

TOWN BOARD
APRIL 14, 1993

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

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

ABSENT: Sheila Fuller, Councilwoman

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SUPERVISOR RINGLER: Good evening, I would like to welcome everyone to a regular meeting of the Bethlehem Town Board. This is not a public hearing tonight, it is a business meeting of the Town Board, however, as with past practice, at the end of any item that we have on the agenda if anyone has any questions, if you would like to raise your hand as time permits we will try to answer them. At the end of the meeting anyone who would like to bring anything to the attention of the Board may do so. We are going to have one change in our agenda tonight, the first presentation, one of the presenters is running a little bit late so I am going to move to item 2 on the agenda.

A presentation regarding proposed Southgate Commons shopping plaza on Route 9W, Glenmont in the Town of Bethlehem and to consider a resolution regarding SEQOR lead agency coordination. As the Board may recall, we did receive a proposal and I forget how long ago on this particular site, it was referred to the Planning Board but due to economic conditions, that developer did not proceed. We now have another individual who is the owner of the property who is proceeding to make an application to us and we have Mr. Lynn Sipperly representing him and I believe Mr. Len Shore who is the developer, is here with him. And, with that I will turn it over to Mr. Sipperly to tell us what you have in mind, sir.

Presentation
Southgate
Commons
Shopping
Plaza

MR. SIPPERLY: Thank you I would like to turn my position over to Leonard Shore to introduce the Rubin Organization and then I will come back and give a technical explanation of what we are proposing for the site.

MR. SHORE: Good evening, my name is Leonard Shore, I am with Richard I. Rubin and Company of Philadelphia and we have been the owners of this property at least 20 years now and we have stayed in here this long and actually I want to thank you for having us up here so quickly. When we met, we said we wanted to know how fast it is, you caught us by surprise. You caught me by surprise, I didn't know we were on the agenda.

SUPERVISOR RINGLER: This is the first step though, Leonard.

MR. SHORE: I know but if it all works this well.

SUPERVISOR RINGLER: Don't start digging tomorrow.

MR. SHORE: No, this is fine, I am very pleased to be here and when I got the call on Monday I said we are on the agenda, I said what, we made plans to come up and I just got up from Philadelphia and I am going back tonight. I first want to thank you for working so fast, we are happy about it. Having owned this property for 20 years, we are now anxious to develop it. We think it is now ripe, that is a long time to be ripe.

Just a little bit about Rubin Company for those of you who may not know us. Actually, Richard I. Rubin and Company is about 45 years old and we just recently merged with another company in Philadelphia called Alvidas Strauss Greenberg Company and we are now called the Rubin Organization, Inc. and we are the agents for the owner of this

property. We also happen to be the partnership that owns South Albany Associates which is our partnership and as I said we have owned it for 20 years or so. We have been paying taxes on it and those of you who may remember, we had a BPA on this property about 19 years ago when the economy changed, we had about 10 successive amendments to that BPA trying to stay with it and we finally had to acknowledge the fact that the financing market was such we could not develop it.

We now have an opportunity to develop it. We think... we hope you will like what we have to show you and with that I think I will let Lynn Sipperly take it from here and discuss the technical issues and I will be anxious to answer any questions you may have.

MR. SIPPERLY: Thank you. The project is called Southgate Commons, it lies on the west side of Route 9W. It is bounded by Bender Lane on the south, and old Kenwood Avenue on the north and on the west we are bounded by an electric transmission line that is owned by Niagara Mohawk Corporation. The site is the consolidation of 3 land parcels. Two of the land parcels which is the southern part of the site is owned by South Albany Associates which is the firm that Richard I. Rubin or the Rubin Organization controls and one additional parcel owned by Southgate Company, which is at the very north end of the site.

The makeup of the site is a 92.9 acres in total within the red lines we are showing here. 75.7 acres is owned by the South Albany Associates, again, it is from this line south and then there is 17.2 acres at this location, owned by the Southgate Company. Southgate Company also owns another tract of land behind this site separated from this site by the power lines. That is not included in this project, this application.

The project shares 2800 feet of frontage on Route 9W, 1,000 feet frontage on Bender Lane and about 1500 foot of frontage on old Kenwood Avenue. Old Kenwood Avenue is no longer in use but it is still a Town highway.

What is proposed is the development of a strip type shopping plaza containing 474,908 square feet of space, which includes 5 out parcels and a parcel here, we are calling the cinema parcel. The cinema parcel is envisioned to have a 12 screen cinema. Parking is provided for 3294 cars. This is the parking we provide on site. This is in excess of the parking ratio that is required by the Town. I believe the Town would require by the Zoning Code, 2500 spaces. So, we are exceeding that really at the request of the tenants or requirements of the tenants that they require a little more space than the Town requires.

The site is accessible to utilities, there is a water line located along the full length of Route 9W which will provide service to the development. There is also sewer on Route 9W, sanitary sewer, and also on Bender Lane so we would use those facilities to provide sewer service to the project.

To our west at the rear of the site is a natural stream that runs down through a ravine here and storm waters from the site would be channeled to that ravine. Prior to being released to the ravine though, we would be doing storm water retention so that the waters would be released at a rate that is consistent with the present rate to release from the site.

The parcel that is owned by South Albany Associates is zoned PCD which allows for this type of development. The parcel to the north owned by Southgate Company is zoned CC which is a commercial retail. So, both zones permit the type of development that we are proposing here, a retail shopping center. There may be some specialty treatment to have to be considered with regard to the 2 commercial zones coming together but I am sure that as we go through the process, we can hopefully, work that out with the Board.

The plan naturally... one of the impacts that would be developed by a development of this size would be traffic. What we are proposing initially and what we are showing here is that Route 9W would be

widened to 4 lanes of traffic lanes -- two north bound, two south bound -- with a center median that would also allow for left turn lanes and right turn lanes into the shopping center. We are proposing 3 entrances along Route 9W, one at this location which is toward the north end of the site, one about center and a third one at this location here, which is not quite at the south end of the site. The plan is showing 2 entrances off of Bender Lane -- one at this location here and one at this location here and Bender Lane would also be improved to accommodate the traffic entering and exiting the center. We are not anticipating that Bender Lane though would carry any of the traffic back into the transportation loop of the Town because of a... its ... condition of that part of the line. We don't have any curb cuts proposed off of old Kenwood Avenue and again, Kenwood Avenue actually lies below the elevation of the property and wouldn't be accessible in a very convenience fashion.

I have another diagram with me that shows a little bit more area, this here is what we consider to be the concept development plan, it shows the property boundaries of the site with topography. Basically the topography of the site is that we have a large area of open generally flat field from Route 9W back to approximately 1,000 feet and then we have some steep slopes beginning at that point going down to the stream. All the development that we are proposing would occur before the steep slope so that we are up in the open flat fields.

COUNCILWOMAN GALVIN: Before you leave the site plan map, Mr. Sipperly.

MR. SIPPERLY: Yes.

COUNCILWOMAN GALVIN: With respect to the parcel that is to the west separated by the NiMo and I don't remember whether you said it was an easement or a right-of-way or what coming through the parcel...

MR. SIPPERLY: This appears to be a right-of-way, an actual fee right-of-way.

COUNCILWOMAN GALVIN: Okay, is there access by your owners back across to that parcel? Do they have easements or rights-of-way across the NiMo property?

MR. SIPPERLY: The Southgate Company which owns the northern parcel here, does have rights across the power company land to access their parcel. But, they also have several hundred feet of frontage at this location here along Bender Lane, so that the parcel doesn't become land locked by us using the front parcel here.

COUNCILWOMAN GALVIN: I was also asking in relation to potential future development, are there any plans for that in the future for expansion, proposed expansion of this?

MR. SIPPERLY: There is no plans to my knowledge right now and the topography of this land back here really limits what you can do. It's... most of it is very steep sloped, there is probably a small area right here that is very similar to what we have here as far as a flat plateau but I would say at least 90 percent of that land is probably too steep to conveniently develop.

COUNCILWOMAN GALVIN: You also mentioned that one portion of the parcel is zoned CC.

MR. SIPPERLY: Yes.

COUNCILWOMAN GALVIN: And what are you proposing to put in that given the limitations of CC or would you be thinking of a CC or are you seeking a variance?

MR. SIPPERLY: Well, what we are showing right now is just parking, the cinema would locate in that parcel.

COUNCILWOMAN GALVIN: And a retail establishment?

MR. SIPPERLY: There is a retail at this corner right here.

COUNCILWOMAN GALVIN: Which would be beyond the CC zone? That would be beyond what would be allowed within the CC zone?

SUPERVISOR RINGLER: That is not correct, I don't think Sheila.

ATTORNEY KAPLWITZ: Retail would be allowed.

COUNCILWOMAN GALVIN: That would be allowed?

SUPERVISOR RINGLER: Yes.

MR. FLANIGAN: The zone change to the CC zone changes at old Kenwood.

COUNCILWOMAN GALVIN: At old Kenwood, okay, that is what my question was, where the line for the CC zone is.

SUPERVISOR RINGLER: These are all permitted in this.

COUNCILWOMAN GALVIN: So, none of it is out of the permitted zone.

MR. SIPPERLY: That is correct, they are all permitted within the zones.

COUNCILWOMAN GALVIN: Where is the line again, that is what I can't see from here?

MR. SIPPERLY: There is a line.

COUNCILWOMAN GALVIN: There is a line for the change... oh, okay, okay.

MR. SIPPERLY: And, then at Kenwood Avenue the zone changes again to the parcel on north side of Kenwood Avenue.

The larger scale map I would like to show gives us a little more overview of the transportation system, really to the north. Again, we show the site, we don't go as far back on the site and show the rear property line. Bender Lane is at the left side of the drawing here but what we would do is that at this particular point here, we pick up with a subsketch down here and go forward to show the Route 9W, Route 32 interchange. Again, as I mentioned earlier, one of the major impacts of a development of this nature and character would be transportation, would be traffic. We estimate that on a Saturday which is typically the busiest day for a retail center, peak hour we might expect 2800 cars on Route 9W.

The improvements that are proposed at this time, would be the additional lanes along Route 9W and to improve the flow of this interchange that currently exits at 9W and Route 32. We haven't fully done the investigation of that but what we envision at this particular time is the additional lanes, additional signals and more coordinated control system with signals so that we don't have conflicting traffic movements and we can bring the traffic to the intersection with much greater flow and volume so they could -- the traffic then is going to go west on 32 will be able to go through the interchange better than it is operating at the present time.

SUPERVISOR RINGLER: Are you doing anything with traffic to the south on 9W?

MR. SIPPERLY: We are going to certainly our study will go down to Feura Bush Road and beyond. We will identify and I am sure through the review of this Board and also the Planning Board, a service area that the traffic from this development would impact and all those intersections, all those roads would be studied.

SUPERVISOR RINGLER: Have you met with DOT yet, Lynn, on this?

MR. SIPPERLY: We have met with DOT. We haven't sat down and presented a firm copy plan to them yet but we have discussed several alternatives. There was a proposal, as you recall, the last applicant that was before the Board to do a connector road. In showing this plan to DOT, they were much relieved to see that road not to be proposed any longer. They seem to...

SUPERVISOR RINGLER: We would be much relieved if DOT would do something with that junk handle up there. That is going to be a major concern as this project goes on as to how this really impacts that. That is a mess now, they designed it and we don't want to certain create a bigger problem than exists. So, perhaps if you get together with them, this might be an opportunity for them to sit down and look at that and make some major improvements to that area as well with some help from your fellows.

MR. SIPPERLY: Our meeting with them, that was one of the items that we were prodding them for, is we feel that they probably have studied this interchange because this has had problem for a while and we are trying to find out what their studies show as far as corrective measures here. We have also looked at the Route 9W corridor study and explored the 3 possibilities that were proposed or presented in that study for this intersection and that is kind of what we are concentrating on at this time, going with that study recommendations plus what recommendations DOT may have developed on their own rather than to go out and fly with something new that may be a repeat of something that has already been studied prior. Find out what has already been considered.

COUNCILWOMAN GALVIN: Are you including in your review that exit off of 32 onto 9W, that would be just north of your site?

MR. SIPPERLY: This?

COUNCILWOMAN GALVIN: Yes, that one.

MR. SIPPERLY: Yes, that leg that would go south bound, yes. That would also... we envision improvements there. We envision there may be additional lanes on that interchange.

COUNCILWOMAN GALVIN: It feeds in very poorly.

MR. SIPPERLY: It is a surprise because you do have cars coming in on your left and you are always... it is unusual because typically a car would come in on your right. So, yes, that would be studied... well, the whole interchange will be studied but we would envision at a minimum that there probably would be some lane work done there also.

COUNCILMAN WEBSTER: How far south do you envision carrying the improvements on 9W?

MR. SIPPERLY: Well, the only limitation that we have is the improvements that are being made in front of the project are all being made on our side of the road.

COUNCILMAN WEBSTER: On your property.

MR. SIPPERLY: We control the land and provide additional right-of-way. Once we go south of Bender Lane we run into a problem with right-of-way being able to acquire it and hopefully...

COUNCILMAN WEBSTER: Hopefully DOT is looking at that also.

MR. SIPPERLY: Yes, they will be looking at that and hopefully there will be some effort or some cooperation from DOT -- I think a joint effort in looking at this area from Bender Lane south because they only have the power -- the Town I don't believe has that power yet of eminent domain or wants to get into that situation.

SUPERVISOR RINGLER: We don't want to get into a problem and this is where we are going to be reluctant is of building something. DOT seems to have the attitude, you create the problem and then you solve it later. We are going to be looking for them to solve the problems before this project goes forward, I think. I sense that we felt that in the past.

COUNCILMAN WEBSTER: They should go hand in hand.

MR. SIPPERLY: Well, we identify that this is a Type I under SEQOR. It has many of the thresholds that SEQOR has set up for a Type I action. One would be alteration of more than 10 acres. Second one

would be parking for more than 1,000 vehicles. So, just those two alone are... would bring us into a Type I action. What we would request this Board's consideration tonight would be -- this Board does have the approval power for the bulk of the site -- I will switch back to the other map. The portion of the site that is zoned PCD which is again, 75 acres of the total 92 acre site, comes under the approval and jurisdiction of this Board. We would ask this Board to establish lead agency status and to circulate their intent to other involved agencies to, I guess, commence the SEQR process if that is appropriate.

ATTORNEY KAPLOWITZ: Lynn, is it premature to ask what kind of tenants you anticipate in the main structure, the big one? I guess what I am really asking -- I am not asking for names or anything like that, is it likely it will be a supermarket, a grocery store/supermarket kind of...?

SUPERVISOR RINGLER: Talk to your wife before you got to the meeting tonight?

MR. SHORE: We are authorized to tell you who the lead tenant is.

ATTORNEY KAPLOWITZ: Oh, all right.

MR. SHORE: This tenant here is going to be a Super K and a Super K is about 190,000 square feet. It is the newest thing that K Mart is building and it includes a grocery store.

ATTORNEY KAPLOWITZ: Oh, they include a grocery store?

MR. SHORE: They are going to have a grocery store in it. The typical K Mart runs about 116,000-120,000-108,000 square feet so they are going to have about a 70,000 square foot grocery store within this.

ATTORNEY KAPLOWITZ: Within the store?

MR. SHORE: Yes, there is going to be.. in this location here.

ATTORNEY KAPLOWITZ: I was just curious.

MR. SHORE: Yes, it will definitely include a grocery store, a sizeable.

SUPERVISOR RINGLER: Other questions? There were none. If not, as Lynn pointed out, our action would be 2 fold, one there is a resolution in there regarding SEQR which classifies the proposal as a Type I action, it initiates the coordinated review among the possible involved agencies, it establishes the Town Board as the lead agency, if no objection is received from other involved agencies within 30 days and it refers the application to the Planning Board for a recommendation regarding a SEQR determination of significance. Would anyone like to offer that resolution?

SEQR RESOLUTION
CLASSIFICATION OF ACTION AND LEAD AGENCY DESIGNATION
SOUTHGATE COMMONS
PCD NO. 2

SEQR
Resolution
and
Lead Agency
Designation
Southgate
Commons

WHEREAS, the Town Board of the Town of Bethlehem has received an application from the Rubin Organization for Building Project Approval to develop Planned Commercial District (PCD) Number 2 for use as a 423,900 square foot shopping center with parking for 2,756+/- vehicles; and,
WHEREAS, the overall development project includes simultaneous application to the Town Planning Board for Site Plan approval of 51,000 additional square feet of commercial/retail floor area and 538+/- parking spaces on an adjoining parcel; and,
WHEREAS, the overall development parcel consists of 92.9+/- acres of land located on U.S. Route 9W between Bender Lane and NYS Route 32, and is currently zoned Planned Commercial District (PCD) and "CC" Retail Commercial District; and,
WHEREAS, Article V of the Code of the Town of Bethlehem provides the Town Board with the authority to establish Building Projects

within Planned Commercial Districts (PCD's), and further provides that the Town Board shall refer all applications for establishment of a Building Project to the Town Planning Board; and,

WHEREAS, The State Environmental Quality Review Act regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,

WHEREAS, 6 NYCRR 617.5(a) requires that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether other agencies are involved; (3) the appropriate classification of the action; and, (4) whether a full or short environmental assessment form is necessary; and,

WHEREAS, 6 NYCRR 617.12 establishes thresholds for the classification of Type I actions and the proposed project exceeds these thresholds; and,

WHEREAS, 6 NYCRR 617.6 establishes procedures for coordinated review of Type I actions:

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem hereby determines that the proposal by the Rubin Organization for Building Project Approval of PCD Number 2 constitutes a Type I action subject to SEQR; and,

BE IT FURTHER RESOLVED, that the Town Board hereby determines that at minimum, a Full Environmental Assessment Form is necessary to determine the significance of the action; and,

BE IT FURTHER RESOLVED, that the Town Board hereby determines that the other involved agencies with respect to this action may include: (1) Albany County Health Department; (2) New York State Department of Environmental Conservation; (3) the Planning Board of the Town of Bethlehem; (4) the Board of Appeals of the Town of Bethlehem; (5) the Town of Bethlehem Highway Department; (6) the Town of Bethlehem Department of Public Works; (7) New York State Department of Transportation; and, (8) United States Army Corps of Engineers; and,

BE IT FURTHER RESOLVED, that coordinated SEQR review will be undertaken in accordance with 6 NYCRR Part 617.6(b) and the Memorandum of Understanding for Planned Development Districts approved by the Town Board on February 27, 1991; and,

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor to initiate coordinated review by filing a copy of the Building Project application and appropriate notice with involved agencies, and notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice; and,

BE IT FURTHER RESOLVED, that the Town Board as an involved agency with the broadest governmental powers for investigation of the environmental impacts of the proposed action, hereby declares its desire to assume Lead Agency status for the purpose of SEQR review; and,

BE IT FURTHER RESOLVED, that having notified the involved agencies of the Town Board's desire to be Lead Agency, the Town Board hereby declares it shall be Lead Agency for SEQR review of the proposed action unless objection to such designation is received from any involved agency within the above specified thirty day (30) time period.

On a motion by Ms. Galvin, seconded by Mr. Webster, and a vote of 4 for, 0 against, 0 abstention, and 1 absent, this RESOLUTION was adopted on April 14, 1993.

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SUPERVISOR RINGLER: Then as a second motion, I would like to entertain a motion to refer this to the Planning Board in addition for recommendation regarding Building Project Approval for the Planned Commercial District.

The motion was made by Ms. Galvin and seconded by Mr. Webster to refer the application for Building Project Approval to the Planning Board for their review and recommendations. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Thank you, gentlemen.

MESSRS. SHORE AND SIPPERLY: Thank you very much.

COUNCILMAN GUNNER: Have a safe trip back to Philadelphia.

MR. SHORE: Thank you very much.

 SUPERVISOR RINGLER: Sister Grace is the cast here?

MR. FLANIGAN: He is here.

SUPERVISOR RINGLER: Okay, now we are going to move back to item 1 on our agenda and this would be consideration of a request from Marie-Rose Housing Development Fund Co., together with DePaul Management and the Roman Catholic Diocese of Albany to rezone a certain section of land adjacent to the Beverwyck project to Senior Citizen Housing District for the building of a 50 unit senior housing project and also determine lead agency regarding status for SEQR. Sister Grace is here along with Mr. Kurzon and several other people including Mr. Duncan from the Beverwyck -- who I believe has some comments tonight about the Beverwyck's role in all this. Who is going to be first, Mr. Kurzon?

MR. KURZON: No, I am going to be first just by way of introduction, if you will bear with me one moment. Guess I am not going to put everything out but... Well, I guess that is as much as we can get up.

SUPERVISOR RINGLER: Go ahead Mr. Kurzon.

Presentation
 Marie-Rose
 Manor
 Senior Project

MR. KURZON: Thank you. If it please the Board, I am Bob Kurzon, Kurzon Architects. I am really here with a group of others on behalf of the Roman Catholic Diocese to present to this Board, Marie-Rose Manor, a proposed HUD 202 senior project and we are here seeking recommendation of the Planning Board to the Town Board for a zoning change to Senior Citizen Residence District which will permit this project.

I might explain very briefly, what the HUD 202 program -- it is used to mean and some of the Board have heard some in the past years about the program. It used to be a direct loan program, it is now called a capital advance program. Basically it is a grant program by US Department of HUD fund housing for low income seniors. In brief, low income definition is a family or household income at or below 50 percent of the median. The HUD 202 competition, if you will, is highly, highly competitive. There are always a large number of applications for very limited amount of funds. What is required to be eligible is that the sponsor be non-profit and among the other essential elements in making a successful or making a creditable application which has a good chance of success is to show to US Dept. of HUD that the municipality is both behind the project and will grant, prior to application, permissive zoning which is what brings us here.

In very brief, the project itself will consist of 50 units, its location -- if you reviewed the materials is immediately adjacent to and south of the Beverwyck senior project. It abuts on the south, essentially on the south, Route 85, consists of slightly less than 6 acres of land which will be sold to the sponsor by the Sisters of the Holy Names. The parcel was created and is immediately across 85 from -- you are probably familiar with the cemetery that backs on Holy Names currently, that parcel is not contiguous to the Holy Names

parcel and is available and rather conveniently located. The site development itself and we have tried to sketch it for those distant viewers, consists of at present swale down the middle which was at one point a tributary of the Krumkill Creek, the remainder of the site is lightly to densely wooded with brush down the low-lying part. Site development, in fact, will impact roughly 2 acres of the existing parcel. What is disturbed will naturally be restored to lawn. We are proposing 41 parking spaces consistent with requirements of Senior Citizen Residence District. The apartments will be 1 bedroom, have such requirements and interestingly enough the Zoning Ordinance anticipated the project exactly this sort, full sprinkler system, elevator, both fire and smoke detecting system. Among other things a community room, on site we will be developing walking paths through wooded areas and a couple garden areas, there is 2 marvelous overlooks toward the Helderbergs which we intend to develop and trust that funding will be successful for this.

I would like to introduce everyone who is here who has an interest in the project. First Sister Grace Diaz, who is the Executive Director of DePaul Management of the Roman Catholic Diocese. DePaul would operate the project. Jack Foley is here someplace from L.A. Swire Company. L.A. Swire Company would be the contractor for the project and additionally they developed and I may have my numbers a little skewed but approximately 1500 dwelling units under various Federal programs over the years and they manage a large number of those. Joseph Matrianni, City Planner and Housing Consultant, provides guidance in so far as securing the project through HUD. Steve Grifferty of Tobin and Grifferty, attorney for the sponsor. Craig Duncan of the Beverwyck, Beverwyck will be providing access with physical and utility access to the project. Karen Pellettier from Bethlehem Senior Services and at this point, I leave it to you Sister.

COUNCILWOMAN GALVIN: Excuse me Mr. Kurzon, before you retreat, couple quick questions. Did I hear you correctly, you said 41 parking spaces because I thought your material had said 55 parking spaced?

MR. KURZON: 41 will be built, there will be set aside a remainder in this vicinity, actually there and there, to provide 55. The Zoning Ordinance requires that you make available 1.1 parking spaces per unit but reserve, I believe, it is as many as 25 green area if required and that is what we would do.

COUNCILWOMAN GALVIN: No, I read your material. I thought it had said include the provision of 55 spaces.

MR. KURZON: Provision for, not all will be paved in first instance.

COUNCILWOMAN GALVIN: Another question, in looking at your map, is this the entire remainder of the portion of the lands previously belonging to the Sisters of the Holy Names?

MR. KURZON: Yes, it is.

COUNCILWOMAN GALVIN: The rest is already transferred to St. Peter's -- as I recall there was more on the other side, years ago.

MR. KURZON: To St. Peter's I am not aware of.

SUPERVISOR RINGLER: On the other side of 85?

COUNCILWOMAN GALVIN: Yeah, according to your map... Oh, I am sorry, it shows an area here.

MR. KURZON: That is Beverwyck.

COUNCILWOMAN GALVIN: I thought you were...

MR. KURZON: No, that is St. Peter's Hospital.

COUNCILWOMAN GALVIN: That is what I thought you were indicating they were both owned by the....

MR. KURZON: No, no, it is just to call it out.

COUNCILWOMAN GALVIN: You were confusing me with that.

MR. KURZON: I understand the confusion, they are not related.

SUPERVISOR RINGLER: Sister Grace.

SISTER GRACE DIAZ: Good evening, I am very happy to be here on behalf of the Diocese of Albany and DePaul Management. In 1979 when the Diocese of Albany chose to sponsor senior housing for persons with low income, it established DePaul Management Corp. to assure that these buildings would be managed in a professional and competent manner with an emphasis on quality of life for all its residents. In that time, we have developed 7 senior housing facilities in 6 localities in Albany, Rensselaer and Saratoga Counties. Some of these buildings you are familiar with, St. Vincent's of Albany, Bishop Broderick in South Colonie, Bishop Hubbard in Half Moon, Cronda Lake Commons and Free Acres in Latham, St. Jude apartments in Wynantskill and Branson Manor in East Greenbush. This summer we will be building another building in Latham, Sanderson Craig apartments and because these buildings are all sponsored by the Diocese, they have the support of Catholic Charities which has agencies in the 14 counties of the Diocese and also the staff of DePaul Management and the building corporations belong to professional associations like the New York Association of Homes and Services for the Aging, the American Association of Homes for the Aging, the National Council on the Aging, the Institute of Real Estate Management and a number of both national and local entities that help us keep abreast of the situation and manage these properties well.

Right now, I think one of the things that Bob mentioned was that this time, the HUD 202 program is slightly different than it has been in the past. It no longer is a loan program with the capital advance, it will allow us to have much lower rents because there will be no debt service. One other major difference from this program just 2 years ago is that it is now for seniors only. In the past the 202 housing was for senior housing but also for non-elderly mobility impaired persons. Now, because HUD has established the Section 811 program for non-elderly disabled persons, it has designated the 202 program to be solely for seniors. So, persons residing in this facility would have to be 62 years of age and older. There are also some other improvements with the new program. In the past because of cost containments, we were really obligated to do some things like put in baseboard electric heat, which is very expensive, the most expensive form of heat you can have which didn't make a lot of sense when we were trying to serve the very low income elderly. Now we are allowed to be a little creative and what we are proposing here and what we are doing in the building the building we are building this summer, is using central gas heat which is much more economical and there will be -- each room will have thermostats and so it can be regulated to meet each person's need. But, that is an improvement.

For years we were not allowed to use brick and we will be able to do that. We are particularly pleased because it will blend well with our neighbors at the Beverwyck and then another big improvement in this program is that after many, many years HUD has recognized that people come to these buildings mostly as well elderly people but as they fade and age in, they need more services. So, now, part of the application has to show that you have supportive services. We have been very fortunate in this past year to have contracted through senior care connection of the Eddy for a service coordinator at our existing building. It is part of our application to also have this from day 1 at this new site. And, I think that this will enhance the service we already provide by having someone who can give free information and referral service provide case management at no cost to the residents.

I think Bob touched on most of the things. I think... we found out today of a change of income eligibility that I would like to just mention. The income ability is 50 percent of median income and they just revised the figures based on the 1990 census, therefore, for one person, the maximum allowable income will be \$15,350 and for 2 persons \$17,500. That will be effective May 5th. So, obviously, these would be the figures that will be in effect for this site if we were to be awarded the funding.

I don't know if there are any questions. I think I have covered all my pages.

SUPERVISOR RINGLER: Does the Board have any questions at this point in time? I naturally am very pleased to see you back again. I am tired of Fred Field getting all these projects. I keep telling him that. We still... I was just looking at some census data today with the 1990 census and you know, there are 680 persons in our Town under \$15,000, \$14,999 I guess that was the most recent number until what you just gave us tonight and 232 people who are below the poverty level which is \$5900 for one person. So, I believe there is a need. I know Karen knows there is a need from the people she has been dealing with in her office. One of the unique things about this project is, as you know, in our senior housing district we are concerned about services and things like that and the Beverwyck being next door neighbor is going to be helping in that area. Craig, would you like to talk a little bit about that?

MR. DUNCAN: I am absolutely delighted with the potential of having a neighbor of this caliber. I am not sure that everybody recognizes how fortunate they are with DePaul Management and the developers and the architect are experienced in bringing effective programming on line and running good housing. So, we are absolutely delighted to have them as neighbors seeing it at this stage. We have thought about access, providing access, with a plan for this eventuality since Beverwyck was initially thought of so access to the site is convenient. We are looking at transportation and we are in hopes that transportation will be provided, public transportation all the way back through the Beverwyck site. We also have a community services building as you remember, phase 2 of the Beverwyck that will eventually will house medical and social day care programming so it can address the needs of an aging in population in both sites. And, we have had a good standing relationship with DePaul Management through the Eddy system in providing care services. So, it is a natural extension of a very effective caring partnership. So, we are very enthused about this. It is just a natural site, a natural setting, access and to say nothing about the beautiful wooded site and space, it is nice to see.

SUPERVISOR RINGLER: Thank you, Craig. Any other questions?

ATTORNEY KAPLOWITZ: Will the Marie-Rose Manor project involve meals of any kind?

SISTER GRACE: Not congregate meals. All of these apartments are 1 bedroom apartments, they have their own kitchen. So, people... there will be social activities and pot luck dinners and things like that.

ATTORNEY KAPLOWITZ: But no formal meal program.

SISTER GRACE: No formal meals, right.

ATTORNEY KAPLOWITZ: I was just curious.

SUPERVISOR RINGLER: I think it would be in order then if the Board is so inclined to adopt the resolution that number 1. classifies the proposal as an unlisted action, initiate a coordinated review among the above agencies that were outlined by the Planning Department as potentially involved agencies, establish the Town Board as lead agency -- if no objection is received within 30 days -- and refer the application to the Planning Board for recommendation regarding the SEQR. Anyone want to offer that resolution?

SEQR RESOLUTION
CLASSIFICATION OF ACTION AND LEAD AGENCY DESIGNATION
MARIE-ROSE MANOR
SENIOR CITIZEN RESIDENCE DISTRICT

SEQR
Resolution
and
Lead Agency
Designation
Marie-Rose
Manor

WHEREAS, the Town Board of the Town of Bethlehem has received an application from Marie-Rose Housing Development Fund Co., Inc., for establishment of a Senior Citizen Residence District in order to construct a 50-unit senior citizen apartment complex; and,

WHEREAS, the development parcel consists of 5.81+/- acres of land located along NYS Route 85 southwest of the Beverwyck Planned Residence District, and such land is currently zoned Residence "A" District; and,

WHEREAS, Article VB of the Code of the Town of Bethlehem provides the Town Board with the authority to establish Senior Citizen Residence District's (SCRD's), and further provides that the Town Board may refer all applications for establishment of a Senior Citizen Residence District to the Town Planning Board; and,

WHEREAS, the State Environmental Quality Review Act regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR; and,

WHEREAS, 6 NYCRR 617.5(a) requires that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether other agencies are involved; (3) the appropriate classification of the action; and, (4) whether a full or short environmental assessment form is necessary; and,

WHEREAS, 6 NYCRR 617.6 establishes procedures for coordinated review of Unlisted actions:

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that the proposal by Marie-Rose Housing Development Fund Co., Inc. for establishment of a Senior Citizen Residence District constitutes an Unlisted action subject to SEQR; and,

BE IT FURTHER RESOLVED,

that the Town Board determines that the short Environmental Assessment Form (EAF) would not provide sufficient information for determining significance and therefore requires that a full EAF be used; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that the other involved agencies with respect to this action may include: (1) Albany County Health Department; (2) New York State Department of Environmental Conservation; (3) the Planning Board of the Town of Bethlehem; (4) Town of Bethlehem Department of Public Works; and, (5) U.S. Department of Housing and Urban Development; and,

BE IT FURTHER RESOLVED,

that coordinated SEQR review shall be undertaken in accordance with 6 NYCRR Part 617.6(b) and the Memorandum of Understanding for Planned Development Districts approved by the Town Board on February 27, 1991; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby authorizes the Town Supervisor to initiate coordinated review by filing a copy of the Senior Citizen Residence District application and appropriate notice with involved agencies, and notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said notice; and,

BE IT FURTHER RESOLVED,

that the Town Board as an involved agency with the broadest governmental powers for investigation of the environmental impacts of the proposed action, hereby declares its desire to assume Lead Agency status for the purpose of SEQR review; and,

BE IT FURTHER RESOLVED,

that having notified the involved agencies of the Town Board's desire to be Lead Agency, the Town Board hereby declares it shall be Lead Agency for SEQR review of the proposed action unless objection to such designation is received from any involved agency within the above specified thirty day (30) time period.

On a motion by Mr. Gunner, seconded by Ms. Galvin and a vote of 4 for, 0 against, 0 abstention, and 1 absent, this RESOLUTION was adopted on April 14, 1993.

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SUPERVISOR RINGLER: Next I would entertain a motion to refer this to the Planning Board for recommendation regarding the zone change.

The motion was made by Ms. Galvin and seconded by Mr. Webster to refer the application from Marie-Rose Housing Development Fund Co., Inc. together with DePaul Management and the Roman Catholic Diocese of Albany to the Planning Board for review and recommendation. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Thank you all, very, very much.

SUPERVISOR RINGLER: Next item on the agenda would be consideration to authorize the Supervisor to sign the Union Contract with the Bethlehem Police Officers Local 3364 and Counsel 82. The Town Board, as this was a personnel matter, met in Executive Session and reviewed this document line by line in a 2 hour session and after that meeting, I think the Board is competent that we have reached an equitable and amicable agreement with our Police officers union. The highlights of the agreement naturally from an employees perspective is always how much more money an individual is going to get and the Police officers will be getting the same 3.5 percent increase that our other Town employees have received for 1993. It is a 3 year contract for everything but money. There is a reopener clause each of the second and third years for the Town to sit down with the Police and look at the economic times and come up with an agreement as to what the monetary benefits will be in that second and third year of the contract.

Does the Board have any further questions at this point in time? We asked a lot last week. I would entertain a motion to authorize the Supervisor to sign the contract.

Authorize
Supervisor
To sign
Police
Contract

The motion was made by Ms. Galvin and seconded by Mr. Gunner to authorize Supervisor Ringler to sign the Contract with the Bethlehem Police Officers Union Local 3364 and Counsel 82. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next a request from Michael Cirillo, Eng. Services Administrator, for approval to attend a Multiple Projects, Objectives and Deadlines seminar to be held May 27, 1993 at the Albany Marriott, Albany, NY with registration fee paid of \$99.

Seminar
Public
Works
Engineering
Multiple
Projects
Objectives
and
Deadlines

The motion was made by Mr. Gunner and seconded by Ms. Galvin to approve the attendance of Michael Cirillo, Engineering Services Administrator, DPW, at a seminar on Multiple Projects, Objectives and Deadlines to be held May 27, 1993 at the Albany Marriott, Albany, NY with registration fee paid. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next a request from Judith Kehoe, Comptroller, for approval of attendance, NYS Association of Municipal Purchasing Officials by Richard Webster, Deputy Comptroller, May 12-14, 1993 with registration fee paid, \$100.

Seminar
Municipal
Purchasing
Officials
Comptroller

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approval the attendance of Richard Webster, Deputy Comptroller, at the NYS Association of Municipal Purchasing Officials, May 12-14, 1993 with registration fee paid. The motion was passed by the following vote:

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

Discussion
 Investment
 Policy and
 Annual Review

 SUPERVISOR RINGLER: Next we have a recommendation from Judith Kehoe, Comptroller, pertaining to revisions of the Town of Bethlehem Investment Policy and annual review. Judi, want to give a quick overview of what you are proposing?

MRS. KEHOE: Sure. There have been somewhat significant changes to the agreement at least in format from last year. The State Comptroller's office just recently issued their new guidelines for what they wanted to see in the investment policies. As a practical matter, it doesn't change really anything that we have been doing with the previous investment policy. We still will have the ability to invest our money in money market funds, or in certificate of deposit, or in US treasuries or other US secured securities or obligations.

The new things for the agreement have to do with acceptable forms of collateral. Previously banks would have to put up collateral and that collateral would consist of only eligible securities, primarily US treasuries or New York State obligations. Now, in addition to eligible securities, banks are also able to put up collateral consisting of an irrevocable letter of credit or a surety bond. I don't know what impact that will have on us specifically, that will largely depend on what the custodian wants to do. Currently, all they have been interested in are the eligible securities. So, that shouldn't involve a change but it is in the policy to give us that flexibility should the banks decide to go that route.

The other change has to do with the collateral agreements that are available. Previously you had to have a third party custodial agreement, now the State Comptroller's office has given us the option of only having a two party agreement which basically means it would be an agreement between the Town of Bethlehem and the bank, where they could set aside securities for us in a trust department but still within the same bank. And, it is my recommendation that we do incorporate this into the investment policy because, again, we are protected. If we are monitoring the health of the financial institution, we hopefully will never be in the position where we need to draw upon the collateral agreement in the first place. It is a benefit in that it is a lower cost arrangement and then that should equate into higher rates for us on our investment and certificates of deposit and money market funds with the banks.

The other thing that is new in the agreement this year is the provision that would allow us to charge administrative fees on performance bonds that we hold for various contractors. Right now, any money that we have earned on those bonds becomes the title or goes to the person who has given us the money to hold for the bond. There is work that is involved in our processing of that information, the record keeping and the recording of that. By law, we are able to collect a reasonable fee and I would recommend that we charge a half of a percent of the bond principal amount as our administrative fee for handling those performance bonds.

Does anyone have any questions on the investment agreement?

COUNCILWOMAN GALVIN: Judi, on your administrative fee provision in Article 14, you are talking about a half of a percent annually or half a percent over the life of the performance bond?

MRS. KEHOE: Annually, over the life of the bond. Many times the bond would extend beyond the year.

COUNCILWOMAN GALVIN: Yes, my one concern is that that be clear in here because when I read it, I wasn't clear that that one half a percent wasn't a total. And, we could have an argument from someone over that.

SUPERVISOR RINGLER: We should add the word annually to clarify the half percent.

MRS. KEHOE: Okay.

SUPERVISOR RINGLER: Any other questions?

MR. BERGAN: From the audience?

SUPERVISOR RINGLER: Certainly.

MR. BERGAN: With respect to the collateral agreements, now that you are going to have a two party agreement, the bank is going to be able to hold securities for you? Will they be able to hold their own securities in their own bank?

MRS. KEHOE: No, we would still designate the types of security that they would have to be holding. Those are currently specified as US treasury, obligations of other US agencies, and NYS securities. So, no it would not be their own securities. There is no risk with the types of securities unless the Federal government or the State goes under and...

SUPERVISOR RINGLER: Well....

MR. PUTNEY: Question regarding the letter of credit. Is this to be the bank's own letter of credit or some other bank's letter of credit?

MRS. KEHOE: This would be another bank's letter of credit. And, again there is a fee involved in that so I don't know how likely that would be.

COUNCILMAN WEBSTER: He doesn't trust banks.

MRS. KEHOE: We are watching them closely.

SUPERVISOR RINGLER: Okay. I would entertain a motion to adopt this year's investment policy with the changes that Judi has indicated and also the change that Sheila recommended, annually.

Adopt
Investment
Police with
Changes
indicated by
Comptroller

The motion was made by Mr. Webster and seconded by Ms. Galvin to approve the investment policy with changes after the annual review. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Thanks Judi.

SUPERVISOR RINGLER: Next I have a recommendation from Richard Webster, Deputy Comptroller, for award of bid of office products part I, non-stock to Johnson Stationers, Delaware Avenue, Delmar and award of bid for central stock office products to MICO office Supplies, Albany.

Award Bid
Office
Products
Part I, and
Central Stock
Office
Products

COUNCILWOMAN GALVIN: Has the Town Attorney reviewed this?

ATTORNEY KAPLOWITZ: No, I don't ordinarily review the routine ones unless someone has a problem or something. So, I haven't seen these, no.

SUPERVISOR RINGLER: This is one we do every year.

COUNCILWOMAN GALVIN: I know we saw a basic bid tab on this in the packet a while ago but my concern is, since we have had problems in the past, that it did conform to the bid documents and the contract was properly bid.

SUPERVISOR RINGLER: Ricky.

MR. R. WEBSTER: Did you ever set guidelines for departments to follow in that manner?

COUNCILWOMAN GALVIN: Well, at a meeting several months ago, I had circulated a proposed contract check list for the Board to review. I believe that died but I am concerned that these be properly reviewed before we act on them.

ATTORNEY KAPLOWITZ: Well, Rick is pretty much in charge of the bidding on everything, right?

MR. R. WEBSTER: Not on everything.

ATTORNEY KAPLOWITZ: I withdraw that statement.

MR. R. WEBSTER: Most of the smaller departments come through our office so we supervise the bidding through our office on the smaller departments. Public Works I never see. It is quite an extensive bid document, we have never had a problem or a question on it from any of the vendors before, Sheila.

COUNCILWOMAN GALVIN: Well, my question is whether or not the bid is properly complied. We have had problems in the past...

SUPERVISOR RINGLER: The problems have been on the vendor's part though.

COUNCILWOMAN GALVIN: That is what I mean. Did the bids fully comply?

SUPERVISOR RINGLER: Ricky, did they?

MR. R. WEBSTER: Yes, they did fully. The vendors fully complied with the specifications that we sent out, yes and the bid document.

COUNCILWOMAN GALVIN: The bid documents that were returned were intact?

MR. R. WEBSTER: Yes, completely. They were returned intact and in fact, these were the 2 low bidders involved too.

COUNCILWOMAN GALVIN: I don't have a problem with acting on this but I still have a basic problem with acting on unreviewed bids. I voiced my opinion in previous meetings. I prepared a proposed contract check list just in a draft form for discussion.

SUPERVISOR RINGLER: I think people are still looking at that.

COUNCILWOMAN GALVIN: I haven't heard a thing about it.

COUNCILMAN GUNNER: That isn't dead is it?

SUPERVISOR RINGLER: No, I reminded the individuals -- the 2 key people -- who are looking at it just the other day because you asked me about it. Okay, anyone like to offer a motion to award those bids?

The motion was made by Mr. Webster and seconded by Mr. Gunner to award the bid for Office Products, Part I, Non-stock to Johnson Stationers, Inc., Delmar, New York and Central Stock Office Products to MICO Office Supplies, Albany, NY. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

SUPERVISOR RINGLER: Next we have a recommendation from Terrence Ritz, Engineering Division, for award of bid for corrugated steel pipe, pipe arch to Lane Enterprises, Inc., Ballston Spa, NY and award of bid for Plastic Pipe to Chemung Supply Corp., Elmira, NY.

COUNCILWOMAN GALVIN: I have the same question.

ATTORNEY KAPLOWITZ: You are asking if I reviewed them or? I did not review them.

COUNCILWOMAN GALVIN: Well, has anybody reviewed them?

SUPERVISOR RINGLER: Absolutely.

COUNCILWOMAN GALVIN: Has anybody made the determination in terms of...? I like to...

SUPERVISOR RINGLER: When it comes to them.

COUNCILWOMAN GALVIN: I would like to see something that tells me what has been done, what the review is, we see a summary bid tab. Now, with some of the ones that we received today, we received the original bid tab from the bid opening but again, that doesn't tell me whether or not the documents have been compared. Whether or not there has been adequate review of the documents.

SUPERVISOR RINGLER: Well, the people in Engineering have reviewed this before submittal to us for approval.

COUNCILWOMAN GALVIN: I am sure they're not practicing law this season, I would like to have a review that tells me that they are legally valid.

SUPERVISOR RINGLER: Well, the problem is sometimes there are too many people practicing law.

ATTORNEY KAPLOWITZ: Well, I don't think you need an attorney to review what is the routine bids. I think it is unnecessary unless somebody is aware of a problem. But, there should be somebody, I agree, who is trained, you know -- and Rick may be the person, may not be the person -- who reviews it.

COUNCILMAN GUNNER: Wasn't that in some of your recommendations?

COUNCILWOMAN GALVIN: Absolutely. What I had put in that original check list was a preliminary review by whoever was responsible for the bid opening, a provision of the documents to the Town Attorney for a final okay that they had taken the steps that were legally necessary and just tell us that it has been reviewed and is legally correct. That's what is normally done in most law departments as a final review based on the information that is provided along with the underlying documents.

ATTORNEY KAPLOWITZ: Well, I assume that since that other proposal isn't dead, that we will be talking about it. We will have to work out a procedure.

SUPERVISOR RINGLER: But, you have a possible disagreement on the need for an attorney to review each bid document.

ATTORNEY KAPLOWITZ: Well, let's talk about. We never have done it, never felt it was necessary before.

COUNCILMAN GUNNER: Well, the wording there doesn't require that. It says that somebody else be responsible for doing it and he just certifies that. Right?

ATTORNEY KAPLOWITZ: Say that again.

COUNCILMAN GUNNER: That for example, maybe somebody in public works will certify that all the things were met and give that to you.

ATTORNEY KAPLOWITZ: Yes, we will just have to work out a procedure.

COUNCILMAN GUNNER: Yes. So, we will get the other thing going we will work out...

SUPERVISOR RINGLER: Okay. Want to make a motion to authorize the award of those bids.

Award Bid
Corrugated
Steel Pipe,
Pipe Arch
and
Plastic Pipe

The motion was made by Mr. Webster and seconded by Mr. Gunner to award the bid for Corrugated Steel Pipe and Pipe Arch to Lane Enterprises, Inc., Ballston Spa, NY at their bid prices submitted and award the bid for Plastic Pipe to Chemung Supply Corp., Elmira, NY at their bid prices submitted. The motion was passed by the following vote:

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

Refund of
Water Rents
For March '93

SUPERVISOR RINGLER: Next a request from Mr. Hahn, Receiver of Taxes and Assessments for reimbursement of overpaid water rents for the month of March totalling \$24.73.

The motion was made by Mr. Gunner and seconded by Ms. Galvin to approve the reimbursement of overpaid water rents in the amount of \$24.73 for the month of March as listed. The motion was passed by the following vote:

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

House Nos.
Elm Avenue
and
Neil Blvd.

SUPERVISOR RINGLER: Next I have a recommendation from Mr. Ritz, Engineering Division, for assignment of house numbers on Elm Avenue and Neil Boulevard as indicated. Anyone want to offer a motion to authorize those changes. These are requests by the owners.

The motion was made by Mr. Gunner and seconded by Ms. Galvin to approve the following house number assignments effective immediately:

845 Elm Avenue for residence of Linda Tannatta Fros, Tax Map No. 121.00, 1,1.

857 Elm Avenue for residence of Fred Richter, Tax Map No. 121.001,3.

23 Neil Boulevard for residence of John & Elizabeth Horner, Tax Map No. 121.04, 1,33.

The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Once again, as we say every time, if we assign house numbers and people do not put them on the door, they are useless.

COUNCILMAN GUNNER: Not good either.

MR. FLANIGAN: They aren't out there.

SUPERVISOR RINGLER: No. You know, John, again the fire departments when they are going around with the help that they can give, they have to emphasize to the people that when there is an emergency, if they are out there and they can't find the house, someone is either not going to have medical assistance or maybe a fire will be obvious.

COUNCILMAN GUNNER: As you know, that was something I have been interested in for a couple years.

SUPERVISOR RINGLER: I know.

COUNCILMAN GUNNER: And, John, is that becoming more of a problem in certain areas? I have seen it, you know just when I have driven for the senior citizens.

MR. FLANIGAN: Actually, you are getting some script numbers on the buildings now.

TOWN CLERK NEWKIRK: I have addressed that too.

MR. FLANIGAN: They get kind of long when you get to the big numbers.

ATTORNEY KAPLOWITZ: You mean they are written out?

TOWN CLERK NEWKIRK: Yes.

ATTORNEY KAPLOWITZ: Rather than the numbers?

TOWN CLERK NEWKIRK: Yes.

MR. FLANIGAN: They are nice, they are black and they are sitting up underneath the porch, the front of the porch and you know, when you are 60 or 70 feet from the street, they are tough to find. But, it is a problem and as we get into 911 it will become more of a problem and maybe we should put out a campaign.

ATTORNEY KAPLOWITZ: The younger Slingerlands firemen can see them from the street too, John.

COUNCILMAN GUNNER: Who notifies the people?

SUPERVISOR RINGLER: The Town Clerk.

TOWN CLERK NEWKIRK: I have it all in the letter. I tell them on the telephone. I repeat it in the Bethlehem Report.

COUNCILMAN GUNNER: Size, no script.

TOWN CLERK NEWKIRK: Size, numbers not letters.

MR. FLANIGAN: And, there are still people using their box numbers.

TOWN CLERK NEWKIRK: Yes, and they still are.

MR. FLANIGAN: You can't get them away from the box numbers they are so used to those box numbers and they are never going to let go.

ATTORNEY KAPLOWITZ: Do they have boxes actually?

MR. FLANIGAN: Oh, yes.

TOWN CLERK NEWKIRK: I tell them not to use box numbers.

MR. FLANIGAN: Yes, you get a lot of them in the rural areas.

COUNCILMAN WEBSTER: Selkirk and in that area.

MR. FLANIGAN: And, in Slingerlands there are box numbers.

ATTORNEY KAPLOWITZ: Doesn't the post office tell them to use the box number.

MR. FLANIGAN: Yes.

SUPERVISOR RINGLER: No, not any more.

ATTORNEY KAPLOWITZ: No longer.

SUPERVISOR RINGLER: No, they are honoring the street addresses.

TOWN CLERK NEWKIRK: The only box numbers to my knowledge right now that are being used are post office box numbers that they can use but otherwise they should have the numbers posted at the house.

SUPERVISOR RINGLER: Next I would entertain a motion to honor Dave Austin's request for approval of appointment of seasonal personnel per the attached list with the rates indicated.

COUNCILWOMAN GALVIN: I have 2 questions on page 4 and it goes to my usual question, Dave we have 2 non-residents -- one is a resident of Scotia and one is a resident of Rensselaer. We don't have any resident of the Town who could fill those positions?

MR. AUSTIN: They are both coaches and we don't have any other applicant for those positions.

SUPERVISOR RINGLER: They are teachers in the school system?

MR. AUSTIN: Mr. Harrington is a Union track coach, we are just lucky to have him teaching our youth track program and Bill Neumann is a baseball coach who has been with us for many years.

COUNCILMAN WEBSTER: A hundred years.

MR. AUSTIN: He lived in Bethlehem, now he doesn't.

SUPERVISOR RINGLER: Okay, offer that motion.

Seasonal
Personnel
Parks and
Recreation
Dept.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approve the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator of Parks & Recreation Dept., dated April 14, 1993 at the titles and rates listed. The motion was passed by the following vote:

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

Dumping
Permit
Jones
LaGrange La.

SUPERVISOR RINGLER: Next I have a recommendation from John Flanigan, Building Inspector, for renewal of dumping permit for LaGrange Lane, Slingerlands with some limitations as outlined by the Engineering Department.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approve the renewal of the dumping permit for LaGrange Lane in Slingerlands, Town of Bethlehem with the limitations as listed by the Engineering Department of the Department of Public Works. The motion was passed by the following vote:

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

MR. DUCLOS: What dumping permit on LaGrange Lane?

SUPERVISOR RINGLER: Dumping permit for William S. Jones.

MR. DUCLOS: Private?

SUPERVISOR RINGLER: Yes.

Discussion
Americans
With
Disabilities
Act

SUPERVISOR RINGLER: Next like to consider the recommendations of the Committee that we put together for our ADA, the self-evaluation of our facilities and program that they did such a wonderful job on. Any questions on that? I know Sheila you had a couple and I think they were addressed.

COUNCILWOMAN GALVIN: I have a question as to whether or not Bernie -- have they been addressed to your satisfaction?

ATTORNEY KAPLOWITZ: Yes, Dave and I sat down, went over your list and whatever else we had heard of. We tried to -- I think most of them were areas where there could be some misinterpretation. Perhaps language wasn't as clear, so we added words here and there and tried to make sure that there was no room for misinterpretation down the line. I think Dave deserves a tremendous amount of credit and his

Committee. The people who served on it, we had 2 people on the Committee who qualify as people with disabilities or who were a superb help because of the insight they offered. I think, as far as I can tell, we have a very, very good evaluation of all Town facilities and programs so that we comply and hopefully, I think it is something we have to continually pay attention to because things change.

SUPERVISOR RINGLER: And, now we have to implement it.

ATTORNEY KAPLOWITZ: And, we have to make it work.

SUPERVISOR RINGLER: I think it is well done and I think it complies with the law and I think we are ahead of most communities as I understand it.

MR. FLANIGAN: We are, some people don't even know about it.

SUPERVISOR RINGLER: They will. Peter, you will be letting them know.

MR. FLANIGAN: There is a first Federal court case that has come out.

SUPERVISOR RINGLER: There is going to be a lot of court cases because there is a lot of things subject to interpretation of the courts and they left it that way. I think our plans and a lot of plans will be refined as the courts make decisions regarding this.

ATTORNEY KAPLOWITZ: It is interesting because there is no enforcement procedures contained in the whole system. There is not penalty, no fines, no nothing. The only method of enforcement is the law suit by the disabled person who feels he or she has been discriminated against and those can be very costly. If I remember correctly, if the plaintiff is successful, the court also assigns the attorney's fees to the plaintiff's attorney. So, there is a great deal of financial reason why you should be careful along with all the other good reasons but it remains to be seen. I heard a speech a year ago by a law professor who said this was going to be a whole new thing for lawyers. They were going to go crazy. There would be hundreds of thousands of suits all across the country and lawyers are going to go nuts and in a year -- John is familiar with one, I haven't seen one yet so I am not so sure.

MR. FLANIGAN: \$572,000.

ATTORNEY KAPLOWITZ: For what?

MR. FLANIGAN: For a firing. Someone was fired.

ATTORNEY KAPLOWITZ: Oh, yes, I did see that but that... I am not sure...

SUPERVISOR RINGLER: The attorneys just drool at this.

ATTORNEY KAPLOWITZ: I am not sure that even fits with any disabilities situation.

MR. FLANIGAN: Oh, there is a new list of disabilities too that came out of that case.

ATTORNEY KAPLOWITZ: We are going to have to learn as we go along. The important thing from the Town's point of view is the fact that we are attempting to comply. And, that is what it is all about, is a self-evaluation of Town facilities, Town programs, hiring practices, transportation, all those things so that a person who has a disability has an equal chance and in most cases should have an equal chance. It is foolish.

MR. FLANIGAN: There was a hearing two weeks ago to incorporate the ADA into the New York State Building Code for new buildings so that everything that ADA has is going to be in the Building Code. It has already been through the hearing process and probably within 2 months it will become part of the Building Code but it is not retroactive at this time. I say at this time.

SUPERVISOR RINGLER: Good.

COUNCILMAN GUNNER: Question, not related to this part that we have here but when we are talking about this building and making it accessible for people to get upstairs, pretty much was a chair type thing that would be on track, correct?

MR. AUSTIN: Yes. We looked at 3 options, Charlie, one was a one person elevator which had like a capacity of 700 pounds. Involved a lot of structural work in the floor and the ceiling. Bruce Secor recommended that we did not do that. He felt it would be more than a stair lift by the time you get done modifying structural steel and redoing air conditioning vents and wiring. The other option which was brought to the Capital Projects Committee last year, I think, or the year before was possible addition to Town Hall which would include a full service elevator. The only other option we are aware of is the stair lift which is about \$40,000 and will follow a fixed rail along the rail from the second floor to the first floor. The platform folds up against the wall so it is not in anybody's way.

COUNCILMAN GUNNER: I guess my concern with that after hearing law suit, is that a person with a wheel chair, how are they going to get their wheel chair up?

MR. FLANIGAN: Okay. There is a part in the ADA that says as long as you take reasonable actions to let it work. And, the way we work in here now, the people -- as you notice all the meetings and everything are held on this floor because it is accessible.

COUNCILMAN GUNNER: Oh, yea, I know we do.

MR. FLANIGAN: And, if someone has to come like in my office, we are down here a lot meeting people on this floor. They just walk up to the receptionist and they ask and we come down or they call and we meet them at their home. So, you can make accommodations and that does meet the intent. We do anything new, that is different.

ATTORNEY KAPLOWITZ: What the law requires is the Town make reasonable accommodations. Who's to say what is reasonable is the big problem. What is reasonable. Ultimately what is reasonable was probably what a jury would decide at the end of a law suit, whether the Town acted reasonably or not in assessing damages and everything else. Usually most people can sit down and look at a given set of facts and say I think this is reasonable but there are going to be close cases. Is it reasonable to spend \$40,000. The description Dave gave or is it more reasonable to put in an elevator which may be a couple hundred thousand dollars -- I don't know what the prices were but they were crazy. In view of the situation, is there one person every three years who is going to be affected, then the elevator probably is not required. Deciding what is reasonable can be the tough part. A lot of what John says is good and is true but I think you have to go a step further. It is not just the person who comes in and wants to service, it is the disabled person who has a right to work upstairs that you also have to be concerned about.

MR. AUSTIN: That was the Committee's main concern.

ATTORNEY KAPLOWITZ: And, that is the kind of thing we were looking at.

MR. FLANIGAN: If they are qualified.

ATTORNEY KAPLOWITZ: That's right, that was the kind of thing we were looking at. That person has the same right to employment as anybody else but if you don't take... make reasonable accommodation to not only get them up the stairs but if he has a hearing disability to provide something that might cure or assist him in his work, an aid or whatever, then that is what it is all about.

COUNCILMAN GUNNER: Those are exactly the points I wanted to make to make sure that we looked at them so we don't end up in a very difficult situation and certainly if, when we have to have an addition, that would be again something that we could look at.

MR. FLANIGAN: Then the addition would automatically have to have it.

SUPERVISOR RINGLER: And, I think that is something we should be looking at. Even the \$40,000 was planned for next year, I believe.

MR. AUSTIN: Well, you don't have to... that is considered a major modification according to the law. You have until January 26, 1995 to make the modifications.

SUPERVISOR RINGLER: In the mean time, I think we should be looking hard at this facility here and see whether or not -- if there is going to be additions and so forth, a real elevator would be -- at a minimum, we should be doing this by 1995. I think that is the Committee's recommendation.

MRS. KEHOE: And, a reasonable accommodation for a disabled employee could consist of a satellite office on a first floor location. You know, with computer terminals, phones, it is quite possible that the duties could be done on the first floor.

SUPERVISOR RINGLER: Peter, be right with you.

MR. CROWLEY: All right.

SUPERVISOR RINGLER: Go ahead.

MR. CROWLEY: My name is Peter Crowely and I have the pleasure of serving on the Committee. Dave did a great job and I want to thank Ken Ringler for asking me, allowing me to be part of the Committee.

Couple things there, I don't want anybody to misunderstand, most reasonable accommodations that anyone is going to see will cost virtually nothing. Most reasonable accommodations are such things as adjustments in work hours, adjustments in the actually working environment of the office, possibly a therapeutic type of chair that would cost a few hundred dollars at the most.

What you are talking about is a possible reasonable combination or moving someone to a satellite office. The Town would be setting themselves up for a discrimination suit because what you have done is isolated and ostracized the individual from the rest of the work community in that agency of the Town. And, that would really fly in the face of the whole intent of ADA and that was something the Committee was very sensitive of and one of the things that was batted about and I think we all agreed we wanted to keep the integrity of what ADA is all about and that is inclusion of people with disabilities and challenges not finding a way to isolate them to save a few dollars. And, that is truly the spirit of the law and I am letting you know I am an EEO officer now for approximately 7 years including 504 and ADA on a coordinating experience and trust me, those would be the type of complaints that I would be petrified of if they came into my office.

MRS. KEHOE: To clarify, my point was not to isolate the person in a small office in a corner of the building but to integrate that person in another office with other people not perhaps doing the same functions as the second floor office but working independently with other people.

SUPERVISOR RINGLER: I think it would be in order right now to pass a motion -- what I would like to suggest is that we adopt the evaluation that has been done by this Committee of our facilities and programs as a basis for our future actions to comply with the ADA.

The motion was made by Mr. Gunner and seconded by Ms. Galvin to adopt the evaluation done the American With Disabilities Act Committee as a basis for future actions to comply with the ADA. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Thank you all very, very much. Well done.

Appoint
Board of
Appeals
Member

SUPERVISOR RINGLER: Next I would entertain a motion to appoint Richard J. Lewis to the position of Member of the Board of Appeals, effective immediately to fill the unexpired term of former member Robin Reed, term ending December 31, 1995. The annual salary is \$3,111.

COUNCILWOMAN GALVIN: First I would like to say something and I want to be very clear that what I have to say has absolutely nothing to do with Dick Lewis, who I think is a fine person and excellent candidate for any position that we may be considering. However, in the process of doing our review and our interview process for this position, we did have occasion to consider one person who I won't name to avoid embarrassment to that person because he is a professional engineer and a structural engineer. I think it is important that we get people with qualifications of that nature to apply for and to seek positions with our various Boards. I think that when we are dealing with the Zoning Board and the Planning Board, it is important that we have people who are available to us for the appointment process. And, one of the things that's very important is, for example, with the Zoning Board, someone with a professional engineering background and a structural engineering background would be a benefit to that board.

I think it is important that we reach out to the community and look for qualified people who are ready and willing to serve on boards. I think we need to expand our pool of applicants and I think that it is important for us to get this word out to the community that people get their resumes into us. I think that... this time we had another person who was a disabled person, who would also be fine to appoint to any number of boards. But, again, we had one other person who had his name in who was a very qualified candidate. But, we have a limited pool of applicants and I think it is very critical that the people in the community get to us with their resumes for these positions because there is a continuing turn over in these positions and it is very important that we have qualified applicants.

With respect to the present appointment, I'm concerned that, personally, I think we need someone with the engineering background and the architectural background but again, this has absolutely nothing to do with Mr. Lewis personally in any way. I think it is important that we look beyond the people who we may know and who may be presented to us by a limited group of people for review and look to the entire community when we are doing our appointment process. I recognize that politics plays an important part in our governmental function but that should not be our sole concern in selecting applicants and we should make it known to the community that anyone who is interested and willing to serve should put their resume in and that we should give them full and equal consideration.

SUPERVISOR RINGLER: I concur that we are always looking for applicants and resumes and I do believe that any appointments we have made are very qualified. And, I agree that the bigger the pool, the better the qualifications and certainly we encourage people to submit applications. We have a full interview process that we go through when this happens and I think that the candidate we are recommending tonight is an outstanding candidate. When we are looking at our Boards, we are looking for people with all different backgrounds because they are citizen boards and they should be representing all types of individuals and all types of qualifications and I think basically we have done that. But, again, it certainly does not hurt to have a broad pool of potential applicants.

Marie, you have a question?

MRS. CAPONE: Do you feel there is something about this guy -- I don't know this guy -- I...

SUPERVISOR RINGLER: He is sitting next to you.

ATTORNEY KAPLOWITZ: Say hello to him, he is right next to you.

MRS. CAPONE: Oh, okay. I listen to Orrin Barr, I have the right to know what is going on.

SUPERVISOR RINGLER: Michael.

MR. BERGAN: I do read the Spotlight every time it comes out and I was unaware that there were any... there was any candidate that was being considered. In following up on Sheila Galvin's comments, could you tell us what the criteria was as you screened candidates for this and how many candidates did you have?

SUPERVISOR RINGLER: Well, we ended up interviewing... in this particular case 3 but...

COUNCILWOMAN GALVIN: Three but we had interviewed another before.

SUPERVISOR RINGLER: And, this is not something that is hidden. We have said in the past, we were always looking for resumes to be looking at when we have these positions. And, again, as I said, we are looking for people of broad backgrounds. People that can make judgements is what the Board of Appeals and Planning Board are all about. We are looking for people who want to be involved and it is almost a thankless job for a lot of work for a very limited stipend. We appoint the most qualified people that we can for these positions and anyone can put in a resume and we will interview and make our best determination.

COUNCILMAN GUNNER: I guess I would like to go along with at least what was said by everybody here that we really need more applicants with people with skills and everything and I think that we have a wealth of that in the community if they will only get involved in the democratic process, small "d", and I think that is important, really. And, there are people that can give that service.

MR. BERGEN: Can I just follow-up on that and make a suggestion that as you go through that process that it be done with a little bit more light on it so it's known public that you are open to that kind of thing.

SUPERVISOR RINGLER: Well, we had tried to make it known to the public in the past and we've -- ever since I have been here I have been asking for applications and resumes. People contact me all the time and say they want to be involved in government and I have a resume file that we put together of people who want to serve and be involved. Send your resume in to me, Mike.

MR. BERGEN: I am not volunteering but I am concerned about the publicity that gets given to these things and the scope of applicants that you get is obviously going to be greater if you give it more publicity. Also you are running the risk of being accused of doing this in the dark and behind closed doors.

SUPERVISOR RINGLER: We don't do that out here.

MRS. CAPONE: Advertise it, that's why you have the Spotlight.

SUPERVISOR RINGLER: And you Marie. I would entertain a motion to appoint Mr. Lewis.

The motion was made by Mr. Webster and seconded by Mr. Gunner that Richard J. Lewis, Union Avenue, So., Delmar, NY be and he hereby is appointed Member of the Board of Appeals of the Town of Bethlehem, effective immediately, term expiring December 31, 1995. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Congratulations, Richard, and thank you for your wanting to participate.

Seminar
Animal
Cruelty
Animal
Control
Officer

SUPERVISOR RINGLER: Next I have a request from Richard Lachappelle, Chief of Police, for approval of Animal Control Officers to attend a seminar on animal cruelty to be held May 7th in Colonie, with registration and Town vehicle, \$15. each.

The motion was made by Mr. Webster and seconded by Ms. Galvin to approve the attendance of the Animal Control Officers at a seminar on Animal Cruelty to be held May 7, 1993 in Colonie, NY with registration fee of \$15. paid and use of Town vehicle for transportation. The motion was passed by the following vote:

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

Reschedule
Assessment
Administration
Date Seminar
Assessor

SUPERVISOR RINGLER: Next a request from Dave Leafer for approval for change in attendance at an Assessment Administration. There was a death in his family last week and he could not attend and he wants to reschedule May 3-7, 1993 at Hudson.

The motion was made by Mr. Gunner and seconded by Ms. Galvin to approve the change in date for M. David Leafer, Assessor, to attend the Assessment Administration on May 3-7, 1993 at Hudson, NY. The motion was passed by the following vote:

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

Approve
Attendance
Town Clerk
Certification
Program

SUPERVISOR RINGLER: Next is a request from Kathleen Newkirk, Town Clerk, for attendance at a certification program for Municipal Clerks to be held in August at the Salve Regina University, Newport, Rhode Island, with expenses paid, \$475. This is a 3 year program to get certified as a Town Clerk.

TOWN ATTORNEY KAPLOWITZ: What are we going to do without Kathy for 3 years?

SUPERVISOR RINGLER: No, no, not 3 years.

TOWN CLERK NEWKIRK: One week.

The motion was made by Mr. Gunner and seconded by Mr. Webster to approve the attendance of Town Clerk Kathleen A. Newkirk at a Certification Program for Municipal Clerks to be held August 1-6, 1993 at Salve Regina University, Rhode Island with expenses paid. The motion was passed by the following vote:

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

TOWN CLERK NEWKIRK: Thank you.

COUNCILWOMAN GALVIN: And, potential litigation we might be buying.

SUPERVISOR RINGLER: Well, as I said, you lawyers thrive on that. Okay, I would entertain a motion to recess to executive session and then come back.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to recess to Executive Session to discuss contractual negotiations. The motion was passed by the following vote:

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

getting gains tax affidavits; some of the deeds weren't dated; some weren't notarized. We started reviewing them as part of a program for me to look at them and send them back and say refuse to take them. That was the only reason that I was reviewing the deeds and I don't mind reviewing them but the program seems to have worked. It is very rare now that we see one that doesn't come in right but it all started really just because they were sloppy as could be and we just mailed them all back. It didn't take long for that change. So, the most important thing in the deed is the description and we count on the Engineering Department heavily for that. This appears to be in order, Mr. Supervisor.

SUPERVISOR RINGLER: Offer a motion.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approve the acceptance of the deed for the widening and right-of-way for Fisher Boulevard, Slingerlands, Town of Bethlehem from J. Lucarelli Land Development Co., Inc., Schenectady, NY. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

SUPERVISOR RINGLER: I would like to entertain a motion to conduct an executive session and what I would like to do, Board Members, and for the audience here, when we go into this executive session, I would like to recess at this point because we want to go in to discuss a contractual matter and we may want to come back and act at that this evening. I hope it won't take us too long and I invite the public to stay as we do this. There is a time element involved here. Normally we wouldn't do this to you but Dave Austin has a time element that he is dealing with. Entertain a motion. Before we do that, is there anything else anyone would like to bring to the attention of the Board this evening?

Executive
Session

COUNCILWOMAN GALVIN: I have a question. I was just brought to my attention today that there is an issue regarding the Town potentially looking into the purchase of the North Street dump area.

Discussion
North Street
Dump

SUPERVISOR RINGLER: No, I didn't say that. I think that is a result of Mr. Duclos probably contacting you because he asked me about it. The lease on that property does end at the end of this year and a long time ago, the owner had said that when we sit down to negotiate the lease that she might want to discuss selling it but we haven't been in the position to make any recommendations to the Board. It hasn't been given any review at all to be honest with you. It was just a conversation.

COUNCILWOMAN GALVIN: Thank you because in your letter to Mr. Duclos, there was a comment at the end regarding current surveying and mapping.

SUPERVISOR RINGLER: That has to do with the review of the closure thing that we are looking at.

COUNCILWOMAN GALVIN: Strictly, the closure, okay.

SUPERVISOR RINGLER: Okay.

COUNCILWOMAN GALVIN: Are we going to be looking at it in terms of either extension of the lease or purchase? Is that something that's in the works?

SUPERVISOR RINGLER: It is something that we may come with a recommendation to the Board.

COUNCILWOMAN GALVIN: Okay and at that time the... we will have a full knowledge of the potential environmental problems?

SUPERVISOR RINGLER: Before I would buy it, I would certainly want that.

COUNCILWOMAN GALVIN: And, potential litigation we might be buying.

SUPERVISOR RINGLER: Well, as I said, you lawyers thrive on that. Okay, I would entertain a motion to recess to executive session and then come back.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to recess to Executive Session to discuss contractual negotiations. The motion was passed by the following vote:

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

Recessed to Executive Session at 8:50 p.m.

Reopened Town Board meeting following Executive Session at 9:08 p.m.

Discussion
Concession
Stand
Elm Avenue
Park

SUPERVISOR RINGLER: Like to reconvene the meeting. The Town Board -- this is for the minutes -- went to executive session tonight to discuss the possibility of a change in the operation of the food concession at the Town Park. After discussions and recommendations from Dave Austin, who has sought requests for proposals from various food vendors in Town -- how many did you send out?

MR. AUSTIN: I think it was 21.

SUPERVISOR RINGLER: He has recommended that we now enter into a lease agreement with James and Kim Sheldon, who own the Tastee Freeze, to operate the concession stand at the Town Park. As a result of this agreement, the Town will now be receiving a rent on this facility of...

MR. AUSTIN: \$3500 annually.

SUPERVISOR RINGLER: \$3500 for the summer. This was a situation in the past that actually cost us money when we were operating ourselves. So, it is a positive cash flow and it also is going to create a situation that we have true professionals in the food industry running the operation. And, after discussing it in executive session, I would now like to ask the Board for the authority for the Supervisor to sign the contract as proposed with the Sheldons.

Authorize
Supervisor
To sign
Contract
With Jim's
Tastee Freeze
To operate
Concession
Stand at E.A.P.

The motion was made by Ms. Galvin and seconded by Mr. Webster to authorize the Supervisor to sign the contract with James and Kim Sheldon, Glenmont, NY doing business as Jim's Tastee Freeze, Delmar, NY to provide food service at the concession stand at the Elm Avenue Town Park for the summer of 1993. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Nice job, David.

COUNCILMAN GUNNER: Question, why the big disparity between the 2 that we looked at? It was \$500 or \$300.

MR. AUSTIN: Well, Mr. Giacone, after discussion, felt for some reason it was very risky and wasn't willing to offer any more than that and was not agreeable with all the things that I had asked for in the RFP.

COUNCILMAN WEBSTER: He really doesn't deal in light products like the Tastee Freeze does.

SUPERVISOR RINGLER: This is just switching one to the other.

COUNCILMAN WEBSTER: Tastee Freeze is almost a mirror image of what we do down there.

MR. AUSTIN: They are.

ATTORNEY KAPLOWITZ: They may find out they can't make any money. We weren't making any, who knows.

MR. FLANIGAN: If the weather is bad, it can kill them.

COUNCILWOMAN GALVIN: Yes, maybe Giacone read the Farmer's Almanac.

ATTORNEY KAPLOWITZ: A year's experience would be worth a lot.

SUPERVISOR RINGLER: Good. I would entertain a motion to adjourn.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to adjourn the regular Town Board meeting at 9:12 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

SUPERVISOR RINGLER: Thank you.


Town Clerk