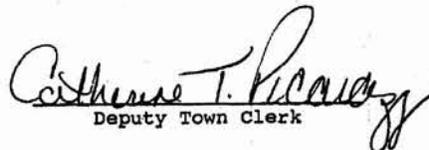
First of all are there any Board questions on this particular issue?

COUNCILMAN WEBSTER: No.

SUPERVISOR RINGLER: Is there any questions from the public regarding this proposal? Is there anyone who would like to speak in favor? Is there anyone who would like to speak in opposition? I entertain a motion to close the Public Hearing.

The motion was made by Ms. Galvin and seconded by Mr. Webster to close the public hearing at 7:35 p.m. The motion was passed by the following vote:

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

  
Deputy Town Clerk

SUPERVISOR RINGLER: Is the Board inclined to take action on that one tonight? If not I ...

COUNCILMAN WEBSTER: There are no objections from the floor. No objections from the neighborhood. I make a motion.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to adopt Local Law No. 3 of 1992, Amending the Town of Bethlehem Code. The motion was passed by the following vote:

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

Local Law  
No. 3, 1992  
Amend Traffic  
Ordinance  
Krumkill Rd.  
Blessing Rd.  
Adopted

SUPERVISOR RINGLER: We need a motion to advertise.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to advertise the adoption of Local Law No. 3 of 1992. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: We cannot start our second Public Hearing until 7:45 p.m. so if that's what you are here for I'm sorry... I can't move any faster. By law we have to do it by the advertised time. So I am going to move down our agenda, to item no.1, under our regular business discussion of the Public Hearing and consideration of approval of the Cable Television Franchise Agreement. Last meeting we did have a hearing on this franchise agreement, there were some statements made, Steve Shea from the Cable Commission has sent a letter I received in my office just recently, which I have given a copy to the Board Members and I would like to read it into the record, particularly cause Sherwood they are many of the questions that you have raised and has attempted to answer them. Mr. Davies comments on September 9th, cover several subject areas. I will first list his comments that need a response followed by reaction to a particular point.

Discussion  
Cable  
Franchise  
Agreement

1. The comment was the original agreement effective August 1, 1976, was a franchise granted by the Town of Bethlehem Video, Inc. a subsidiary of Adams Russell Company, customer billing and recent correspondence with Town officials indicates that Cablevision is the present owner of the local TV Cable company. Town records fail to show approval of the transfer sale of Bethlehem Video to Cablevision as required by the original franchise agreement. Attached is a letter from the Commissioners Chief Counsel giving informal opinion if the franchise did not required Town approval. That was granted at the time they did that change. They did go to the cable commission and cable commission advised them through counsel that they did not have to have approval under the existing franchise.

2. Annual reports says required by the franchise apparently are not received in a timely fashion with minimal information, on profit or loss the local TV franchise prior to granting the franchise, I urge the Board members to determine if the company meet the condition of the original agreement. It is true that annual reports were not received timely over the life of the existing franchise, however, this is hardly material provision suggesting non-renewal, rather we have tightened the language in the new draft agreement to insure compliance.

3. The franchise agreement will require that the company provide 77 channels. This requirement will cost at an average of \$250-\$300 per cable subscriber. Will the cable company justify future rate increases because of this requirement? Will the additional channels be for the benefit of the company i.e. pay preview channels and more home-shopping programs. Would it not be more advantages to the community to eliminate this requirement and promote another competitor? The State already requires an increase to 77 channels. Why should the Town also duplicate this requirement? I urge the Town

to eliminate this requirement from the franchise agreement unless the cable TV can justify such an upgrade.

Steve's comments to that is true that the rebuilt will cost the company between \$250-\$300 per subscriber or approximately \$2.00 - \$2.50 per month per subscriber. However, it is essential for a number of reasons to require the rebuilt, cable television is not the same business it was in 1976. It is changed dramatically. In order for our Town to ensure that we are part of the communication revolution, of fiber optic interactive television, our obsolete cable television system must be rebuilt. It is crystal clear to me that if we don't require the rebuild that rates will go up anyway. Last 5 years are proof that that is true. Rates have risen substantially during this period although there were no additional Town rebuild requirements during those years. Moreover, it is likely that the cablevision make more money with a modern state-of-the-art system thereby reducing pressure to raise channel or raise rates. It is a folly for the Town to rely on the State requirement to build 77 channels, the State could change its mind or grant delays, it is clearly a municipal issue.

COUNCILMAN GUNNER: Any change in his statement on that as a result of the Congress action.

SUPERVISOR RINGLER: No, because that is a separate issue. We will have controls if that goes through.

COUNCILMAN GUNNER: Yes, I knew that.

SUPERVISOR RINGLER: The agreement indicates that the technical and financial ability of the character of A-R work considered an approved at this hearing, has the Board made an evaluation or dependent on the State to make this evaluation, if so, when, the agreement should reflect this. Steve points out that this language is required under the State. The Town does approve the financial and technical character of Cablevision as a culmination of two years of reviewing study and negotiation, this effort is ratified at the hearing and sanctioned upon the grant of the franchise renewal. Don't be confused that it has to take place actually at the hearing but rather it must be accomplished during the renewal process.

And, that basically, we do have to rely on them for this information unless we want to hire some very expensive accountants to do things and they had done a review of their financial situation because they were doing a change in their debt, as I recall Sheila.

COUNCILWOMAN GALVIN: Additionally, we requested additional back-up information and filings with the FCC which have been reviewed. Although we have no guarantee that that information is necessarily accurate, it is something they have provided and we hope it is correct without, again, hiring an outside audit firm to fully review, we have to rely on what those filings have been. They have sworn to them, not that that necessarily means much.

SUPERVISOR RINGLER: It is proposed to extend the agreement until August 1, 2001. In light of recent federal proposals to regulate the cable TV industry, I would urge the Board to extend the agreement for only 5 years. In response, the Town has been successful in achieving a number of additional franchise provisions in many areas including PEG access, line extension, franchise fees, customer service, security fund, accountability and a rebuild. The company needs time to amortize their investment. Furthermore, the Town retains the right to regulate the rates if Congress gives local governments that authority. Therefore, I believe the expiration date is entirely appropriate.

Number 6, appendix b of the report of the cable company to make the Town should be revised to permit Town officials to make the determination that community needs and interests are being met as required under federal legislation. This includes the costs of meeting such needs and interests. Additional fiscal information is needed. This form in response is solely used to determine the accuracy of the franchise fee payments. The statement requested by Mr. Davies does not belong in this form.

There is a couple of other questions. For example, he did not address, that I noticed, as to on the franchise fee, in lieu of the Town collecting a 5 percent franchise fee from cable TV, why not eliminate such a fee and reduce customer cable TV rates. In the ideal that may work, but I wouldn't trust them to reduce those rates by that amount of money. We are going to be receiving the franchise fees that will be taken advantage of by all of the taxpayers in the Town as a revenue source to the Town of Bethlehem.

One other thing that got brought up during the review last week and it was in a letter to me and not part of the official hearing, is an individual had requested line extension in South Bethlehem from where it exists now in the hamlet of South Bethlehem to the Town line. We went out and looked at that and counted the houses on that and they just barely make the additional 15 and also Bender Lane from the Bypass to Route 9W just about is at that level. I discussed it with the cable TV and we had not pointed it out because it was an area that we were not aware of that was a potential problem. They have agreed that they would allow, put these additional items in for extensions but would like until 1993 to do those because they are not part of their current capital plan, and I would recommend that if we did that. But, those two areas would be included also. Any other...

COUNCILMAN WEBSTER: They will probably have to do Bender Lane when the Piazza thing starts anyway.

SUPERVISOR RINGLER: Well, at that point, there won't be any question, there...

COUNCILMAN WEBSTER: That will far be in excess of 15.

SUPERVISOR RINGLER: But, they will do it next year, even if that doesn't start. As a matter of fact, that was an error, we thought that had cable over there, it does not. Other questions or comments?

COUNCILWOMAN GALVIN: I would like to make a comment. There was extensive work that went into the negotiation of this agreement. It is not exactly in the form that everyone who was there on behalf of the Town would necessarily have liked, however, I think it is far superior to the agreement that we had in the past. I think it gives the Town a great deal more leverage with the cable company within the confines of what we are stuck with. We are stuck within State and Federal regulation and we are the bottom of that pyramid. We get what is left in terms of the regulatory authority and we have tried to take advantage of as much of that authority as we could. I believe the agreement is in a form which at least is acceptable. Not the best of all possible worlds, but something that we can probably live with at least for some time to come.

SUPERVISOR RINGLER: Thank you, Sheila. Any other comments?

COUNCILMAN WEBSTER: They have started out on a good foot, I have heard from some people on 144 as part of one of those extensions, even though the franchise hasn't been signed or the contract hasn't been signed and they already have their cable installed. They have already done that section of 144.

COUNCILWOMAN FULLER: It is long overdue.

CHAIRMAN RINGLER: I agree, and I certainly hope that the some sort of regulation comes back from the Federal Government. Like I said at the last meeting, I ... its needed. They do have a monopoly this industry. Until ... while they have a monopoly they should be regulated. But I think we got an agreement is the best of mind, is what Sheila said with what we can do under the law. It would be in order at this point of time, if the Board is in occurrence with those changes that I have suggested to authorize the Supervisor to sign this agreement.

COUNCILWOMAN GALVIN: Subject to those changes, so moved.

CHAIRMAN GUNNER: Seconded.

The motion to accept those changes was made by Councilwoman Galvin and seconded by Councilman Gunner. The motion was passed by the following votes:

AYES: Mr. Ringler, Ms. Galvin, Mr. Gunner, Mrs. Fuller  
and Mr. Webster.

NOES: None.

CHAIRMAN RINGLER: Thank you Sheila, I don't think there are any other committee members here tonight. Steve Shea would of liked to been here but he had to go out of town today.

COUNCILWOMAN GALVIN: I would like to express my thanks in particular to Steve Shea. Who has spent hours and hours and hours of his time working with us to get this agreement in the shape that we currently see it in. He did an excellent job on his part.

SUPERVISOR RINGLER: And the entire committee who has you know, who is involved in the grass roots effort and up to the final document. Okay. We have one more minute here.

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Discussion  
Disposal of  
Recyclables  
Kruger Paper  
Company

Next item would be to consider approval of the contract regarding of the disposable of the recyclables with the kruger Paper Company in Albany. This is the document that we tabled a couple of weeks ago because we did have some concerns with the language. I have had Mike Smith look at it again. He has sent a letter to you. He made a suggestion to change. And this is one I was very concerned about in that the original contract allows to sign up, but didn't allow us to get out of it unless the City of Albany get out of it. We asked for some, for some language changes and Mike has added those and will allow to get out if we are no longer in the planning unit, and also if this thing is assigned to anybody it would also allow us to get out. And based upon those particular issues, I think we could go ahead and sign this.

COUNCILWOMAN GALVIN: I have one question. It goes to the first paragraph of Mike's letter which indicates that the agreement is not in compliance with General Municipal Law to allow a contract with the Town and Kruger. If we're in effect approving this for you to sign, I have a problem if we have not fully complied with the General Municipal Law, even tho it may not be a direct contract where in effect approving the agreement.

SUPERVISOR RINGLER: I think what he is suggesting is that, Mike, he is going be here, I don't know if he is here yet. If you what to table this to later in the meeting. He said he would be here by 8:15. I told him not to rush, because I thought we wouldn't get to this until that point in time. So, we will come back to that when Mike gets here.

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SUPERVISOR RINGLER: Okay. Let's start our next Public Hearing. This is on consider Local Law No. 4. To consider the Stop intersection at Bridge Street in North Bethlehem. Terri.

DEPUTY TOWN CLERK PICARAZZI:

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

NOTICE is hereby given that a Public Hearing will be held by the Town Board of the Town of Bethlehem on the 23rd day of September 1992 at 7:45 p.m. to consider local law no. 4 of 1992 amending the code of the Town of Bethlehem as follows:

Public  
Hearing  
To consider  
Stop  
Intersection  
Bridge Street  
N. Bethlehem

Amend Vehicle and Traffic section 119.10. Stop Intersections. Schedule VII, Section 119-33 as follows:

Bridge Street. North Bethlehem on both sides with its intersection with Monroe Avenue.

All interested persons and citizens will have an opportunity to be heard at the said hearing.

By the order of the Town Board  
Town of Bethlehem  
Kathleen A. Newkirk  
Town Clerk

Mary A. Ahlstrom of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR WEEK consecutively, commencing on the 9th day of September 1992.

STATE OF NEW YORK )  
COUNTY OF ALBANY )

Kathleen A. Newkirk, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on September 9, 1992, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

Sworn to before me this  
22 day of Sept., 1992.  
Caroline G. Wirth  
Notary Public, Albany County

SUPERVISOR RINGLER: Motion to indent.

The motion was made by Councilwoman Galvin and seconded by Councilman Gunner to indent the Notice of Publication, Affidavit of Publication and Affidavit of Posting on the minutes.

The motion was passed by the following vote:

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

SUPERVISOR RINGLER: This again is a result of a recommendation from the Traffic Safety Committee because they have received some requests from individuals from that area. And I would like to read the report of the Traffic Safety Committee into the record:

The Traffic Safety Committee has received two (2) requests (see attached) from residents in the North Bethlehem area, requesting "STOP" signs at the intersection of Monroe Avenue and Bridge Street. These requests state that there is limited sight distance and that vehicles are speeding along Monroe Avenue, which makes it difficult to safely enter this intersection.

Monroe Avenue has approx. a 20 feet wide paved asphalt surface and is within a 40 feet wide right-of-way which connects Russell Road into the Woodscape Development in the Town of Guilderland. Bridge Street north of Monroe Avenue has approx. a 22 feet wide paved asphalt surface within a 40 feet wide right-of-way which also extends into the Town of Guilderland, and Bridge Street south of Monroe Ave, has approx. a 13 feet wide paved asphalt surface within a 40 feet wide right-of-way and is a dead-end street.

This Committee has reviewed this intersection and determined that it did not meet the criteria for a multi-way stop. So we investigated the possibility of controlling the traffic entering Monroe Ave. by placing STOP or YIELD signs on both sides on both sides of Bridge Street. According to a traffic volume and speed count there were approx. 900 vehicles per day that traveled along Monroe Ave. and crossed this intersection, 85% of these vehicles were traveling between 30 and 32 MPH. The Bethlehem Police have two reported accidents in this area since 1988.

Based upon the above information this committee recommends the placement of "STOP" signs on both sides of Bridge Street where it intersects with Monroe Ave. Also, that the property owners on the southeast and southwest quadrants of this intersection be required to remove the shrubs and other obstructions from within the Town right-of-way to improve the visibility.

In addition, The Albany County Department of Public Works has completed a Traffic investigation of this entire area on October 16, 1991 for the Town of Guilderland. Their study also recommended the placement of "STOP" signs on Bridge Street where it intersects Monroe Ave.

If you have any questions or need any additional information, please do not hesitate to ask for information.

Mr. Wickham is here tonight. Chuck one question. Has those shrubs been removed? Or has Mr. Flanigan started action.

MR. WICKHAM: Not yet. I haven't contacted him yet.

SUPERVISOR RINGLER: Any questions of the board. Any questions of the public.

WOMEN FROM THE AUDIENCE: Where is that specifically.

SUPERVISOR RINGLER: It's in North Bethlehem. Monroe Avenue comes into Russell Road.

COUNCILMAN WEBSTER: One block from the Thruway.

SUPERVISOR RINGLER: One block from the Thruway.

COUNCILMAN GUNNER: Didn't we discuss this situation before, as far as the bushes are concerned?

SUPERVISOR RINGLER: I don't remember. I don't remember if it is this one or not.

COUNCILMAN WEBSTER: We did. It was quite awhile ago.

MR. WICKHAM: This intersection was discussed back, I think 1987.

SUPERVISOR RINGLER: Well, if these shrubs are in the right-of-way, under our current code and they are a hazard, we, just have Mr. Flanigan tell them to get them out. So you should move ahead with that immediately. Other questions? Any questions from the public? Other questions from the public? Yes sir.

GENTLEMAN: I have more of a comment then I do...

SUPERVISOR RINGLER: Could you please identify yourself for the record.

MR. THOMAS: My name is William C. Thomas, I am a member of the Elmwood Fire District. I am also a Times Union paperboy out there. And, I have been nearly hurt a couple of times, and one just recently on a Sunday morning. If I hadn't of stopped, I would of had it. Cause this one fella come down Monroe and that was it. There is a hill there, even with the shrubbery, the hill is doing some blocking. The other thing is that even if I do stop, some of the drivers turn around and don't wait to see if you are going or not, they keep right on going even if they have to go around you. Two weeks ago, I am coming over to deliver some papers coming up Monroe to make a left hand turn on Bridge, and this one driver came on down right along side of me, on the driver side and if I hadn't of stopped we both would of ran into one another. That's the kind of driving that goes on they don't catch. Unfortunately, it happens early in the morning. Somebody is always in a hurry. I'd like to see the stop sign go up even if it is just one side but make sure it is the busy side. The people in the neighborhood do slow down because they know what it is.

SUPERVISOR RINGLER: I think that was speaking in favor of the stop sign. Does anyone else wish to speak in favor? Your name sir?

MR. PHILIP TORRE: I live right on Bridge Street. I'm a good neighbor of my friend Kenneth Hahn. I'm in his back yard and he's in my front. Well anyway, I'd like to know where the signs are going because before we get to Ken's street, which is Pine I believe. There's a dip in the road about seven feet. When I come out of Bridge Street, I cannot see the roof of a car and that's about a hundred feet from where I'm coming out.

MR. RINGLER: Chuck, did you look at that?

MR. WICKHAM: Yes, We looked at that. If the shrubs are removed, you can see.

MR. TORRE: No you can't. If you come out I'll show you exactly. You can get in my car and I'll show you. You cannot see a car coming.

MR. WICKHAM: I did the measurements with vehicles, small compacts vehicles. You can see them in advance.

MR. TORRE: In the nighttime or in the morning you can see them if they have their lights on.

MR. WICKHAM: I have to agree with the shrubs though, the shrubs have to go no, question.

MR. TORRE: But that dip is still a danger.

SUPERVISOR RINGLER: Gregg, is that dip something that we can do something with. I can't picture it.

MR. TORRE: It's going to be difficult, it would be expensive probably but you could do that. But if you had four stop signs there, people definitely have to stop no matter where they are coming from. Now we go through Woodscape. There are signs on people's driveways which you don't need since it's a four way stop, so I figure why can't we have that? It's a heck of a lot cheaper.

MR. THOMAS: Isn't that a Guilderland?

MR. TORRE: It's a heck of a lot cheaper to have four signs than it is to have somebody killed. The school bus stops right in front of the mailboxes.

MR. THOMAS: May I just interject another thing. Since that started, since that last accident that North Bethlehem had the answer, Guilderland has put stop signs where there were never anything before and that's pretty near on every corner.

SUPERVISOR RINGLER: Well you know there are lots of arguments and discussions about stop signs and in many instances and I think the Traffic Safety Committee has been studying this for a period of time and the Chief of Police might want to comment on this as well, that

stop signs don't always help a situation. In many instances they cause more problems if you put them out there arbitrarily. Chuck, what are your principles on that. What do they say about that.

MR. WICKHAM: For a multi-way stop, we try to use some criteria but then again it depends on what extenuating circumstances there are, but if you have equal volumes of traffic where people don't know. They get to intersections and they don't know who has the right-of-way. You try to designate who has the right-of-way. However if there are geographic or whatever circumstances there may be there then it may warrant it but generally a new road, this isn't, this happens to be an old section of town. The roads are a little bit narrower but I believe by going out there if the obstructions are removed, you will have sight distance.

MR. THOMAS: Actually it has become a major highway.

MR. WICKHAM: It's a busy road.

SUPERVISOR RINGLER: Chief, would you like to add anything to that?

CHIEF LACHAPPELLE: If you use stop signs to control speed and you use them at every intersection, four-way, eventually there becomes a disregard for the importance of the stop sign. So you are better off treating speed as a problem and doing what you have to do in controlling access to the main road with stop signs in a reasonable length.

SUPERVISOR RINGLER: Would you like to add something sir?

UNIDENTIFIED GENTLEMAN: I do not speak English.

MR. TORRE: He wanted to come sir, and he wanted me to explain things the way I did to you people, because he was telling me this and he is one of our neighbors also. He has been challenging this, trying to avoid being hit. I won't mention names, but I was almost hit myself within two inches coming down Monroe Avenue. The woman lives right in North Bethlehem. I won't mention the name or the car because I didn't know who it was until a couple of weeks later there was a detour on Monroe Avenue and I had to go around our neighborhood and I saw the car. Two inches from knocking over nine mailboxes including myself, that's another thing we are trying to do, is get the mailbox away from the corner put them on the front of our houses. That would be another way from keeping from getting hit or even getting killed.

SUPERVISOR RINGLER: Let's get the sight line improved and get those shrubs out of there. And see how it goes from there.

MR. TORRE: Right. Thank you.

MR. WILLIAMS: Let get some kind of Stop sign there, even if it is only two.

SUPERVISOR RINGLER: Very good. Is there anyone else that would like to speak in favor.

GENTLEMAN: If these gentlemen are finished, I would like to speak in favor of the proposed Stop signs at the two intersections of Bridge. I live one, Ken Hahn, I live one block from Phil Torre, my good friend. As we stand tonight there are five four-way or all-way stop intersections within a one mile distance. I am happy to say they are all in the Town of Guilderland. The problem with a four-way stops is it, everyone thinks the other guy is going stop, especially in the winter time, we have all spoken about this grade, which is considerable. On wet pavement, on snow covered pavement, on icy pavement, to the individuals coming out from Bridge would expect the car coming from the westerly part of Monroe to be able to stop. And if you are skidding into the intersection and we might have a worse situation then we have, as exists now. The other problem, and you can witness for yourself by going to anyone of the other five four-way or all-way, nobody pays attention to the thru route. They slow and then they roll through and Guilderland has had to post their police cars their on a number of occasions, to try to enforce stopping and that last a week and then when everyone know the police

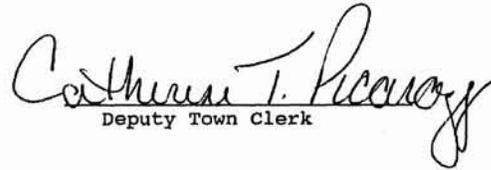
cars are not there they are rolling right through those signs. So it give a force, a false sense of security to the people coming out of Bridge Street to think that if their were signs on Monroe that the cars were going to stop. Because more often then not, they won't... I support this as being proposed.

SUPERVISOR RINGLER: As being proposed. Is there anyone else that would like to speak in favor. Is there anyone who would like to speak in opposition to the proposal. If not, I entertain a motion to close the public hearing.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to close the public hearing at 8:05 p.m. The motion passed by the following vote:

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

Noes: None.

  
Deputy Town Clerk

Local Law  
No. 4, 1992  
Adopted

SUPERVISOR RINGLER: Is the Board inclined to make movement on this one tonight?

The motion was made by Ms. Galvin and seconded by Mr. Webster.

AYES: Mr. Ringler, Ms. Galvin, Mr. Webster, Mrs. Fuller and Mr. Gunner.

NOES: None.

SUPERVISOR RINGLER: I entertain a motion to advertise.

Motion to advertise made by Ms. Galvin and seconded by Mr. Webster.

AYES: Mr. Ringler, Ms. Galvin, Mr. Webster, Mrs. Fuller and Mr. Gunner

NOES: None.

SUPERVISOR RINGLER: You've got your Stop signs.

COUNCILWOMAN GALVIN: Before we move on, I like to request that the Board request that the shrubs be removed as soon as possible.

SUPERVISOR RINGLER: That will be done.

COUNCILWOMAN GALVIN: At the intersection these shrubs...

COUNCILMAN GUNNER: Good time to do it.

COUNCILMAN WEBSTER: Noted.

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The Traffic Safety Committee has received several requests from residents within the Indian Hills Subdivision requesting stop signs at the intersection at Mohawk Trail and Iroquois Trail. These requests state that there are many children in the area and since Mohawk Trail is a now thru street from Russell Road to Krumkill, many vehicles use this as a short cut and are speeding. Mohawk Trail and Iroquois Trail were both built to current Town standards. These highways both have a twenty-four feet wide paved asphalt surface, centered within a fifty feet right-of-way. The easterly portion of Iroquois Trail is currently a dead-end which will be extended to Krumkill Road in the near future. This intersection is also used as a school bus stop for elementary and middle school students. This intersection has no visual obstructions which makes for a clear sight distance and there have been no reported accidents. According to a recent traffic volume and speed count there are approximately four hundred vehicles per day that traveled along Mohawk Trail and crossed the intersection. The average speed of these vehicles was well below 30 miles per hour. Based upon the above information and our field observation, this committee recommends the placement of two stop signs to be placed at the east and west sides of Iroquois Trail where it intersects with Mohawk Trail. These new signs will control the intersection and thereby make Mohawk Trail a thru street. Any questions or additional information please do not hesitate to contact.

Does the board have any questions? Again since some new people have arrived, the format for our hearing is we first ask if anyone has any questions regarding what is going on and then we ask those in favor to speak in favor and those to speak in opposition to speak in opposition. Are there any questions from the floor regarding the proposals.

DALE JEFFERS: I have a question. I live at the intersection of Iroquois and Mohawk Trail and I was one of the people referred to as complaining of the speed and demeanor of the vehicles passing through Mohawk Trail. As I understand it, the average recorded speed was well below 30 miles per hour but there were four hundred and some odd vehicles. Can you tell me what the standard deviation from the average speed was?

MR. RINGLER: Chuck?

MR. WICKHAM: We set a standard deviation between the average speed.

MR. JEFFERS: This is a statistical study as I understand it.

MR. WICKHAM: We took a speed count which was sent to Mrs. Terry and that records the volume and we wanted to see if so if people were speeding.

MR. JEFFERS: And the answer is "No."

MR. WICKHAM: Most people - there are a few people who are speeding.

MR. JEFFERS: Four hundred and some odd vehicles passed through your study. How many of those were speeding?

MR. WICKHAM: I have to go back and count. I don't know. I can't estimate right now.

MR. JEFFERS: Is your testimony that somewhat?

MR. WICKHAM: Yes, some were speeding.

MR. JEFFERS: Would that be more than ten? More than fifty?

SUPERVISOR RINGLER: No. I'm glancing through these reports in front of me. The average speeds were twenty and nineteen miles per hour and so forth. You're showing as an example, this would be Mohawk, and they took this at two different locations as I see here Chuck. You did it at Mohawk and Iroquois and Mohawk and Onondaga.

MR. WICKHAM: That's right.

SUPERVISOR RINGLER: The one I'm looking at is Mohawk Trail and Onondaga where these were and this particular count which was northbound, there were one hundred fifty-two, twenty-eight of those cars were going zero to 15 miles per hour, 52 were going 16 to 20 miles per hour, 50 were going 21 to 25, Nineteen were going 26 to 30, three were going 31 to 35, on that particular time and location as an example.

MR. JEFFERS: Excuse me what corner was that taken at?

MR. RINGLER: Onondaga and Mohawk Trail.

MR. JEFFERS: I see. I see. Onondaga, I might point out, is a dead-end street consisting of one house.

MR. RINGLER: I'm looking at Iroquois now.

MR. JEFFERS: I might point out the your traffic study were not for the efforts of one of my neighbors whose point being made on the wrong street.

SUPERVISOR RINGLER: Okay. But, we corrected it. Thank your neighbor for that. But a...

MR. JEFFERS: Whether your corrected it or not is a matter for this discussion. Please continue.

SUPERVISOR RINGLER: But if you at some of the other car counts and so forth it's very similar at Iroquois and Mohawk 102 cars at this particular, 24-0-15, 36-16-20, 31-21-25, 8-26-30, 3-31-35.

COUNCILWOMAN GALVIN: What is the speed limit on that paticular street.

SUPERVISOR RINGLER: Thirty as with all Town roads.

MR. JEFFERS: Let me make it my testimony that I personally observed the cars passing through that intersection many time in access of 40 miles an hour. If you understand the nature of the complaint is that since Mohawk has now a through street, it's a short-cut. And as you can see a large volume of traffic passes through there. There are many small children in the neighborhood. Toddlers if you will. And if you put a Stop sign at the non-through street, does not address our complaint at all. As a matter of fact we are somewhat baffled about the conclusion that was reached. It does not make any sense to us.

SUPERVISOR RINGLER: You don't normally put the Stop sign on the through street.

MR. JEFFERS: But that's the problem of the traffic flow. It's not the traffic flow the other way. The traffic flow the other way at least at present, would ordinarily come to a stop or near to a stop because they have to make a right or left hand turn. For vehicles passing through there just zip right through, and I personally observe this.

SUPERVISOR RINGLER: Well, I don't know if you were here for the previous discussion, but you guys want to talk about speed and stop sign again, and so forth.

MR. WICKHAM: Well, what were looking at, were looking at speed problems. To control speed it has to be done by through enforcement. The Police Department not by putting up a stop sign which is used for a right-of-way, to control the right-of-way in intersections. I explained to some of the residences in the area that stop signs placed on a through road would only help out Mr. Jeffers who lives at that intersection. It wouldn't help out people who live at two or three houses up the road. Because people would be back up to normal speed again. That's not solving the whole problem on the whole street. That is only solving a small portion in a small area.

SUPERVISOR RINGLER: Chief would you like again to add... I don't think Mr. Jeffers was here when we were discussing this before, speed and stop signs.

CHIEF LACHAPPELLE: When we were talking before on Bridge Street, with the same problem. The use of stop signs to control speed is not the recommended way to control speed. Although it seems to be...

MR JEFFERS: May I ask who recommendation this is?

CHIEF LACHAPPELLE: The State and Federal Government. There is nobody who will recommend using stop signs...

MR. JEFFERS: The State and Federal Government being...

CHIEF LACHAPPELLE: The Federal Highway Safety...

MR. JEFFERS: The Department of Transportation, I don't mean to make your testimony for you, but I'm curious as to...

CHIEF LACHAPPELLE: There is no one that recommends it.

MR. JEFFERS: I see.

CHIEF LACHAPPELLE: People assume that the way to go. What you do is you develop a disregard for the purpose of a stop sign.

MR. JEFFERS: Which is to come to a complete stop at an intersection and check both ways.

CHIEF LACHAPPELLE: Yes, but thats not what I'm talking about. You are also determining the right-of-way on the through street with a stop sign. At Mohawk Trail is the through street, then you wouldn't put stop signs on the through street.

MR. JEFFERS: And the determination as to whether its a through street is made by...

CHIEF LACHAPPELLE: The Town.

MR. JEFFERS: The Town. Okay. So, if I follow this logic to a conclusion of the purpose of this hearing, is to the determination is that that should be a through street and people should be allowed to speed through that intersection without coming to a ...

SUPERVISOR RINGLER: The are not saying that...They are not saying that at all.

MR JEFFERS: I am just drawing a conclusion.

SUPERVISOR RINGLER: You are drawing an incorrect conclusion. We don't want anybody to speed.

MR JEFFERS: ... what me and my neighbors find is a a ridiculous solution to our complaint. It does not address our complaint.

SUPERVISOR RINGLER: Well some of your neighbors have written and they would like the stop signs in this particular manner, as I read through this.

MR. WICKHAM: Some people said they wanted stop signs, they didn't spell out exactly what they wanted. Some were specific, they wanted four way stops, some people said they wanted stops at the intersection.

SUPERVISOR RINGLER: They want the intersection controlled.

COUNCILWOMAN GALVIN: What are ASHTOs guide lines for an intersection of that nature?

MR. WICKHAM: According to the...

COUNCILWOMAN GALVIN:: The ASHTOs.

MR. WICKHAM: The ASHTOS I am not sure, the New York State manual of uniform traffic control devices...

COUNCILWOMAN GALVIN: No, I'm talking about the ASHTOS.

MR. WICKHAM: The ASHTOS I'm not sure, the New York State Manual Uniform Traffic Control Devices...

COUNCILWOMAN GALVIN: No, I'm talking about the ASHTOS.

MR. WICKHAM: In regard to the multiple way stop?

COUNCILWOMAN GALVIN: That type of multi-way stop on the Towns road you are talking about an intersection within a residential area.

MR. WICKHAM: I am not aware of what ASHTOS would have to say.

MR. JEFFERS: So the testimony is there are no standards for this. Is that...

COUNCILWOMAN GALVIN: I am asking whether or not we know what the ASHTOS are for.

SUPERVISOR RINGLER: Would you define ASHTOS for the record please.

COUNCILWOMAN GALVIN: Association of State Highway...

MR. JEFFERS: So the answer for the record is... nobody knows.

SUPERVISOR RINGLER: No that's not correct. I mean that particular...

MR. JEFFERS: Somebody here knows.

SUPERVISOR RINGLER: Okay. No. What were saying is, I don't know exactly what Sheila is referring to to be perfectly frank. What were saying is our Traffic Safety Committee is making recommendation they have been working with the Uniform recommendations of the New York State Department of Transportation. Okay, and their use of stop signs. Okay. That's the criteria they have established in making this recommendation. That they are using to make this recommendation. But, I, the key is the Chief pointed out, stop sign are not intended to be used to control speed. They are suppose to be used to control, regulated an intersection.

MR. JEFFERS: Okay.

SUPERVISOR RINGLER: Question.

MARCY FEINMAN: My name is Marcy Feinman. Hi Chuck how are you? I talk to Chuck a lot lately. I live on the corner of Iroquois and Mohawk and I understand after talking to Chuck, that stop signs are not to control speed. My question is why then do you have this car counter that records speed. Why has speed been an issue...

SUPERVISOR RINGLER: One of the things it tell us...go ahead...

MRS. FEINMAN: ... excuse me...and secondly I have to say, I know for a fact that cars were going over 40 miles an hour and it was not shown, so what is the accuracy of that test? I know that for a fact.

MR. JEFFERS: Were both a little baffled about that because we have personally observed that during the period of the test.

SUPERVISOR RINGLER: I only took portions. There may have been other sheets.

MS. FEINMAN: Mr. Ringler, there should have been a lot of reports and I know this for a fact and the point is I looked through all those and I'm in favor of the stop signs and where they are going and I'm here tonight to say that I support these stop signs. I also may come back at a later date talking about other stuff but I support these stop signs. But I keep hearing and this is one of my questions is speed is not an issue, speed is not an issue and then you count speed, and I don't believe that that machine is accurate because if

it was - I see many cars going over 40 miles per hour and I don't see that on the report.

SUPERVISOR RINGLER: Chuck, why do we check speed if that is not an issue?

MR. WICKHAM: That actually is the issue. The issue is speed.

SUPERVISOR RINGLER: That's the issue from the public's perception.

MR. WICKHAM: Correct. Most people say I want a stop sign because people are speeding, not because we have had side accidents, t-bone accidents, something like that. People are speeding and they want to slow them down.

MS. GALVIN: Have there been accidents at that intersection?

SUPERVISOR RINGLER: Report says no.

MR. GUNNER: Chuck, how often do we check the accuracy of our machine?

MR. WICKHAM: That I cannot answer.

SUPERVISOR RINGLER: Chief, that's your machine, isn't it?

CHIEF LACHAPPELLE: That's not an enforceable accurate but it's a good representation of speed. We'll take a car with radar and run over it on occasion just to make sure that it's within bounds.

MR. JEFFERS: Excuse me, that was on occasion and I think he asked how often. Could you tell us how often.

CHIEF LACHAPPELLE: No this is not an enforcement thing.

MR. JEFFERS: I didn't ask how often, I asked if they were. I think Mr. Ringler asked how often.

SUPERVISOR RINGLER: I don't know if I did or not but as long as the rest of your question is answered.

MR. JEFFERS: The answer is basic that you're uncertain as to how often.

CHIEF LACHAPPELLE: There's no need for it. It's maintained...

COUNCILMAN GUNNER: Would you mind answering my question Chief? Are they checked for accuracy at any point?

CHIEF LACHAPPELLE: Yes.

COUNCILMAN GUNNER: Thank you.

MR. JEFFERS: May I asked a question on that? Is that more than once a year?

CHIEF LACHAPPELLE: I would assume so, yes.

MR. JEFFERS: Okay, but you don't know.

CHIEF LACHAPPELLE: This is not an enforcement thing. There's no power...

MR. JEFFERS: I understand that, but there seems to be some emphasis on statistics which conflict with what I have observed and what our neighbors have observed.

CHIEF LACHAPPELLE: In most cases, on town highways where a car goes 30 miles an hour, someone who is not trained to estimate speed accurately will think that the vehicle is going too fast and thirty may be too fast on many town roads.

MR. JEFFERS: I can understand that but it's probably a great deal of training...

CHIEF LACHAPPELLE: But, the average person myself included many times thinks that the speed is greater than what it actually is. It appears greater because of the conditions.

MR. JEFFERS: Okay, so you are not a trained individual in this item.

CHIEF LACHAPPELLE: In what?

MR. JEFFERS: Observing speed.

CHIEF LACHAPPELLE: Yes I am.

MR. JEFFERS: You just said you didn't know. I hate to be a difficult person but, I'm having a great deal of difficulty understanding the logic of the proposal because from where I sit, it does not address the complaints.

SUPERVISOR RINGLER: I think that one of the things we have to do to address your complaints is a little more enforcement if it's necessary, and we can arrange that very easily. Of course we'll probably find that all your neighbors are the people who will be giving the tickets.

MR. JEFFERS: I can give you chapter and verse on this and I'm sure Mrs. Feinman can too, but with four hundred cars a day passing through there in a neighborhood of approximately forty houses of which only maybe half a dozen have the occasion to use that as a ... It's not a neighborhood problem at all.

LADY FROM THE AUDIENCE: We want those...Its you that they are getting...

MR. JEFFERS: Yes, and, and, and to make it even better four way stop would be wonderful.

SUPERVISOR RINGLER: I hear you.

MR. JEFFERS: A stop on Mohawk Trail really is my objective. I think a stop on Iroquois protects some of the vehicle traffic, nobody even looks as they go through that intersection, but the problem with...

SUPERVISOR RINGLER: That's why...

MR. JEFFERS: ... a neighborhood consisting of young families, with young children and...

SUPERVISOR RINGLER: Let me just give you an example...

MR. JEFFERS: And, and, and if I could just go one step further, in terms of speed enforcement, we observed a patrol car over there on two occasions over the past 2 1/2 years that we have lived there. We understand we are on the edge of Town and and we feel like outsiders over there.

SUPERVISOR RINGLER: Well don't feel that way, you're not.

MR. JEFFERS: Well, the response time of the Police Department to complaints is 20 minutes...

SUPERVISOR RINGLER: I don't think that would be in an emergency though. Sir, I have to disagree with you Mr. Jeffers.

MR. JEFFERS: It's hard to...

SUPERVISOR RINGLER: I'm sure...we can find that very easy. But I know that's not the case.

MR. JEFFERS: I can only give you my personal observation.

SUPERVISOR RINGLER: Okay, if your talking complaints, when someone calls up and I would like you to come over to take a report, something that's not an emergency, that may have happened, okay. But our response time in an emergency is not 20 minutes. Even in North Bethlehem we have a car that covers that zone. Okay.

MR. JEFFERS: Okay. So, when I call up and say gee, sounds like a there's a burglar across the street, it's not gonna be a 20 minute response time.

SUPERVISOR RINGLER: I certainly hope not.

LADY FROM THE AUDIENCE: Like at my house.

MR. JEFFERS: Well, your hopes unfortunately don't mean ...

SUPERVISOR RINGLER: That's another issue in it's entirety. But, I, I would like to find out when it took us 20 minutes to get out on a burglary call. I would certainly have some complaints to the Chief about that myself.

CHIEF LACHAPPELLE: I think we would all have a surprise.

LADY FROM THE AUDIENCE: Mr. Ringler.

SUPERVISOR RINGLER: Yes.

LADY FROM THE AUDIENCE: Alright this is part of the Indian Hills Development, right?

DEPUTY TOWN CLERK PICARAZZI: Please have her identify herself.

SUPERVISOR RINGLER: Dorothy Allagier.

DOROTHY ALLAGIER: Is that correct?

SUPERVISOR RINGLER: Yes.

DOROTHY ALLAGIER: What is the street that exits onto Russell Road before the little bridge.

SUPERVISOR RINGLER: Mohawk Trail.

DOROTHY ALLAGIER: That's Mohawk Trail? Well, today I was going over Russell Road...

SUPERVISOR RINGLER: You didn't take a short cut through there did you?

DOROTHY ALLAGIER: What, No! I just... If I'm going to Colonie Center, that's how I go. So I go over there quite often. But anyway today, a woman pulls, almost pulls right out in front of my car from that Mohawk. And, I'll tell you I think she was scared and if a car had been coming towards me it could really have been disastrous. I think that's where a stop sign belongs.

MR. WICKHAM: It's already on our agenda.

MR. JEFFERS: That's a problem... the line of sight is very short there.

SUPERVISOR RINGLER: Anyway, Mr. Jeffers, one thing about stop signs in our history, Mr. Jeffers.

COUNCILWOMEN FULLER: I think you better wait.

SUPERVISOR RINGLER: Yea, I think I better too. Counsel is conferring with his client.

COUNCILWOMEN FULLER: Is there anyone else who would like to speak on this issue?

SUPERVISOR RINGLER: Is there anyone else who wants to speak? In favor? In opposition? One final comment, this is not the first time people have come in and request the stop signs four way to control speed and so forth. A Town Board, I don't think any of us, well, Mr. Webster did vote against it at that time, did approve one. What history has found, is that people will come down to the stop sign and speed up to make up the time after they have gone through it. The

speed on the street is not reduced, as a matter of fact the speed on the street is increased as I understand it in that particular area.

MR JEFFERS: If I could just comment on it. If that happens in at least one direction, the distance is 5-600 hundred feet from Krumkill Road and that's not going to happen.

SUPERVISOR RINGLER: Okay. Chuck.

MR. WICKHAM: Also, I would like to mention, a third of that subdivision is not built yet, it's currently under construction. If things do change in the future, traffic patterns change and so on, we will look at it again.

SUPERVISOR RINGLER: Okay. Thank you. Entertain a motion to close the Public Hearing.

LADY FROM THE AUDIENCE: Excuse me.

SUPERVISOR RINGLER: I'm sorry.

LADY FROM THE AUDIENCE: I'm sorry.

SUPERVISOR RINGLER: Alright we won't close it. Go ahead. Your name.

LADY FROM THE AUDIENCE: My name is Bernadette Terry. I speaking on behalf of my husband and myself, Howard and Bernadette Terry. What I want to say, since the through road, Mohawk has been, is a through road from Krumkill Road to Russell there has been a significant increase in the volume of the traffic that has been going through our development and we feel it has created a very big potential hazard. There are many children right in that area that are under the age of 5 and do not understand they are not allowed to go running in the streets and we consider that a very big problem, therefore the need for some traffic control device is something we thought we needed. We support the two stop signs that have been proposed on Iroquois to increase the safety to this problem. More people from the neighborhood would have attended this but, there was a conflict with the Guilderland Schools having open house tonight and several people were not able to come and several people who have voiced concerns are neighbors of ours, they are Kim and Karl Seitz, John and Phyllis Green, John and Debbie Biendo, and Peter and Jackie Farrell and Ben and Michelle Alestro. We also feel there has been more support, there have been several letters that have been written prior to all of this stating a concern. We also feel that as the development grows there also are going to be more families with more children coming in, people are also going to be more aware that Mohawk being a through road, that we think the condition is actually going to get worse instead of better. So, we are very concerned about this. We feel the stop sign will elevate some of the problem of the safety that we have at the time.

SUPERVISOR RINGLER: Thank you, Mrs. Terry.

MRS. TERRY: Thank you.

SUPERVISOR RINGLER: Anyone else come in while I was listening. Now I'll entertain a motion to close the Public Hearing.

The motion to close the Public Hearing made by Ms. Galvin and seconded by Mr. Gunner at 8:25 p.m.. The motion was passed by the following votes:

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

NOES: None.

*Catherine T. Kearney*  
Deputy Town Clerk

SUPERVISOR RINGLER: Is the Board inclined to take action on this tonight.

COUNCILWOMEN FULLER: What is the action you are looking to take.?

SUPERVISOR RINGLER: With the proposal...

COUNCILWOMEN FULLER: I have been left thoroughly confused by this...

SUPERVISOR RINGLER: The proposal is the placement of two stop signs at the east and west side of Iroquois Trail where it intersects with Mohawk Trail. There has been a lot of discussion on this. Sometimes naturally the Board when the discussion likes to think about this and likes to go out and look at it again themselves before making making a decision if that's the case, we can postpone action on this until next meeting if you would like to do that. Other hearings we had tonight everyone was in favor of, or didn't speak so we went ahead with it. At this one, if the Board is inclined go look at it, we can postpone it and I'll bring it up at the next meeting.

COUNCILMAN GUNNER: I didn't hear anyone speak against it. Even though Mr. Jeffer's spoke against the signs, he just saying that doesn't solve the problem he has.

COUNCILMAN FULLER: Doesn't solve the problem.

COUNCILMAN GUNNER: Is that correct?

MR. JEFFERS: That's correct. I think the signs as a minor improvement are appropriate, but it has, it has, as a solution are totally inappropriate.

COUNCILMAN GUNNER: I personally would like to see it, just review it a little bit and the Chief might be able to review the speeding situation for us.

COUNCILWOMAN GALVIN: I would also like to know what the standards are that are being applied that are making this determination. I would like a copy of those.

SUPERVISOR RINGLER: Okay. Then we won't take any action on this tonight, we will put this on the agenda for the next meeting. Thank you all for coming.

MRS. TERRY: When is the next meeting going to take place?

SUPERVISOR RINGLER: Next regular meeting will be October 14, 1992.

MRS. TERRY: Will we get notification of that?

ATTORNEY KAPLOWITZ: That's not a Public Hearing.

SUPERVISOR RINGLER: That's not a Public Hearing. That's just for further discussion by the Board. If you want...our agenda's are on Cable, number one, channel 31 and also if you want to give us a call that week and see if its on there or not you are more than welcome to do it.

MRS. TERRY: Okay.

SUPERVISOR RINGLER: Okay.

MRS. ALLIGAER: Mr. Ringler.

SUPERVISOR RINGLER: Yes Dorothy.

MRS. ALLIGAER: One more thing, I don't know this gentleman's name up here, but he was concerned about the police not getting to his home, should there be a disaster, and that he felt isolated up there, I have occasion to go up in that area. But I think the people down in Glenmont could feel just as isolated at the other end because their not in the center of the...

SUPERVISOR RINGLER: We like to think that no one is isolated.

MRS. ALLIGAER: That's right.

MR. JEFFERS: I, I think the end result to that is there is a feeling among some of the Town people, that if you do not live in Delmar, you do not live in...

SUPERVISOR RINGLER: Well, that's a feeling that's been prevalent in many of the areas in the outreaches of the Town for years and I told them four years ago when I started running for this office, I am Supervisor of the entire Town, not Delmar. And that's the way we look at it. And I think the entire Board feels that way.

MR. JEFFERS: Having lived in other Towns, there were newspapers that gave, throw a-way type newspapers, delivered to the house, that contained write-ups of what was going on in the Town with the Town Board and I don't find anything like that.

SUPERVISOR RINGLER: We have the SPOTLIGHT, you otta look into the SPOTLIGHT. It covers the Town very...

MR. JEFFERS: The SPOTLIGHT is apparently not delivered to...

SUPERVISOR RINGLER: Oh I'm sure it could be.

COUNCILMAN GUNNER: It comes in the mail.

COUNCILWOMAN FULLER: You have to pay for the subscription.

(THE BOARD AND AUDIENCE TALKING AND LAUGHING AT THE SAME TIME.)

COUNCILMAN GUNNER: Yes you have to pay for the subscription.  
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322  
Public  
Hearing  
Local law  
No. 6, 1992  
To consider  
parking  
prohibitions  
Van Dyke Road

MR. RINGLER: Thank you all very much. The next public hearing is to consider Local Law No. 6 of 1992 to consider parking prohibitions at all times at Van Dyke Road near the high school as specified and the Town Clerk will tell us about that. Terri.

DEPUTY TOWN CLERK PICARAZZI

NOTICE OF PUBLIC HEARING  
TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of Bethlehem on the 23rd day of September, 1992 at 8:15 p.m. to consider Local Law No. 6 of 1992, amending the code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC SECTION No. 119-14 parking prohibited at all times. Schedule X, Section 119-36 as follows:

On the east side of Van Dyke Road:

1. 125 feet north and south of the school bus garage entrance.
2. 30 feet south of the northern parking lot; and
3. 50 feet north and south of the southern most parking lot.

All interested persons and citizens will have an opportunity to be heard at said hearing.

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

- - -

STATE OF NEW YORK )  
COUNTY OF ALBANY )

MARY A. AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONE A WEEK FOR 1 WEEK consecutively, commencing on the 26th day of August, 1992.

/s/ Mary A. Ahlstrom

Sworn to before me this  
10th day of September, 1992.  
/s/ Bruce A. Neyerlin  
Notary Public, Albany County

- - -

STATE OF NEW YORK )  
COUNTY OF ALBANY )

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on September 9, 1992, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk, Town Clerk

Sworn to before me this 22nd  
day of September, 1992.  
/s/ Caroline G. Wirth  
Notary Public, Albany County

SUPERVISOR RINGLER: Motion to indent.

The motion was to indent was made by Ms. Galvin and seconded by Mr. Webster. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: This again is in request of the Traffic Safety Committee. The Traffic Safety Committee has received a request from the Bethlehem Central School District Safety Committee requesting no

parking signs at the entrance to the school bus garage. This request states that vehicles parked too close to the entrance of the bus garage and buses have difficulty entering and exiting. This committee has visited the site along with the entrances to two other parking lots at the high school along Van Dyke Road. Mr. Larry Gill, Health and Safety Director at Bethlehem Central High School agreed that vehicles park too close to those entrances as well which causes poor sight distances for vehicles exiting the parking lot. Based upon the above information, this committee recommends the following location be designated as no parking on the east side of Van Dyke Road: 125 feet north or south of the school bus garage entrance, 30 feet south of the northern parking lot and 50 feet north and south of the southern most parking lot. Any questions?

COUNCILWOMAN GALVIN: I have a question but it is directed to Charlie Gunner. Charlie, you probably have more experience with this area than any of the rest of us. Do you have any comments on this?

COUNCILMAN GUNNER: I think this is, what Mr. Gill, I really don't even know the man...

COUNCILWOMAN FULLER: Larry Gill is here.

COUNCILMAN GUNNER: He's here.

COUNCILWOMAN FULLER: He's here. He's in the back of the room.

COUNCILMAN GUNNER: I do believe there are a lot of sight problems there particularly - the bus is loaded at one lot and anything that would promote safety in that area would be a great help and that will help, I'm positive.

SUPERVISOR RINGLER: That means that some more students are going to have a hard time finding a parking place when they get to school in the morning. They'll have to ride the bus. That's what I tell my daughter to do. She doesn't like it. Mr. Gill do you have anything to add?

MR. GILL: No, I think it has been well stated.

SUPERVISOR RINGLER: Okay, are there any questions from anybody in the audience? Is there anyone who would like to speak in favor of this proposal? Is there anyone who would like to speak in opposition? Feel free, we're not going to bite.

RESIDENT: My name is Regina Koski. I'm against it because I go to Bethlehem and we only have two parking lots and the students can't use the one in the back at all and the one in the front, the first three rows are for teachers and staff anyway and we end up sharing parking spots so one day you get it and the next day your partner gets it. The only other places we can park would be on VanDyke. The cars are usually lined up all the way down and we end up walking all that way. If we can't park on VanDyke there's no where else for us to park other than in the neighborhoods across the street.

SUPERVISOR RINGLER: Let me just ask a question. Mrs. Fuller asked it a minute ago. We have school buses. Why do the kids all take their cars to school?

REGINA KOSKI: Nobody likes riding the school bus.

COUNCILWOMAN FULLER: Now you want a place to park your car as well. What year are you in at the high school?

REGINA KOSKI: A senior.

COUNCILWOMAN FULLER: Seniors have the parking permits. Every senior? How is it selected, lottery process?

REGINA KOSKI: No, that's why they have us doubled up with partners where you find somebody else who drives to school and then one day you'll get it and the next day the other person will get it. Not everybody gets a parking spot. If you get there early enough to get a number then you'll get one but if not then you park back on VanDyke.

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SUPERVISOR RINGLER: Any other comments?

COUNCILMAN GUNNER: Chuck, that western side of VanDyke is no parking all the way isn't it or is that just during football games?

CHUCK WICKHAM: That's no parking at all because of the traffic.

COUNCILMAN GUNNER: This will restrict the parking.

MR. WICKHAM: We'll lose about 3 to 4 parking spots.

SUPERVISOR RINGLER: Is that all? At 100 feet in each direction from the bus garage?

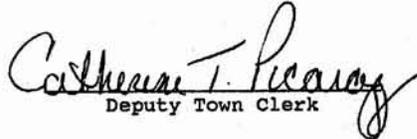
MR. WICKHAM: Yes, because the entrance to the bus garage is probably a paved area. It's probably eighty feet wide.

SUPERVISOR RINGLER: I see. Anyone else like to speak in opposition? I'd like to entertain a motion to close the public hearing.

The motion to close the public hearing was made by Ms. Galvin and seconded by Mr. Webster at 8:40 p.m.. The motion was passed by the following vote:

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

NOES: None.

  
Deputy Town Clerk

SUPERVISOR RINGLER: Is the board inclined to take action on this tonight?

COUNCILMAN GUNNER: I'd rather give the students more chance if they want to. We just heard from two and I'd like to keep that opportunity opened. Mr. Gill, is the administrator of the school aware of what's happening on this too?

MR. GILL: I can't answer that.

COUNCILMAN GUNNER: And wait until that portion of that.

COUNCILWOMAN GALVIN: I second that, Charlie.

SUPERVISOR RINGLER: Okay, if administration is not aware of what's been proposed here I certainly would like them to be aware of it.

COUNCILWOMAN FULLER: Isn't someone on the Traffic Safety Committee from the school district?

MR. GILL: Yes, Bob Peters is. He's the head of the school bus garage and he was in favor of that also.

COUNCILWOMAN FULLER: He did not discuss it with the high school administration?

MR. GILL: I honestly don't know. He may have.

SUPERVISOR RINGLER: If you can check that before the next meeting we'll bring it out. I have to reiterate my comment, I hate to say this girls, I really feel that safety will be the issue here and convenience won't be when it's decided. There are school buses, there are alternative ways to get to school.

REGINA KOSKI: The other thing with school buses is that we have jobs that we have to get to.

SUPERVISOR RINGLER: I know. Some people there's no question but if it is just a case of having a car there I mean I know the school doesn't want to keep building additional parking lots because that costs a lot of money and we have to be concerned about safety and those are primary issues in my view but the board wants to ask a couple of questions of the administration to be sure that there on board on this, but I just want to let you know where I'm coming from. Okay?

COUNCILMAN GUNNER: Also, it would make, if they look at it, it might make the Administration aware that, there maybe a more critical need for parking spaces.

SUPERVISOR RINGLER: Exactly.

ANN REARDON: Another small item, when we have the swimmer spots for the Seniors, if you block off the other road, we won't have any place to park either.

SUPERVISOR RINGLER: What is this?

ANN REARDON: When we go to the swimming classes to the Senior High, the thing is we won't have any place to park, either, if you block off Van Dyke Road.

SUPERVISOR RINGLER: Not blocking it all off, just, we are not blocking it all off.

MR. AUSTIN: Just part of it Ann.

SUPERVISOR RINGLER: Just part of it by entrances drive-ways. Okay.

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SUPERVISOR RINGLER: Let's get back to our regular agenda now, Mike Smith has arrived now. Mike I've brought that up from the Kruger

Contracting, Sheila had a question about your first paragraph in your memo to me.

COUNCILWOMAN GALVIN: Mike, in the first paragraph in your memo you referred to this not being in compliance with General Municipal Law to allow contracting with the Town and I recognized the contract will not be a direct contract between Kruger and the Town however, we are being asked to sign on it. How can we sign on it, if we haven't complied with General Municipal Law?

ATTORNEY MIKE SMITH: Because, it is my opinion, Sheila, that the way, that the City of Albany as a designee of the municipality for the legend of the designee has complied, they are primary signator. I don't see a legal problem from that end. What, what, Nealon has raised however, is the fact what we wanted to do, basically to write our own deal with our own contract and under those circumstances we haven't followed the procedures. I don't believe there is a problem with the contract being binding on us as it is stated, because of the Cities compliance.

COUNCILWOMAN GALVIN: Two further questions, first of all do we know that the City has complied. Do we proof of that?

ATTORNEY SMITH: Yes, it appears, from the recitals, yes. In terms of...

COUNCILWOMAN GALVIN: Has it been bid?

ATTORNEY SMITH: I believe it has Sheila. I'm just relying on the recital. I only looked at the compliance from our end as opposed to theirs. In all of the provisions that accompany this, there are a number of recitals indicating compliance.

COUNCILWOMAN GALVIN: But we have never actually seen the bid documents or the bid sheet.

ATTORNEY SMITH: No. No.

MR. SECOR: Excuse me can I answer that? The answer is yes, I have. They went through a very formal adverting period. They solicited the ARP's. They had comments on the ARP's. They were very careful to get involved that whole section of law and through the various multi meetings they have had, they have kept us up to date on that.

COUNCILWOMAN GALVIN: The next question is also in your memo in the third paragraph, you referred to the our participation in the agreement not binding as to membership in a subsequently created waste shed authority. What do you base that opinion on?

ATTORNEY SMITH: Because any legislation that is come previously concerning the Eastern Rensselaer County Waste Shed, the other waste shed outside, I think it's out in Western Tioga, that area has required members to actively participate or to opt out. The concern that is expressed by Ken when he called me was we have, as you all know, vagariously everything we have done with the planning unit, looked at it from the prospective of we do not want to by either inadvertent submission get into a circumstance by someone saying well, wait a minute, you're part of an authority. To be part of an authority we would have to be a voluntary participant and I don't believe there's going to be any kind of argument that participating in the planning unit that we are any way waiving any right to say nay at the appropriate time.

COUNCILWOMAN GALVIN: Well I'm concerned that this participation - participation in the planning unit is one thing but actually entering into a contract or in effect authorizing us to participate and benefit from the Kruger contract is an affirmative step, which can be construed as active acceptance of the planning unit activity.

ATTORNEY SMITH: Sheila, that's precisely why any approval that I have of this is conditioned upon my termination landing fee accepted in its entirety because the termination language I propose avoids that result. Right now we're a member of the planning unit. That's an enactment of the conservation law and that is a requirement that

in itself, the planning unit is the entity which is basically contracted. Termination language we don't get. I recommend against it.

COUNCILWOMAN GALVIN: I know Eastern Rensselaer County is currently in the process of walking sites. They're doing it tomorrow and they're talking ..

SUPERVISOR RINGLER: They better not be walking in Bethlehem.

COUNCILWOMAN GALVIN: No, they're walking sites to tell you exactly where tomorrow morning.

ATTORNEY SMITH: One of the reasons why I expressed some concern with that is we represent Eastern Rensselaer County. We represent the authority, our law firm and we received a very strange letter from the Department of Environmental Conservation to the folks that - I mean this guy was bolting saying well that's very nice that you voted to get out but you're still a member of the planning unit now and forever and argue and that was the lynch pin in my objection.

COUNCILWOMAN GALVIN: That's my concern because I'm familiar with exactly the same letter and as you're aware they're walking land in Schaghticoke tomorrow.

ATTORNEY SMITH: Without the termination language that we propose I would recommend against it.

SUPERVISOR RINGLER: And I would not sign it. Okay, we have already notified them that we have to have that in there.

COUNCILWOMAN GALVIN: Bernie, have you reviewed this matter and at this point and do you agree with Mike?

ATTORNEY KAPLOWITZ: Yes, I'm satisfied with Mike's interpretation and if he's satisfied with the termination language, I don't think there's a problem.

SUPERVISOR RINGLER: He drafted it. He better be satisfied with it.

ATTORNEY SMITH: Moi? With the termination language, both myself and Mike Greco both looked at it. The underlying contract - it has some annoyances in it because it is very poorly drafted in my opinion. But we ran up with this the last time we tried to fight with the planning unit in terms of agreeing with the answer which is that we were the only municipality of the members that objected and Kruger is saying, and I can understand their position, they want to negotiate one contract not eight.

SUPERVISOR RINGLER: Any questions? I'd entertain a motion to authorize the supervisor to enter into this agreement with the condition that the language that we are suggesting regarding the fault in termination be included.

The motion was made by Mrs. Fuller and seconded by Mr. Webster. The motion was passed by the following vote:

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

Noes: None.

SUPERVISOR RINGLER: Next is a request from Richard LaChappelle for approval of appointment of Vincent Thompson to the position of part-time telecommunicator effective September 26, 1992. This again just helps us. We have more people in the pool to draw from when we can't get somebody in here.

The motion was made by Mr. Webster and seconded by Ms. Galvin. The motion was passed by the following vote:

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

Authorize  
Supervisor  
To enter  
Agreement  
with Kruger  
Paper Co.

Approve  
Appointment  
Vincent  
Thompson  
Part-time  
Telecommunicator  
Effective  
9/26/92

Noes: None.

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Appoint  
Steven Kellogg  
Part-time  
Telecommunicator

SUPERVISOR RINGLER: Next the chief would like to appoint Steven Kellogg to the same position.

The motion was made by Mr. Webster and seconded by Mrs. Fuller.

COUNCILWOMAN GALVIN: I have one question on that. On the second page of the application form there was no reason for leaving employment listed to the current position where the applicant indicated he moved. Are you aware of those reasons?

CHIEF LA CHAPPELLE: On both of them?

COUNCILWOMAN GALVIN: Yes, especially since one is from the Bethlehem P.D.

CHIEF LA CHAPPELLE: Kellogg went to Texas where he became a licensed police officer and he was stuck in Corrections and couldn't get a job on patrol. There is a ten thousand dollar difference in salary so the family moved back to Delmar. Mr. Thompson still works part-time for Mohawk Ambulance.

COUNCILWOMAN GALVIN: What my question was when the two positions Mr. Kellogg held prior to the position in Texas, there was no reason for leaving indicated on the application form. Do you want to take a look at this?

CHIEF LA CHAPPELLE: It was just job opportunity. I worked with him in 1989 I believe, but he had opportunities he thought, in Texas with police work rather than communications, which is where his interests lie.

The motion was passed by the following vote:

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

Noes: None.

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Authorize  
Detectives  
Wilson and  
Mastriano  
to attend  
seminar -  
Unattended  
Deaths

SUPERVISOR RINGLER: Next is a request from the chief for Detectives Wilson and Mastriano to attend a three day seminar on unattended deaths October 7th through 9th at the Town of Newburgh Police Department with registration fee paid and use of police vehicle to attend.

The motion was made by Mrs. Fuller and seconded by Ms. Galvin.  
The motion was passed by the following vote:

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

Noes: None.

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Authorize  
Chief of  
Police To  
attend seminar -  
Local Government  
Officials

SUPERVISOR RINGLER: Next is a request for approval for the chief to attend the seminar on local government officials to be held on October 14th at Russell Sage with \$20.00 registration fee paid.

The motion was made by Ms. Galvin and seconded by Mr. Webster.  
The motion was passed by the following vote:

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

Noes: None.

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Authorize  
Lt. Vanderbilt  
to attend NYS  
Assoc. of  
Traffic Boards  
Annual Meeting

SUPERVISOR RINGLER: The next item is a request from the chief for approval of Lieutenant Vanderbilt and Officer Vunck to attend the NYS Association of Traffic Safety Boards' annual meeting October 19th to

21st in Saratoga Springs with payment of registration fee and use of the vehicle.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller. The motion was passed by the following vote:

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

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SUPERVISOR RINGLER: Next is a request from... guess who? Chief of Police for Lieutenants Holligan, Clark and Vanderbilt to attend the Division of Criminal Justice Service Executive Development Seminar December 8th and 9th at the Guilderland Police Department with the registration fee paid and use of the vehicle.

Authorize  
Lts. Holligan,  
Clark and  
Vanderbilt  
to attend  
Div. of  
Criminal  
Justice  
Service  
Executive  
Development  
Seminar

The motion was made by Mr. Webster and seconded by Ms. Galvin. The motion was passed by the following vote;

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

SUPERVISOR RINGLER: Anything else chief? Are you sure that burglary and that twenty minute call wasn't ... never mind.

CHIEF LA CHAPPELLE: That's where we were, in Saratoga Springs. We got back as soon as we could.

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MR. RINGLER: Next is appointment for an Election Inspector for district 23 as recommended by the Republican Committee - Agnes McCarroll to replace Shirley Kullman.

Appoint  
Republican  
Election  
Inspector  
District 23

The motion was made by Mr. Webster and seconded by Mr. Gunner. The motion was passed by the following vote:

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

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SUPERVISOR RINGLER: Next is a request from David Austin, Administrator of Parks and Recreation for authorization for the Town to apply for a \$15,908.00 New York State Department of Youth to offset some of the expenditures for the summer recreational programs, Youth Employment Services and Project Hope Program. We pass this resolution every year and then we hope that the State comes up with the money.

Authorize  
Town to  
apply for  
NYS Dept.  
of Youth  
Funding

The motion was made by Ms. Galvin and seconded by Mr. Webster. The motion was passed by the following vote:

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

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SUPERVISOR RINGLER: Next is a request from Jack Brennan, Director of Emergency Management Office for approval of James Reagan, E.M.S. representative to attend the New York State E.M.S. conference to be held the 13th and 15th of November at the Empire State Plaza with registration and workshop fee paid.

Authorize  
James Reagan  
to attend  
NYS E.M.S.  
Conference

The motion was made by Ms. Galvin and seconded by Mrs. Fuller. The motion was passed by the following vote:

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

Noes: None.

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Refund of  
Water Rents  
Aug. 1992

SUPERVISOR RINGLER: Next is a request from Mr. Hahn, Receiver of Taxes and Assessments for approval of reimbursements for overpaid water rents for the month of August totaling \$22.31.

The motion was made by Ms. Galvin and seconded by Mr. Webster. 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 &  
Recreation  
Dept.

SUPERVISOR RINGLER: Next is a request from Mr. Austin, Administrator of Parks and Recreation for approval of appointment of seasonal personnel on the attached list.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller. The motion was passed by the following votes:

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

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Accept  
Deeds  
Marini  
Builders -  
Indian Hills  
Subdivision

SUPERVISOR RINGLER: Next is a request from Mr. Secor, Commissioner of Public Works for acceptance of deeds from Robert Marini Builders, Inc. for Indian Hills, Section 3.

The motion was made by Ms. Galvin and seconded by Mr. Gunner. The motion was passed by the following vote:

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

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Transfer of  
Funds  
Building  
Dept.

SUPERVISOR RINGLER: Next a request from Mr. Flanigan for transfer of funds from the Insurance Recovery Account to Equipment Repair in the amount of \$3,723.30.

The motion was made by Ms. Galvin and seconded by Mr. Webster. The motion was passed by the following votes:

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

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Approve  
Closing of  
Materials and  
Processing  
Facility

SUPERVISOR RINGLER: Next is a request from Mr. Sagendorph, Highway Superintendent, for approval to close the Town of Bethlehem Materials and Processing facility on Route 32 effective October 2nd. This is in line with the new markets that have opened in the area and we don't need the transfer station any longer as people are going directly to market.

The motion was made by Mr. Webster and seconded by Ms. Galvin. The motion was passed by the following votes:

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

SUPERVISOR RINGLER: Question?

COUNCILMAN GUNNER: Bruce, are we all going to be ready for all those different recyclables on the first of October? Notices and everything?

GREGG SAGENDORPH: Yes, we should be at the Rupert Road Transfer Station and be up and running October 1st. for the additional items. The brochure to be mailed is at the printer right now and the mailing should go out - it may not be out by the first of October however we're hoping to get an advertisement in the Spotlight on the 30th of September and another advertisement in the News Herald for this other end of town on the same day.

COUNCILMAN GUNNER: Okay, I'll call you tomorrow and give you the number of a party that called me that's sort of concerned about the whole thing.

SUPERVISOR RINGLER: What about the haulers? Are they starting to get out their information?

MR. SAGENDORPH: Their amended recycling plans were due today. Out of the eight haulers in town I have five of them in my possession right now. Phone contacts tomorrow morning, I should have the others one by tomorrow afternoon.

SUPERVISOR RINGLER: They are going to be notifying their customers as to how to handle these.

MR. SAGENDORPH: And we are going to ask what they are handing their customers so we know how they are handling recycling. Because that's where we get a lot of complaints.

COUNCILWOMAN GALVIN: A couple of questions. What are we going to be using the MURPH facility for in the future.

MR. SAGENDORPH: Storage, for one thing, the equipment that is out there ...

COUNCILWOMAN GALVIN: The next question, what happens to that?

MR. SAGENDORPH: Okay, the Skid Steer Loader, will probably be taken into the Highway Department for sidewalk construction, it's nothing but a very small loader. Good for sidewalks, small type job.

SUPERVISOR RINGLER: We will sell it to you.

MR. SAGENDORPH: The Walking Ford Trailer that's the \$50,000 piece of equipment, we got to investigate composting. And a lot of the leaves and brush once it is going to be chipped in the future is gonna have to be trucked within Town. We can't short or long haul compost with the smaller trucks that we pick the routes with. We are probably going to use that trailer to haul it from a transfer site close to the heart of Town to a site to where we can do our composting.

COUNCILWOMAN GALVIN: Do we need something that expensive to haul composting items or is that something we could look into selling?

MR. SAGENDORPH: Well we have it and it's paid for we have to get a dump trailer if we didn't have this and the capacity of this is so much greater. This is a 120 yard trailer, a dump trailer doesn't hold near that amount.

SUPERVISOR RINGLER: Something we are going to have to look at though because I am not going to let equipment sit around that we are not using.

COUNCILWOMAN GALVIN: That was my concern.

SUPERVISOR RINGLER: No. But we have discussed this earlier today. We do have to figure out what we are going to with this equipment now. Do you approve that?

COUNCILWOMAN GALVIN: So moved.

The motion to close the Materials Reprocessing Facility on Route 32 was made by Ms. Galvin and seconded by Mr. Gunner. The motion was passed by the following votes:

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

Acknowledge Receipt of Inventory - Highway Dept.

SUPERVISOR RINGLER: Next, I would like to acknowledge receipt from the Bethlehem Highway Department the inventory from Mr. Sagendorph, according to Highway Law Section 143. I have a list of all his equipment.

Award RFP to Lane Press of Albany re: Bicentennial History Publication

Next a recommendation from Mr. Brewer, editor of the Bicentennial History publication for award of the RFP to Lane Press of Albany who presented the low bid for this particular operation, estimated cost \$12,825.00. As you know he had originally had some concerns about Lane Press ability to comply with what they wanted to do, however they now feel comfortable with this particular company. A motion to authorize the approval of that RFT.

The motion to authorize the RFT was made by Mr. Gunner and seconded by Mrs. Fuller. The motion was passed by the following vote:

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

Appoint Part-time Student Intern - Planning Dept.

SUPERVISOR RINGLER: Thank you. Next request from Jeff Lipnicky, the Town Planner for appointment of Susan Thum part-time student intern at \$7.00 per hour effective September 29th.

COUNCILWOMAN GALVIN: I have some question on that. Just exactly what is Ms. Thum anticipated to do, Jeff?

MR. LIPNICKY: A lot of transferring information to map form to map form, also to do, a lot of the report graphic.

COUNCILWOMAN GALVIN: Seems like we have been hiring a lot of people for the Planning Department.

SUPERVISOR RINGLER: This is an replacement.

COUNCILWOMAN GALVIN: Well, we have a hiring freeze.

SUPERVISOR RINGLER: We don't have a hiring freeze on part-time, we have hired other part-timers.

COUNCILMAN GUNNER: Who left Jeff?

MR. LIPNICKY: Pardon me?

COUNCILMAN GUNNER: Who left?

MR. LIPNICKY: In March we had Jeanne Reilly and really didn't need anybody over the summer because we didn't have any of that type of work to do.

COUNCILWOMAN GALVIN: Does this in anyway going to relate to LUMAC?

MR. LIPNICKY: A lot of it will. Most of it will. To give you an example the report that we put together for the part grant application, just the graphics in that report took a week to a week and a half to two weeks of time to prepare. But a student intern could have done that work at far less amount of money then either myself or somebody else in the department.

COUNCILWOMAN GALVIN: It wasn't clear from the memo we got that this is entirely within budget.

SUPERVISOR RINGLER: It is.

MR. LIPNICKY: Absolutely.

SUPERVISOR RINGLER: It is, it is less than budget because he had the intern for the entire year as I recall in last year's budget and he hasn't used it.

MR. LIPNICKY: Well, there were 2 ten week positions in the budget and out of those two ten week positions for the year we used maybe 6 weeks.

COUNCILWOMAN GALVIN: I wasn't clear how many weeks had been used with the prior intern. You mentioned something which isn't directly in point to this, but it's related and since you have raised it about the application for the park. First of all, thank you for the copy of the memo and I have reviewed that and I have a question after reviewing the material that GSA indicated that they were willing to sign, they have indicated first of all, absolutely no toxic waste on the proposed site, no pcbs and no other chemicals of any sort with respect to the proposed park site which is all very good news. But, have they indicated to you at this point, whether or not they...

MR. LIPNICKY: Well, they haven't...

SUPERVISOR RINGLER: Wait, let her ask the question. What is the rest of your question?

COUNCILWOMAN GALVIN: Have they indicated whether or not they would be willing or not they would be willing to sign a hold harmless indemnification?

SUPERVISOR RINGLER: I have written to them and asked them that, I don't have a response as yet. And, when I sent the application in, I threw it out but again -- I will be frank -- if we're sure that there is nothing there, I wouldn't recommend us turning it down. One of the things the Feds said that they thought they were totally responsible for it in any event if they turned it over. We talked to them on the phone about that and they were going to look into it. But, I asked them specifically if they would consider a hold harmless agreement to demonstrate that they are sure.

COUNCILWOMAN GALVIN: Because my concern still goes back to whether or not they'd be ultimately, totally responsible, the Feds and predecessor in interest as a "owner" or party in interest. We still would have that magical word cost of defense that we might be looking down the barrel of as a minimal level of exposure.

SUPERVISOR RINGLER: No question but again, you know, I guess I would share your concern if there was something pointed that there might be something there. We have bought property all over Town and you know... there are risks that we have to take some times.

ATTORNEY KAPLOWITZ: There are companies you could go out and hire that would investigate the property, go through it and come back and tell you that there isn't anything.

MR. LIPNICKY: With the size of this site to do something like that, I would imagine, first of all would be very expensive because of the underbrush they have to deal with and everything.

ATTORNEY KAPLOWITZ: I would think so too.

MR. LIPNICKY: Secondly, I don't think that gives you any guarantee.

ATTORNEY KAPLOWITZ: Well, no, it gives you somebody to sue if you do find something.

MR. LIPNICKY: Well, that is true.

COUNCILWOMAN GALVIN: That's what we were looking for Jeff.

SUPERVISOR RINGLER: That's all lawyers are ever looking, is somebody to sue and somebody to defend.

COUNCILWOMAN GALVIN: Best guess, someone to call.

SUPERVISOR RINGLER: I'm starting to agree with Dan Quayle on that one. Scary.

COUNCILWOMAN GALVIN: Somebody to pick up the cost of defense.

SUPERVISOR RINGLER: Okay, now back to the issue on the agenda. Would anyone like to offer a motion to approve the hiring of Sue Ann.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to approve the appointment of Susan-Anne Thum as part time student intern at a rate of \$7.00 per hour. The motion was approved by the following vote:

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

MR. LIPNICKY: There is one thing about that property too, we still haven't gotten the survey back from them. We should get it and I talked to them on the phone the day after the meeting the last time, and they said it would be ready in about a week or so. So, any day we should get the survey to know exactly what the boundaries of the property are and what have you.

Approve  
Increase in  
Hourly  
Wage  
Part-time  
Clerk -  
Assessor

SUPERVISOR RINGLER: Next a request from Brian Lastra to approve the increase the wage for Sharon Ornoski, part time clerk, from \$5.75 to \$6.36. He took her at the salary she was getting in Kenny's office, as this letter says, however, the same clerk is receiving \$6.36 in his office, because of the more detailed work.

The motion made by Mrs. Fuller and seconded by Mr. Gunner. The motion was passed by the following vote:

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

Appoint  
Part-time  
Inventory  
Worker -  
Records  
Management

SUPERVISOR RINGLER: Next I entertain a motion to...

DEPUTY TOWN CLERK: No you can't, you have one more item on the agenda.

SUPERVISOR RINGLER: Excuse me. Yes, Kathy Newkirk contacted the Board Members today, she finally was able to hire, would like to hire George Trimarco of Schenectady for the position of part time inventory worker to work with the Record Manager Coordinator effective immediately at \$7.00 an hour. This is being paid by that grant from the State that she received.

The motion was made by Mr. Webster and seconded by Ms. Galvin. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Now I would like to entertain a motion to go to executive session at the end of this meeting to discuss a personal matter.

MR. DAVIES: Can I make a comment?

SUPERVISOR RINGLER: Yes when I get done, I have a couple of things.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to adjourn to executive session. The following motion was made by the following vote:

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

NOES: None.

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COUNCILWOMAN FULLER: Ken, before you adjourn the meeting I would like to request that we schedule a meeting or we can wait until our next meeting to have Brian Lastra come in and meet with the Board, there are many questions I have with regard to his August 21st memo, ten page memo. So if possible...

SUPERVISOR RINGLER: This is on the homestead/non-homestead?

COUNCILWOMAN FULLER: Reval.

SUPERVISOR RINGLER: As what I would like to do on that if the Board was agreeable to it, there are three weeks between now and our next Board meeting. This is an issue that I would like, if we are going to do something on, if as a results of the questions that you ask that we have enough time to do it and that he doesn't go in start doing work and thing like that if it was ever was reconsidered. Two weeks from tonight the 7th we do not have a regular Board meeting and if it's agreeable to everybody's schedule I would like to schedule a meeting on that night to discuss this. Any problems? Calendars?

Do you have your calendar with you? I won't be setting it tonight. That week there are a couple of dates available cause Sheila mentioned this to me today that she might want to do this and I looked at the calendar, October 5th which is a Monday is available and also Wednesday.

COUNCILMAN WEBSTER: That's Yom Kippur I don't know if it's going to effect anybody who will be here.

SUPERVISOR RINGLER: Which is?

COUNCILMAN WEBSTER: The seventh of October.

SUPERVISOR RINGLER: What about the fifth, Monday? Is that alright with everybody. Call me in the morning and we will set a meeting.

COUNCILMAN WEBSTER: I'll be out of Town.

SUPERVISOR RINGLER: Okay, you will.

COUNCILMAN WEBSTER: I'll be out of Town Monday and Tuesday.

SUPERVISOR RINGLER: We'll set a date. But we will set a special meeting Sheila to discuss it, okay?

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COUNCILWOMAN GALVIN: I also would like an opportunity, I have a couple of issues as long as Jeff is here that I would like to take up when everybody finishes. SUPERVISOR RINGLER: Go ahead.

COUNCILWOMAN GALVIN: Okay. Jeff, I have been approached by several members of the public, several multiple concerning questions regarding the Planning Department, in particular, procedures and also as it relates to the Planning Board. Couple of things have been brought to my attention and I went back and checked them in the Town Code and also checked them against some of our procedures. First of all, the Town Code, as I understand it, has certain requirements that have to be met for developments. However, I also understand that there is been what is called a pre-preliminary subdivision check list that has been established by the Planning Department that exceeds the requirements that are set forth in the Town Code and that in effect, developers are required to meet the pre-preliminary subdivision list

Discussion  
Re:  
Planning  
Dept.

before they can even go before the Planning Board, thereby imposing restrictions that are above and beyond what the Town Board has adopted and authorized. In particular, one of the requirements I understand, the pre-preliminary list and I have looked at it and all these things seem to verify is to locate highways that are within 200 feet of a parcel to be subdivided. Also that an interval of for the contour is required by the Planning Department to be on a 5 foot contour scale as opposed to the 10 foot that is specified in the Code. Although, I will admit the Code says that 5 is preferable, it only requires 10 foot. And, another area that was raised was that the pre-preliminary subdivision check list requires a minimum scale of 1 inch to 50 feet for the plans and drawings and that the Code allows 1 inch to 100 feet.

I am concerned because these appear to be restrictions and requirements that have been imposed by the Planning Department and/or the Planning Board that exceed the requirements that are set forth in the Code. And, since I have been asked, I am asking you.

MR. LIPNICKY: Well, the check list came about... there basically has been a check list for quite some time in terms of what information is submitted. If there wasn't a check list, there would be no continuity in the types of drawings that are submitted to us. We probably wouldn't receive enough information to make any type of comment whatsoever. In my view, the check list needs to be vastly expanded. Things like 10 foot contours are totally irrelevant, they tell you absolutely nothing. In any event, these items were discussed with the Planning Board Chairman, they have been discussed with the Planning Board and the Planning Board knows about a revised check list and basically has accepted the revised check list.

COUNCILWOMAN GALVIN: My concern is, Jeff, that in fact, the Town Code is very specific under Article 5 and Subdivision Regulations setting forth both in there and in its Appendix A, exactly what is required by law and by the Code of this Town. And, in effect, the Planning Department and Planning Board have expanded that and have made much more stringent requirements without coming to this Board, which adopts the Code of the Town of Bethlehem and which is responsible for the legislative enactments of this Town and has unilaterally chosen to expand. Maybe these things are necessary but it has never come before, in my knowledge, this Board for the purpose of review. Have you ever brought this to the Town Board and do you know whether or not this has ever come before the Town Board for approval and review? Or is this just enacted on unilaterally?

MR. LIPNICKY: This particular document... No, to my knowledge, it hasn't. I would have to go back and search the records from way back to see if it has. Off the top of my head, to my knowledge, it was something that was in existence when I got here and all we did was make some slight modifications to it.

SUPERVISOR RINGLER: You know, just a point, I haven't looked at those subdivision regulations in a long period of time but I believe it says the Planning Board can request whatever information they deem necessary.

MR. LIPNICKY: Well, I am at somewhat of a disadvantage because I haven't read this thing. I haven't read it in a number of weeks.

SUPERVISOR RINGLER: Right, I wish you had... I know you are his liaison. You could have called him on this. Perhaps we could have had a better answer for this at the meeting.

COUNCILWOMAN GALVIN: Well, since Jeff is here tonight and the issue has just been raised to me, I would like to request that we have a response to this for the next meeting. There is plenty of time to give a response.

SUPERVISOR RINGLER: Sure, someone will look into it.

COUNCILWOMAN GALVIN: My concern is, the legislative authority is within the elected officials of this Town and we are sitting here. It is not within the scope and the duties of the Planning Department or the Planning Board. The Planning Board can adopt regulations, I

agree completely within the scope what is authorized under law and under the Code of the Town. But, I am quite concerned, when I have had many calls concerning exactly this issue and I have had written statements and requests for follow-up. Today I just received another one, which is what brought it to my attention tonight.

SUPERVISOR RINGLER: Perhaps, when you got your first one, you should have called and maybe we could have gotten it resolved.

COUNCILWOMAN GALVIN: I have researched it. Before I jump on anything I like to research it myself.

SUPERVISOR RINGLER: Okay.

COUNCILWOMAN GALVIN: Which brings me to another point, as long as Jeff is here, I have a great deal of concern about our Local Law No. 1 of 1992 which amended our Local Law 1 of 1990, our old friend the interim development limitations act. There have been some very recent court decisions and I am concerned that we allowed this to continue to stand on the books of the Town of Bethlehem. I would move that we repeal Local Law No. 1 of 1992 amending Local Law No. 1 of 1990, our old friend the interim development limitations act. Because given recent cases, recent decision by the Courts, I am concerned that we maybe looking at a taking of land without due process given the existence of this on our books and given the fact we still don't have the report and still don't have any definite statement from LUMAC on these issues.

Discussion  
Local Law  
No. 1, 1992

ATTORNEY KAPLOWITZ: Jeff when does that expire?

COUNCILMAN WEBSTER: Doesn't say when here.

MR. LIPNICKY: Off the top of my head, I don't know.

ATTORNEY KAPLOWITZ: At the end of this year I thought isn't?

COUNCILWOMAN GALVIN: No it doesn't Bernie. I beg to differ with you. The effective date of this Local Law was extended for one year and it was extended on February 12, 1992. I have a copy here if you would like to...

ATTORNEY KAPLOWITZ: So it has to go till February of next year, about five months from now? I have had some discussion with the Town Engineer, my own opinion was it's something we have to watch. I think another extension maybe getting close. I don't really agree that we have taken anything from anybody, I know some of the decisions Sheila's thinking of and I understand her concern. We are talking about a law that allows developers to build 25 lots at a time. I still think as long as we've allowed them a reasonable use of the land, then basically we don't have a great deal of difficulty as far as inverse condonation or taking as it is more properly called. But is is something we should consider. However, it self expires in February which is not so terribly far off.

COUNCILMAN WEBSTER: Are you saying that we should consider repealing it?

ATTORNEY KAPLOWITZ: I personally don't think there is a need for it. No. But I didn't want to say this publicly, because I didn't want to read it, but I have some concern about whether or not it should be extended beyond, again, and it does give me concern. I have discussed that with Bruce in the past. In other words, whether LUMAC is ready or not, I think there is some difficulty with extending it, I think we are getting close to the line where you are allowed to do that kind of thing for a reasonable period of time and a reasonable period of time maybe coming to an end. What's reasonable may vary from person to person but, we had the Law, we extended it for a year, and I don't know if it would be wise to extend it much more than that.

COUNCILMAN WEBSTER: Will LUMAC be finished in February?

MR. LIPNICKY: In February? No. The deadline was in March. End of March.

COUNCILMAN WEBSTER: Have we had anybody that has run into the 25 lot problem anywhere that we know of?

ATTORNEY KAPLOWITZ: Well...

MR. LIPNICKY: The only one that, that I can recall, that really made an issue of it was the request for the PRD, not PRD, but the request, TAMAMERE, the one that was on McCormick Road and New Scotland Road, the parcel that lies within there.

ATTORNEY KAPLOWITZ: Yes...

COUNCILMAN WEBSTER: Well that's so far down the line, that's not going to be effected by this, in anyway shape or manor is it?

MR. LIPNICKY: Well, the possibility, he probably won't start out there for quite some time.

ATTORNEY KAPLOWITZ: The were talking about building in large numbers.

MR. LIPNICKY: But... I mean there maybe some developers out there who are approaching 25 lots. The biggest, the biggest complaint they I have heard about it, is that is forces people you know to go before the Planning Board twice or three times rather than one time. But since this thing was adopted, I can't even think of anybody whose been back for phase No. 2 under it.

ATTORNEY KAPLOWITZ: Didn't we finally interrupt it to being, they could come back when they had a certain number of units under construction and they had plenty of lead time so that, it wasn't a question of finishing 25, and applying to the Planning Board and waiting a year.

MR. LIPNICKY: Right, it was basically to say that the Planning Board can start reviewing the next phase, because previously it was written the Planning Board couldn't start reviewing until 80 percent of C.O.'s had been issued and was changed that to Planning Board can look at it, but can't issue it's approval. But, I can't think of anybody off hand whose been through phase one and back for phase two of it. You know the economy has has made it such really nobody has reached that point.

ATTORNEY KAPLOWITZ: Nobody has built 25 homes.

COUNCILMAN WEBSTER: It's not to our benefit...

ATTORNEY KAPLOWITZ: But it's something we can discuss as we go along.

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SUPERVISOR RINGLER: Anything else? Sherwood.

Discussion -  
Sewer Taxes

MR. DAVIES: I would like to make just a few comments Ken. You will be holding a hearing October 14th concerning sewer charges, taxes. And I'm sure there will be a budget hearing before November. These will be important sanctions on the part of the Town and staff. I just would like to say that I'm sure you will recognize the 14 percent increase in County sales tax which is effecting everybody. We had double digit increase last year in Town taxes. And many older homesteaders, older home owners have had 10-25 percent increase. I like to urge the Board in preparation of this years budget they identify contractual expenses. Last year contractual expenses amounted to something over 30 percent. I think it would be very helpful if the big ticket items were indicated because it probably would be desirable to be quite ... I would like to comment on the Homestead provision. I would be a beneficiary as a homeowner. But I think quite frankly it would be inequitable for the homestead taxpayers. But conversely, in your consideration of the sewer tax budget, October 14th, I think you should consider the impact on the way you make the charges and it's impact on the homeowners, residential users. For example, the largest bonded indepter in the Town is the sewers. Over 1, about 1.2 million dollars each year, yet you only extract from the homesteaders and non-homesteaders less than

50 percent of that bonded indebtedness. In other words it falls on the user of the water, maybe a family of five with a lot of kids, or a retiree that waters the lawn a little bit and it doesn't even go into the sewer. The point I am trying to make is to urge the Town Board to consider the rational and philosophy in making charges for the sewer budget, property tax, sewer user charge and front footage assessments.

SUPERVISOR RINGLER: Thank you. Anybody else? I entertain a motion to adjourn.

The motion was made by Mrs. Fuller and seconded by Ms. Galvin to close the Town Board meeting at 8:55 p.m.. The motion was passed by the following vote:

- AYES: Mr. Ringler, Mrs. Fuller, Ms. Galvin,  
Mr. Gunner and Mr. Webster.
- NOES: None.

*Catherine T. Keagy*  
 Deputy Town Clerk

NO FORMAL ACTION WAS TAKEN AT THE EXECUTIVE SESSION.

Executive  
Session