

TOWN BOARD
AUGUST 11, 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 Deputy Supervisor at 7:30 p.m.

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

ABSENT: Kenneth J. Ringler, Supervisor

DEP.SUPERVISOR WEBSTER: Welcome to a meeting of the Bethlehem Town Board. First item on the agenda this evening is a public hearing regarding Local Law No. 6 of 1993, to amend the Vehicle and Traffic Law. First I will ask the Town Clerk to read the call of the hearing.

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM

Public Hearing
Local Law No. 6,
1993
One Way Streets
Kenwood Avenue
Middle School
Repeal of
Thatcher Street
from 9W to
junction
of northerly
leg of
Thatcher St.
Stop intersect.
Middle School
Driveway

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 11th day of August, 1993 at 7:30 p.m. to consider Local Law No. 6 of 1993, Amending the Code of the Town of Bethlehem as follows:

AMEND VEHICLE AND TRAFFIC ARTICLE VI, Section 119-29, Schedule III, One Way Streets as follows:

ADD: Kenwood Avenue, South, one way entrance on western most driveway of the Bethlehem Central Middle School. Kenwood Avenue North, one way exit on eastern most driveway of the Bethlehem Central Middle School.
REPEAL: Thatcher Street, east, from Route 9W to junction with northerly leg of Thatcher Street, a distance of 290 feet.

AMEND ARTICLE VI, SECTION 119-33, Schedule VII, Stop intersections as follows:

ADD: A stop intersection at the intersection of the easternmost driveway of the Bethlehem Central Middle School and Kenwood Avenue controlling northbound traffic from the middle school driveway.

All interested persons and citizens will have an opportunity to be heard at the said hearing. The Town of Bethlehem provides reasonable accommodations for the disabled.

Disabled individuals who are in need of assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

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

STATE OF NEW YORK)
COUNTY OF ALBANY)

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 28 day of July 1993.

/s/ Kathryn Olsen

Sworn to before me this
29th day of July, 1993.
/s/ Bruce Neyerlin
Notary Public, Albany County

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

KATHLEEN A . NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on July 28, 1993, a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk
Town Clerk

Sworn to before me this
9th day of August, 1993.
/s/ Kenneth P. Hahn
Notary Public, Albany County

The motion was made by Ms. Galvin and seconded by Mr. Gunner to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting on the minutes of the meeting. The motion was passed by the following vote:

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

DEP.SUPERVISOR WEBSTER: This change in the Local Law came as a result of a memorandum from the Chairman of the Traffic Safety Committee and I will read that memorandum.

TO: Kenneth J. Ringler, Jr., Supervisor
Members of the Town Board
FROM: Richard L. Vanderbilt, Lt.
Chairman, Traffic Safety Committee
RE: Changes in the Local Law relating to Traffic Control
DATE: July 8, 1993

The Traffic Safety Committee has received a complaint from a citizen regarding the confusing and dangerous traffic flow situation where the driveways of the Bethlehem Central Middle School intersect with Kenwood Avenue. The concern was also echoed by several police officers who also perceived the problem. In the course of our investigation, we determined that there were in fact, accidents resulting from a lack of clear flow patterns.

Coincidentally, the Bethlehem Central Transportation Safety Committee had been studying ways to improve the traffic flow and increase safety within the school property. Their suggestion was the routing of traffic, one-way in, the western most driveway and one-way out, the eastern most driveway with a Stop sign controlling traffic from the parking lot entering Kenwood Avenue.

Based on our study and in concurrence with the Transportation Safety Committee, this committee recommends the designation of:

1. The western most driveway of the Bethlehem Central Middle School at its intersection with Kenwood Avenue as one-way South.
2. The eastern most driveway of the Bethlehem Central Middle School at its intersection with Kenwood Avenue as one-way North.
3. A Stop intersection at the intersection of the eastern most driveway of the Bethlehem Central Middle School and

Kenwood Avenue controlling northbound traffic from the middle school driveway.

While researching Chapter 119 of the Local Laws relating to Vehicles and Traffic, it was noted that under section 119-29 Schedule III there exists a designation of a portion of Thatcher Street as one-way. Since the reconstruction of Route 9W at this intersection, the aforementioned portion of Thatcher Street no longer exists, therefore I recommend this item be repealed.

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I will first ask for any questions concerning the call of the hearing. Then anyone wishing to speak against, then anyone wishing to speak in favor of and after the hearing is closed I will ask for questions and answers from the Town Board. First of all, is there anyone having questions concerning the call of the hearing? There are none. I will ask if there is anyone wishing to speak against this proposal? There are none. I will ask if there is anyone wishing to speak in favor of this proposal. There are none.

With regards to in favor, I do have a memorandum from the Supervisor advising me that he has conferred with Superintendent Lester Loomis and that they are in complete support of this proposal. Anyone else wishing to speak? There was no one.

Ask for a motion to close the hearing.

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

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

Noes: None.

Absent: Mr. Ringler.

Kathleen A. Newkirk
Town Clerk

DEP.SUPERVISOR WEBSTER: Any questions from the members of the Board or comments? Anyone desire any action to be taken at this point in time?

Adopt Local Law No. 6, 1993 Stop intersections Bethlehem Middle School

The motion was made by Mr. Gunner and seconded by Ms. Galvin to adopt Local Law No. 6 of 1993, to amend Vehicle and Traffic Article VI, Section 119-29, Schedule III, one way streets and to amend Vehicle and Traffic Article VI, Section 119-33, Schedule VII, Stop Intersections, both at the Bethlehem Middle School. The motion was passed by the following vote:

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

DEP.SUPERVISOR WEBSTER: Next item on the agenda is to approve Town Board minutes of July 6, 1993 and July 14, 1993.

COUNCILWOMAN FULLER: Please separate the minutes.

DEP.SUPERVISOR WEBSTER: All right, we will first take the minutes of July 6, 1993.

Approve Minutes July 6, 1993

The motion was made by Ms. Galvin to approve the minutes with the corrections made to page 12, seconded by Mrs. Fuller to approve the minutes of the July 6, 1993 Town Board meeting. the Motion was passed by the following vote:

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

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DEP.SUPERVISOR WEBSTER: The minutes of July 14th.

Approve Minutes July 14, 1993

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approve the Town Board minutes of July 14, 1993. The motion was passed by the following vote:

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

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Acknowledge Receipt of Quarterly Franchise Fee Cablevision

DEP.SUPERVISOR WEBSTER: Next is acknowledgement of the receipt of the quarterly franchise fee from Cablevision for the second quarter of 1993 in the amount of \$32,587. That is for informational purposes.

COUNCILWOMAN GALVIN: One question on that, I noticed that there is in our packet tonight a memo from Judi Kehoe indicating the cash corrections items, which I did have a question on but do you know...

DEP.SUPERVISOR WEBSTER: That is the one you had the correction on last month?

COUNCILWOMAN GALVIN: Yes.

DEP.SUPERVISOR WEBSTER: The last quarter one?

COUNCILWOMAN GALVIN: In the last quarter but I have a question as to whether or not -- she indicates she has reviewed the report -- whether or not there were any changes in the methodology of computing that report. When I looked it over, there were some differences between the method that had appeared to be used last time and this time.

DEP.SUPERVISOR WEBSTER: I can't answer that.

COUNCILMAN GUNNER: I spoke with her today, she didn't indicate that but she did talk about the cash correction. Basically, that includes people who didn't pay their bills and other things like that and she is suggesting as the letter said.

But, I have a question too.

DEP.SUPERVISOR WEBSTER: All right, Charlie.

COUNCILMAN GUNNER: As I look at the -- they are talking about billing category but in that also, if you remember, they called it the fee from the Town to use the Town as a center which all cable companies have to do as separate in the billing but it was included in their bills before that even but not designated. What I am saying is, I don't show -- where do they show that income? I don't see it there and you know, they talk about all the ways they get their income but that is income but that is income.

DEP.SUPERVISOR WEBSTER: We will have to address Mrs. Kehoe and ask her to give us an answer.

COUNCILMAN GUNNER: I already spoke to her and she is going to follow through but I think that that should be followed through on rather strongly because that comes to a sizeable amount of money for the year. I also questioned her on the... where they pay for the 1491 for the dues belonging to the state organization and that was -- I asked if that was mandatory and she said just about. You really have to belong. So, I said okay, that is at least... but I didn't know what it meant. Then I got looking up there and then I said well, do they report the tax money they have collected... what they call tax money which is the fee money.

DEP.SUPERVISOR WEBSTER: I wonder if that dues reduction is just our portion or do they deduct it from everyone's?

COUNCILMAN GUNNER: That will be interesting, I don't know, I have no idea. Gee, I didn't ask that question, I didn't think of that one -- that's a good one. So, she will be following through on that.

DEP.SUPERVISOR WEBSTER: All right, fine, thank you.

The next item is to approve election fees for election officials for 1993. These are the same fees that were effective in 1991 and in 1992.

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

RESOLVED, that in accordance with Election Law, Section 3-420, and Town Law Section 27, Subdivision 2, the following shall be the fees for the election officials for 1993:

Resolution
Election
Fees

Inspector	Primary \$80.00 Election Day \$100.00 Instructions \$10.00
Chairman	Return of Supplies to Town Clerk's Office \$8.00. Mileage for above returns and instructions per mile \$.23
Poll Clerks	Election Day \$75.00
Janitors	Primary Day and Election Day \$15.00
Custodians	Per Machine \$15.00
Technicians	Per Day \$32.00

The resolution was adopted by the following vote:

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

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Approve
Consolidation
of Election
Districts

DEP.SUPERVISOR WEBSTER: The next item is to approve consolidation of the election districts for the Conservative party primary on September 14, 1993. I will read the memorandum from the Town Clerk.

M E M O R A N D U M

TO: Town Board Members
FROM: Kathleen A. Newkirk
Town Clerk
DATE: August 11, 1993
SUBJECT: Primary Election

The Albany County Board of Elections has informed this office that there will be a Conservative Primary Election only on September 14, 1993. In view of the fact that there are a small number of Conservative enrollees, request is hereby made to consolidate some of the 27 polling locations as indicated on the attached resolution.

The polling locations chosen are centrally located to most of the election districts located within them. This proposal is made in an effort to reduce the costs involved in conducting this Conservative Primary.

The Albany County Board of Elections will mail post cards to each registered Conservative advising them of their polling location, if this resolution is passed.

If you have any questions, please feel free to contact me.

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DEP.SUPERVISOR WEBSTER: This would reduce the cost to just a little over 50 percent.

COUNCILWOMAN GALVIN: One question for Kathy on that. What is the farthest distance that people would have to go beyond what they would normally have to travel to reach their regular polling place? I was looking at it, it appeared that the people who would be most affected would be in the Town Hall auditorium group, is that right?

TOWN CLERK NEWKIRK: Most of them would not be that far. You have got the Elsmere Grade School, the Methodist Church. You have got St. Stephen's Church, so you are talking a very short distance for those 7 districts that are located here. We tried to pick places that made it central for everybody in that sense. And, if you notice in the southern tier there are a couple because of the further distances.

DEP.SUPERVISOR WEBSTER: What are the total number of enrollees? Do you know?

TOWN CLERK NEWKIRK: In the Conservative, it is 100 plus. I don't know, Bernie might know more accurately, 120 or so.

TOWN ATTORNEY KAPLOWITZ: 140 something, 4 have moved.

COUNCILWOMAN FULLER: No, it was 152.

DEP.SUPERVISOR WEBSTER: Any feelings on the part of the Board?

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

RESOLVED, that in accordance with Election Law, Article 4, Subdivision 4-104, the Town Board of the Town of Bethlehem, hereby designates the following named locations as polling places for PRIMARY DAY ONLY to be held SEPTEMBER 14, 1993 in the Town of Bethlehem, and

BE IT FURTHER RESOLVED, that the accessibility for physically handicapped voters for each designated polling place is hereby indicated:

Resolution
Polling
Places
Primary Day

<u>ELECTION DISTRICTS</u>	<u>POLLING PLACE</u>	<u>ACCESSIBLE TO HANDICAPPED</u>
1,15,26	Slingerlands Fire Hall	Yes
4,21	Elsmere Grade School	Yes - Separate Entrance on Herrick Ave. side of building.
5,22	Selkirk Fire Hall No. 2 Glenmont	Yes
7	Selkirk Fire Hall No. 3 South Bethlehem	Yes
8,17	Elsmere Fire Hall	Yes
10	North Bethlehem Fire Hall	Yes
13,11	Beth. Central Middle School	Yes - Separate Entrance to left of main door.
2,3,9,12, 16,18,20	Town Hall Auditorium	Yes - Separate Entrance at rear, east side of Bldg.
19	Bethlehem Historical Museum	Yes - Ramp Entrance on Route 144.
6, 24	Becker School(Ravena-Coeymans-Selkirk)	Yes
14,23,25	Delmar Fire District Annex	Yes
27	Community Room-Bethlehem Terrace	Yes

The resolution was adopted by the following vote:

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

DEP.SUPERVISOR WEBSTER: The next item is to approve Election Inspectors and Poll Clerks as recommended by the Democratic Committee for the term beginning July 15, 1993 through July 14, 1994 as per the attached lists, pursuant to Article 3 of the Election Law. And, you are all aware there was one deletion from District 17 at the request of Mr. Clyne and they will give us a name for that person at a little later date.

Approve
Election
Inspectors

TOWN CLERK NEWKIRK: Excuse me, but the Poll Clerks are not here. This just represents the Election Inspectors.

DEP.SUPERVISOR WEBSTER: Oh, this is just those. I am sorry, okay.

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

RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Election Inspectors as recommended by the Democratic Committee for the term beginning July 15, 1993 through July 14, 1994 as per the attached lists from the Democratic Committee.

The resolution was adopted by the following vote:

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

Approve
Seasonal
Personnel
Parks & Rec.
Dept.

DEP.SUPERVISOR WEBSTER: The next item is a request from David Austin, Administrator of Parks & Recreation, for approval of seasonal personnel. There are 3 people on there, one is from the City of Albany. David would you like to address that one?

MR. AUSTIN: He is a soccer coach who will be teaching our youth soccer clinic. We couldn't find anybody in Town to run that program.

DEP.SUPERVISOR WEBSTER: He is replacing Bill Silverman?

MR. AUSTIN: Yes, Bill ran it last year.

DEP.SUPERVISOR WEBSTER: Have a motion?

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the appointment of seasonal personnel as per the Memorandum from David Austin, Administrator of Parks & Recreation, dated August 11, 1993. The motion was passed by the following vote:

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

Go To Bid
Playground
Equipment
Parks & Rec.
Dept.

DEP.SUPERVISOR WEBSTER: The next item is a request from David Austin, Administrator of Parks & Recreation, to go to bid for playground equipment. You all have copy of the specifications and notice to bidders. Anyone have any questions for David before we vote on this?

COUNCILWOMAN GALVIN: Is this included in your budget for this year?

MR. AUSTIN: That should fall under the donation from the Grand Union Company, Sheila. The \$25,000, I expect the purchase price to be under that.

COUNCILWOMAN GALVIN: So, this wasn't in the budget but it is covered by the donation.

MR. AUSTIN: Correct, right. That money is in a special account for that purpose.

COUNCILMAN GUNNER: May I just raise another question?

MR. AUSTIN: Sure.

COUNCILMAN GUNNER: When you say expect and should, it seems like there is more to it.

MR. AUSTIN: Well, you know, we don't know who is going to win the bid, Charlie, but I would expect it to be under \$25,000. that is all.

COUNCILMAN GUNNER: You don't know what the value is.

MR. AUSTIN: Right.

COUNCILMAN GUNNER: Okay.

COUNCILWOMAN GALVIN: What contingency do we have if it runs over the \$25,000?

MR. AUSTIN: I do have some money -- we have been working in North Bethlehem. We do have some money left in my budget if it does go over. We also have money in a Capital Reserve Account that the Board put in for the North Bethlehem park a few years ago. So, if we do go over we need funds, I would come back to the Board to ask if we could use funds out of that account.

COUNCILMAN GUNNER: Let's hope that doesn't happen.

DEP.SUPERVISOR WEBSTER: Could I have a motion?

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

WHEREAS, the Town desires to advertise for bids for playground equipment for the North Bethlehem Park, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 18th day of August, 1993 and that bids be received up to 2:00 p.m. on the 30th day of August, 1993 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

DEP.SUPERVISOR WEBSTER: Next item on the agenda is a resolution in remembrance of Charles Fritts, former Chairman of the ZBA.

R E S O L U T I O N

WHEREAS: Community pride and community spirit and service are virtues which Bethlehem residents cherish and appreciate, no one exemplified these more than Charles B. Fritts and,
WHEREAS: Bethlehem is grateful for his dedicated leadership on the Bethlehem Zoning Board of Appeals for 21 years, serving as Chairman for 17 years, which insured residents a fair and impartial hearing on the many issues coming before the Board and,
WHEREAS: As a "dedicated firefighter" Charlie gave 35 years of service to the Selkirk Fire District, serving as Chairman of the Selkirk Board of Fire Commissioners and was one of the people instrumental in the formation of the Bethlehem Volunteer Ambulance Association and,
WHEREAS: Charlie's gifts and talents were also given to many community organizations such as the Boy scouts, the Kiwanis, the American Legion Blanchard Post and the Bethlehem Elks Club of which he was a charter member and,
WHEREAS: This man of boundless energy will be missed and remembered by his community, his friends and his colleagues for his supportive and positive attitude toward life in Bethlehem, now,
THEREFORE, BE IT RESOLVED THAT THE BETHLEHEM TOWN BOARD AND THE CITIZENS OF THE TOWN OF BETHLEHEM RECOGNIZE AND HONOR CHARLES B. FRITTS, FOR HIS EXTRAORDINARY AND DEDICATED SERVICE TO THE TOWN AND IT'S RESIDENTS.

Resolution Honoring Charles Fritts

Kenneth J. Ringler, Jr.
Supervisor

Sheila Fuller
Councilwoman

M. Sheila Galvin
Councilwoman

Charles Gunner
Councilman

Frederick Webster
Councilman

DEP.SUPERVISOR WEBSTER: I would appreciate it if everyone would sign this resolution before leaving today.

DEP.SUPERVISOR WEBSTER: The next item on the agenda is a recommendation from Terrence Ritz, Department of Public Works, Engineering Division, for approval of assignment of house numbers and to approve the naming of private roads. I will read his memorandum.

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MEMORANDUM

TO: Members of the Town Board
FROM: Terrence W. Ritz
DATE: August 5, 1993
SUBJ: Proposed house number changes, naming private streets

Paul Address, Chief Water Treatment Plant Operator, has requested street numbers for the water tanks and water pumping stations in the Town of Bethlehem. These numbers are shown on the next page.

Approve
House Nos.
and Naming
Private Streets
115 Huntersfield
55 Kenaware
Astor Court
Baxter Court
Catlyn Court
Derzee Court
Elkin Court
Noryl Avenue

Michael Tucker, 115/117 Huntersfield Road, has requested that his house be numbered 115 Huntersfield Road. Mr. Tucker combined two building lots into one and there seems to be confusion about the correct house number to use.

Dorothy Sheehan, 55 Kenaware Avenue, lives on the corner of Kenaware and Stratton. The number 55 would be correct if she was using a Stratton Place address. The house numbers along Kenaware Avenue don't meet Town requirements. Beginning at Delaware Avenue, heading north toward Stratton Place, odds are on the right and evens are on the left. Between Stratton Place and Kenaware Avenue, odds are on the left and evens are on the right. The least disruptive thing to do would be to change her house number to 48 Kenaware Avenue.

Discussion
Private Roads

There are five streets in the Adams Station apartment complex that the Delmar Post Office has been delivering mail. All of these streets meet the Towns requirements for private roads. The streets are Astor Court, Baxter Court, Catlyn Court, Derzee Court and Elkin Court. We recommend that the Town recognize these streets.

The General Electric plant in Selkirk has been using a street address of Noryl Avenue for many years. The access road into the plant is a portion of an abandoned highway. This street meets the Towns requirements for private roads. We recommend that the Town recognize this street.

The fire departments, post offices and the residents should be informed of these new numbers.

The Engineering Department can supply additional maps or lists of property owners as may be required by the Town Board or the Town Clerk's Office.

Please be advised that these house numbers and others that have been approved by the Town Board in the past are of no value to anyone if the numbers are not displayed on the house, fence or mailbox.

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COUNCILWOMAN GALVIN: One question about the 55 Kenaware Avenue, has Dorothy Sheehan been contacted about the change of the number and does it give her any trouble.

DEP.SUPERVISOR WEBSTER: Yes, that was her request.

COUNCILWOMAN GALVIN: Okay. With respect to the references on the Adams Street, I am sorry, Adams Station streets and the General Electric Plant street. I have a question -- really it is probably for Bernie, I couldn't find when I was looking what the term the Town recognizing these streets mean. We are acknowledging there existing but what, if any, liability or responsibility are we incurring if we "recognize" the streets? I couldn't find it.

TOWN ATTORNEY KAPLOWITZ: Sheila, I never heard it before it was read tonight, it is the same terminology.

COUNCILWOMAN GALVIN: I would like to know before we recognize them.

TOWN ATTORNEY KAPLOWITZ: Recognizing them, as far as I know, means nothing -- Gregg you don't maintain them, right?

DEP.SUPERVISOR WEBSTER: We don't maintain them.

MR. SAGENDORPH: No.

DEP.SUPERVISOR WEBSTER: You don't plow them?

MR. SAGENDORPH: And, one of the criteria of a private road -- I think the number 1 criteria of the Town is the Town does not maintain them.

TOWN ATTORNEY KAPLOWITZ: Right, that is why I asked.

COUNCILWOMAN GALVIN: And, by recognizing...

COUNCILMAN GUNNER: What do we get into?

COUNCILWOMAN GALVIN: That's what my question is.

TOWN ATTORNEY KAPLOWITZ: To my knowledge, we have never recognized a private street or -- I have never heard it before.

DEP.SUPERVISOR WEBSTER: I think when he says recognize, I think he is looking toward cleaning up the absence of streets for 911, getting prepped for 911.

TOWN ATTORNEY KAPLOWITZ: That could be.

DEP.SUPERVISOR WEBSTER: And, to not have a street for 911 purposes, it is difficult.

COUNCILWOMAN GALVIN: I have no problem with acknowledging that they have a name but I do have a problem with using the word recognize when I couldn't find what its legal implications would be.

TOWN ATTORNEY KAPLOWITZ: I don't think there is. I don't think you can find any, I don't think it exists.

DEP.SUPERVISOR WEBSTER: Could we change that recommendation to recognize these as street names.

TOWN ATTORNEY KAPLOWITZ: How about acknowledging their existence.

COUNCILWOMAN FULLER: To acknowledge their existence.

DEP.SUPERVISOR WEBSTER: As private road names.

COUNCILWOMAN GALVIN: Yes, as private road names.

COUNCILMAN GUNNER: And, numbers.

DEP.SUPERVISOR WEBSTER: And, numbers.

COUNCILWOMAN GALVIN: Putting in as private road.

TOWN ATTORNEY KAPLOWITZ: That would make sense.

DEP.SUPERVISOR WEBSTER: Okay, that will be shown in the minutes.

COUNCILMAN GUNNER: There is a hand up out there.

MRS. CAPONE: Can I ask Bruce, you know the change of numbers like this, at the corner of Delaware and Borthwick there is a lot awkward. It is at 449 Delaware. There is 2 units upstairs, the entrance is on Borthwick but they changed that address to 449 Delaware even though the entrance is on Borthwick.

MR. SECOR: I think on a corner lot you have a choice. I don't know that there is...

MRS. CAPONE: No, they changed it. Now, the mailman delivers there when he never did. The woman changed garbage man and the guy said where am I going to put it, it is a law office is there. I said no, it is on the other side. Why did they do that?

MR. SECOR: I don't know.

MRS. CAPONE: I mean, this is for an emergency. If this woman calls, where they going to go to the law office?

MR. SECOR: Well, I would think that they would have apartment A or B or something but that to me is their problem.

MRS. CAPONE: But, why did they change it, it has always been Borthwick.

COUNCILMAN GUNNER: It would be a problem for the 911 system when it goes in though.

MR. SECOR: We can ask the owner of the property. But, getting back to the previous point, I thought 6 or 8 months ago, wasn't there a memo to the Board to set criteria for a private road or private street?

COUNCILWOMAN GALVIN: Yes.

MR. SECOR: Didn't we have a memo or take some formal action to formalize that?

DEP.SUPERVISOR WEBSTER: Yes, something like that.

TOWN CLERK NEWKIRK: A private road policy.

MR. SECOR: I better check that to see if we have the word acknowledge or recognize or whatever. I will look that up.

DEP.SUPERVISOR RINGLER: If it is there, take it out.

COUNCILWOMAN GALVIN: Thank you, Bruce.

MR. SECOR: Well, I can't. I will bring it back to the Board and then we will take it out.

COUNCILWOMAN FULLER: We just took it out before you looked into it.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the assignment of house numbers and acknowledge private road names listed in the Memorandum of Terrence W. Ritz, Department of Public Works, dated August 5, 1993 as follows:

115 Huntersfield Road, Delmar, NY	
48 Kenaware Avenue	
Astor Court	Baxter Court
Catlyn Court	Derzee Court
Elkin Court.	

The motion was passed as follows:

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

Noes: None.

Absent: Mr. Ringler.

Seminar
Police
Dept.
NYS Juvenile
Officers
Assoc.

DEP.SUPERVISOR WEBSTER: The next item on the agenda is a request from Chief Richard LaChappelle for approval of Officer Christopher Bowdish to attend the NYS Juvenile Officers Association 18th Annual Conference. Registration fee of \$115, transportation by police vehicle. There will be no overtime involved.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the attendance of Officer Christopher Bowdish at the NYS Juvenile Officers Association 18th Annual Conference to be held at Roaring Brook Resort September 13-17, 1993 with registration fee of \$115 paid and transportation by police vehicle.

COUNCILMAN GUNNER: Question -- can I ask Lieutenant?

DEP.SUPERVISOR WEBSTER: Oh, yes, certainly.

COUNCILMAN GUNNER: I am all for all the educational programs we can get our Policemen. I think it helps them in service and I think you guys get a lot of schooling and that is very good and everybody seems to be happy with that. My question is, when we send -- I notice we send people -- when they come back do they train other people so we don't have to send so many individuals? Do they train people that they may be working with or under your direction or something like that?

LIEUTENANT VANDERBILT: In some instances they do. In this instance, this is basically a networking type thing with other juvenile officers and Officer Bowdish will come back -- and other officers in the juvenile office -- Detective Corbett and Officer McMillen, he will basically network on a smaller scale with them to pass along the information.

COUNCILMAN GUNNER: Yes, that is what I mean, it does spread. Thank you. That is good.

DEP.SUPERVISOR WEBSTER: All in favor?

The motion was passed by the following vote:

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

DEP.SUPERVISOR WEBSTER: Next item on the agenda is a request from Kenneth P. Hahn, Receiver of Taxes, for a reimbursement of overpayment of water rents for the month of July in the amount of \$19.23.

Refund
Overpayment
Water Rents
July 1993

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the reimbursement of overpaid water rents for the month of July as per the list submitted by Kenneth P. Hahn, Receiver of Taxes, in the amount of \$19.23. The motion was passed by the following vote:

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

DEP.SUPERVISOR WEBSTER: Next item is a request from Kenneth Hahn, Receiver of Taxes, for appointment of temporary help during the two tax seasons.

COUNCILWOMAN GALVIN: I have a question on that, Fred. In going over the list, I didn't have a chance to find last year's, it looks like we had more people than usual. Is he expecting a problem this year or has there been a change?

DEP.SUPERVISOR WEBSTER: I think it's just -- he calls them in as an as needed basis and in the past -- I know, he hasn't always used, I don't believe, all of the people that we have requested. He just has them, if someone can't come in on that particular day, he has someone to go back to.

Approve
Temporary
Help
Receiver of
Taxes and
Assessments

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approve the appointment of temporary help as indicated on the memorandum from Kenneth P. Hahn, Receiver of Taxes, dated August 6, 1993. The motion was passed by the following vote:

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

DEP.SUPERVISOR WEBSTER: Next is a request from the developers of Delmar Village Planned District for extension of time to implement

the building project approval. Have a letter from MacFarland Management as follows:

Discussion
Extension of
Time
Delmar Village

Pursuant to our recent discussion, we request an extension of 24 months for completion of Fisher Blvd. from December 31, 1993 to December 31, 1995.

As you know, Water District expansion has not yet been approved by D.E.C. and our permit from D.E.C. forbids us to start construction until the agency approval has been received.

In addition, we have just recently been advised that the Federal Government, represented by the Corp of Engineers, has now requested a SEQR review for Federal Wetlands. We have undertaken this review but we have no knowledge of when approval would be received. If we received approval by July it would not allow us time to complete the road by December 31, 1993.

In addition to the above, we are now applying to HUD for the apartment financing which includes a portion of Fisher Blvd. This approval process is 6 to 9 months and they do not permit any site work until they approve the project.

- - -

Mr. Secor, I believe you had a comment on here. No problem as long as conditions of approval remain in effect. You feel comfortable with that?

COUNCILMAN GUNNER: The statement in the letter are true as far as you know?

MR. SECOR: As far as I know. We have met with them. The Planning Board and all of us have been tied up with this Federal wetlands delineation. They have been involved in it now and they have to go through that process even though they finished the Planning Department. They have completely finished with the DEC and they have a mitigation plan which has been approved by the DEC for DEC regulated wetlands. They have to go back and now do this for the Federal regulated wetlands. It is a very complicated procedure.

COUNCILMAN GUNNER: I have a question. Isn't there a time limit that was a couple years ago set by the Planning Board? Now, would this be different and not go to the Planning Board because it was acted on by the Board as a PRD?

TOWN ATTORNEY KAPLOWITZ: The final building project approval was from the Town Board.

COUNCILMAN GUNNER: It was, yes. So, they...

TOWN ATTORNEY KAPLOWITZ: So, if you are going to extend it, I think you would have to come back here.

COUNCILMAN GUNNER: So, they come back here, okay.

DEP.SUPERVISOR WEBSTER: It would not have to go back to the Planning Board? There would be no reason to.

TOWN ATTORNEY KAPLOWITZ: I don't see why, you are acting only on their -- they had a recommendation but the final analysis, the decision had to be made here and I would think this is the place for it to come.

COUNCILMAN GUNNER: There was a time limit placed on...

COUNCILWOMAN GALVIN: Yes, there was.

COUNCILMAN GUNNER: Who exercised that?

TOWN ATTORNEY KAPLOWITZ: I don't remember but I assume we did.

COUNCILWOMAN GALVIN: It was a recommendation from the Planning Department. I went back and looked at it and it was a recommendation.

DEP.SUPERVISOR WEBSTER: Oh, it was a recommendation?

COUNCILWOMAN GALVIN: Yes, so have we had any response from the Planning Department?

MR. SECOR: Yes, I sat down with Mr. Lipnicky and went over this and again, that was his same comment -- as long as all of the findings statement and all of the requirements of the approval remain in effect, he has no problem. The only complication we are seeing is that when we anticipated this, there was a build out period for Fisher Boulevard with anticipation that other development may occur in the area. The first stage of Cedar Ridge is in and they've... I think they have 23 or 24 lots in that first phase that they are working on. So, there is some construction activity up there. The Town has constructed a portion of Orchard Street and we are working on another portion of it which I think Gregg is going to start this week.

MR. SAGENDORPH: Monday.

MR. SECOR: Yes, or next week we are going to start another portion of that so we have moved through on the schedule that we have presented to the Town Board 3 or 4 years ago as far as our reconstruction efforts. The developer of Cedar Ridge has moved forward and reconstructed his portion of Cedar Ridge in phase 1 and the complication would be here... would be is if the next phase of Cedar Ridge was to come in. The Planning Board would have to look at what the status is of Delmar Village. But, you know, independent of what we do, Delmar Village can't move ahead until the Federal Government gives them some kind of approval. And, they were sitting there ready to go and they just can't now.

COUNCILMAN GUNNER: Did we act on their recommendation? I just want to make sure we are not going to get something we did.

DEP.SUPERVISOR WEBSTER: On a Planning Board recommendation -- yes, we did.

COUNCILWOMAN GALVIN: Yes, we did.

COUNCILMAN GUNNER: And, what was the length of time we set? Was there a length of time from when they were approved or is it...?

MR. SECOR: The original length of time was December of 1994 and we had given them... I am sorry, December of 1993 and it was given to '94 and now they are asking to '95. Isn't that what it says -- to '95?

DEP.SUPERVISOR WEBSTER: Yes, to '95.

COUNCILWOMAN GALVIN: Don't we need a formal recommendation from the Planning Board on this after they review it? Because, one thing I noticed is in the last full paragraph there is a reference to they are now applying to HUD for apartment financing which includes a portion of Fisher Boulevard and I am unclear as to whether or not this was the whole package we acted on or not from looking at it. Whether this is one application we are acting on or in effect 2 or more.

MR. SECOR: There is still only 1 owner and 1 applicant which is H.M.C. and what they do internal to the project -- the control was within the project whether they couldn't build more than a certain number of apartments per year. There was a build out schedule in there to mitigate the impacts but that they had to construct all of Fisher Boulevard at a certain point before the development so that all the construction traffic would come out to Delaware Avenue.

COUNCILWOMAN GALVIN: Bruce, that is exactly what my question is because if we extend the end date we are not extending the change in the build out time.

MR. SECOR: That is why I put the note in there as far as keeping all the requirements in position because...

COUNCILWOMAN GALVIN: We better amend those conditions to reflect it because those had specific time frames and dates in them.

MR. SECOR: I will have to look but I think what they were tied to was so many months after the building.

COUNCILWOMAN GALVIN: Right but if it is so many months after the...

MR. SECOR: After the start but I can go back.

COUNCILWOMAN GALVIN: Yes.

COUNCILMAN GUNNER: Can we table this -- would it be advisable just to table this until we check all these things out?

MR. SECOR: Sure.

COUNCILMAN GUNNER: I don't think it is going to hurt them any because if they get it, they will have 2 years and it is not going to hurt them at all and we will be sure that we are not going to get something we may have said we wanted to do.

DEP.SUPERVISOR WEBSTER: Motion to table?

Extension
of Time
Delmar Village
Tabled

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to table the request from H.M.C. Associates for an extension of time to implement building project approval for Planned Residence District Delmar Village. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Ringler.

MRS. CAPONE: It was on last Tuesday's Planning Board meeting, they hash it out for an hour. You can find it in the minutes.

MR. SECOR: No, not on Delmar Village.

MRS. CAPONE: The guy that came over that wanted the extension because it was due and he wanted -- he had changed engineering firms...

MR. SECOR: No, that is a different development. That is Orchard Estates Subdivision further out on Orchard Street. That had nothing to do with this one.

MRS. CAPONE: Oh.

Release of
Bonding
Lauralana
Heights

DEP.SUPERVISOR WEBSTER: The next item is a request from Bruce Secor, Commissioner of Public Works, for bond release of Lauralana Heights Subdivision Ext. 1, Section 3.

COUNCILWOMAN GALVIN: I have a question for Bruce. Standard one, any outstanding liens?

MR. SECOR: I will check with Mike. I asked him to check that but I didn't get an answer. If you do it subject to that, but this is a very old one, this has been done for 4 or 5 years but just hadn't been released.

COUNCILWOMAN GALVIN: I assume it is a Letter of Credit and not a Bond because it said bond in the form of Letter of Credit.

MR. SECOR: Yes.

COUNCILWOMAN GALVIN: It is a Letter of Credit and not a bond, right?

MR. SECOR: That is correct.

The motion was made by Mr. Gunner to approve the release of bonding for Lauralana Heights Subdivision Extension 1, Section 3, pending a

check of the lien docket. The motion was seconded by Ms. Galvin and passed by the following vote:

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

DEP.SUPERVISOR WEBSTER: Next item is a request from Michael Cirillo, Engineering Service Administrator to approve Niagara Mohawk Power Corporation easement for Mohawk Trail crossing, Indian Hills Section 2.

Easement
Mohawk
Trail
Indian Hills
Sect. 2

COUNCILWOMAN GALVIN: I am missing the attachment.

DEP.SUPERVISOR WEBSTER: What...

COUNCILWOMAN FULLER: We are all missing the attachment. I called Kathy and asked her about it.

DEP.SUPERVISOR WEBSTER: Oh, okay. The attachment wasn't the easement?

COUNCILWOMAN GALVIN: What it is, it is the memorandum agreement with the Town of July 11, 1991 concerning this matter apparently between the Town and Belmonte Builders and it says attached.

TOWN CLERK NEWKIRK: Unfortunately I was out-of-Town when it went out so I can't give you complete info. There it is.

DEP.SUPERVISOR WEBSTER: There it is, a memorandum of agreement.

TOWN CLERK NEWKIRK: There is a memo.

DEP.SUPERVISOR WEBSTER: There is only one, it is attached to the Supervisor's file.

TOWN CLERK NEWKIRK: If you would like, I can get you a copy of it.

COUNCILWOMAN GALVIN: Yes, I would like that.

DEP.SUPERVISOR WEBSTER: Are you interested in the easement?

COUNCILWOMAN GALVIN: Has Bernie reviewed the easement?

TOWN ATTORNEY KAPLOWITZ: We discussed it, yes. I don't see any problem with it.

COUNCILWOMAN GALVIN: I would like to see the agreement. You want to look, Charlie?

COUNCILMAN GUNNER: No, that is okay.

TOWN CLERK NEWKIRK: I will put a copy of the agreement in your folder.

COUNCILWOMAN GALVIN: Yes, I remember this one because I remember there was a problem with it. I remember when we originally did this when Bruce, there were several questions and one of them involved meeting the construction standards. Have you verified that that's been met?

MR. SECOR: This roadway is fully constructed and been turned over to the Town and the road exists and I think we are trying to clean up the easement document. Sometimes Ni Mo will put in there that there is a removal clause and we won't accept that. And, I asked Mike specifically to look through there and make sure it wasn't in there. I think I talked to Mr. Kaplowitz about that.

COUNCILWOMAN GALVIN: So, there is not going to be any further work as a result of this.

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MR. SECOR: No, it is 100 percent done. Normally the developer will sign an agreement with Ni Mo to get started and get through and then they will draw-up the deeds, turn them over to the Town and then we will get into a separate agreement with Ni Mo because they will give us a different agreement than they will give to the developer.

COUNCILWOMAN GALVIN: Okay. I found what I was looking for -- Belmonte had agreed to pay for all costs and expenses in connection with this and is that accounted for with this \$500. check?

MR. SECOR: Yes. That was the Ni Mo fee.

COUNCILWOMAN GALVIN: Okay.

DEP.SUPERVISOR WEBSTER: Check is attached here.

COUNCILWOMAN GALVIN: Okay.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approve the Niagara Mohawk Power Corporation easement for Mohawk Trail Crossing, Indian Hills Subdivision - Section 2 and authorization to proceed. The motion was passed by the following vote:

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

DEP.SUPERVISOR WEBSTER: Next is a request from Michael J. Cirillo, Engineering Services, to approve the Yale Avenue Corner Curve Easement. I will read the memorandum.

MEMORANDUM

TO: Members of the Town Board
FROM: Michael J. Cirillo, P.L.S.
Engineering Services Administrator
date: August 6, 1993
SUBJECT: Yale Avenue Corner Curve Easement

Approve
Corner Curve
Easement
Yale Ave.

Mr. and Mrs. Richard A. Gareau are constructing a house on Yale Avenue in North Bethlehem. In order to build, it is necessary for them to install an 1 1/2 inch pressure sanitary sewer line within the right-of-way of Yale Avenue. Determining a location for this proposed line was difficult due to the existing utilities.

As is shown on the attached drawing there is an approximate ninety degree bend in the right-of-way of Yale Avenue. It is necessary to acquire a corner curve easement for utility and sight distance purposes. The easement was preferable to a fee conveyance due to the size of the existing lot (about 5000 sq.ft.).

Please find included herewith an executed deed from Agnes I. Bergmann granting the Town of Bethlehem the corner curve easement. Also included is a completed TP-584 form. The deed document is submitted for your review and formal acceptance.

Once this sanitary sewer line is installed and tested it will be turned over to the Town for future extension to service other homes in the area.

If I may provide any additional information, please telephone me at extension 137.

Have any questions from the Board?

COUNCILMAN GUNNER: I don't have the attached material, did anybody review that? Oh, you did, okay.

DEP.SUPERVISOR WEBSTER: This is the map that has been reviewed by Counsel.

COUNCILMAN GUNNER: It has been?

DEP.SUPERVISOR WEBSTER: Yes.

COUNCILMAN GUNNER: That was my question. I don't have to look at it if it has been reviewed by Counsel. I am not going to second guess him.

DEP.SUPERVISOR WEBSTER: Motion?

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approve the acceptance of a Corner Curve Easement for Yale Avenue, North Bethlehem from Agnes I. Bergmann, Castleton, NY. The motion was passed by the following vote:

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

DEP.SUPERVISOR WEBSTER: The next item on the agenda is a consideration request from Capital Wood Recycling for a permit to operate a facility near the Port of Albany. We have a request for a permit to operate a solid waste facility. The purpose of which is to shred or grind uncontaminated wood waste for shipment out of Town. Are you representing the applicant?

Discussion
Capital
Wood
Recycling
re: Permit
to operate
Solid
Waste
Facility

GENTLEMEN: Yes, we are.

DEP.SUPERVISOR WEBSTER: We do have representative from the applicant here who could present an overview of the project if the Board is so inclined.

COUNCILMAN GUNNER: I'm not against him saying something?

DEP.SUPERVISOR WEBSTER: Would you like to speak a little bit?

MR. GLOVER: Yes, thank you. I am William E. Glover, Jr. of Bio-Burn Corporation which is a partner in the Capital Wood Recycling. Bio-Burn is operating several, as we refer to them, wood yards across the State. We have had a generic approval from the DEC for these wood yards and then we seek site specific approval because there are considerations such as wetlands and noise factors and so forth that they want to look at before we proceed with the thing. We do have their approval to construct and are waiting for their approval to operate which is only being held up because we will post a bond at that time, with your approval, to proceed with the operation. Basically, we will receive clean waste wood. Clean, unadulterated wood that has not been contaminated with paint or hazard waste or anything of this sort. And, this material will be accumulated, ground, placed in trucks and hauled up to Chateaugay to Kenetech Energy systems who are using that wood to fuel the power plant to make power for sale to New York State Electric and Gas Company up in that region. It is a 20 mega watt plant.

This is recycling waste wood. We figure that the potential for this facility is to handle about 25,000 ton a year. It will probably take us 2 years to reach that level of operation. This will alleviate probably 250,000 yards of landfill space which we think is an advantage. We think of it as recycling in that we are taking waste wood and turning it into energy, I guess, by the finest thing, we are not recycling it because we are not making railroad ties or houses out of it, we are consuming it. But, it is a renewable fuel, it is a cleaner burning fuel than oil, gas, natural gas, coal or anything else in that it does not have any sulfur and other contaminants in it to dirty up the atmosphere with a modern burn system. So, it is ecologically very desirable. From a landfill standpoint, it is exceedingly desirable and it is an advantage to you and I, perhaps, somewhere down the line in the purchase of power because it is a very cost effective way of making power.

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The operation will be during normal business hours. Materials will be accepted in, probably in 3 to 5 ton loads. It will move out in 20 plus ton trailers up the Northway to Plattsburg and then head west, I guess, it is on Route 11 to Chateaugay which is about 30 miles west of Plattsburg.

Any questions, I would be happy to answer them.

DEP.SUPERVISOR WEBSTER: What you say the annual output was?

MR. GLOVER: Up to about 25,000 tons.

COUNCILWOMAN GALVIN: Without even getting into the issues involved in the importation of solid waste into the Town, I have a question that goes to exhibit 8 of your submission which is the proposed agreement. Part of that agreement, it would appear that you are looking for an exclusive dealings contract within the Town. In other words, a monopoly on the waste -- this type of waste disposal service. That would be at Article or Subparagraph 5 of the agreement. Is that what you are looking for?

MR. GLOVER: We really aren't looking for absolute... we have no problem with competition.

COUNCILWOMAN GALVIN: Well, this is one of the things that jumped out at me, the Town will not permit or contract for any other clean wood waste disposal service provided by any other party to be located in the Town of Bethlehem.

MR. SECOR: If I could add to that, that was the first draft, there is a 2nd draft with a couple minor things.

COUNCILWOMAN GALVIN: I saw the subsequent proposal, however, I wasn't sure that that was a substitute to the agreement or...

TOWN ATTORNEY KAPLOWITZ: That paragraph was removed in the 2nd draft.

COUNCILWOMAN GALVIN: Okay.

MR. GLOVER: We have no problem with that. I wasn't aware it was in there frankly.

COUNCILWOMAN GALVIN: But, you are still looking to import waste wood from outside of the Town into the Town.

MR. GLOVER: Yes.

COUNCILMAN GUNNER: I have 2 questions. 1. We are not hoarding waste material - how does that affect our Town law about importing waste materials? 2. Does this meet the solid waste guideline requirements we have within our Town ordinance which I think would require more than 1 or 1.5 acres? Is that right?

MR. GLOVER: Yes and I, perhaps, would defer to Bruce on this. I think he has been through it a little bit. We are not... we are a recycling facility if you will and a transfer station. So, material is going in and out and the DEC has set very strict rule limits about how much material we will accumulate before processing and how much processed material we will hold. In fact, in our operations elsewhere we accumulate about 700 tons and then we come in and grind and the material pretty much as ground is gone the next day. We see that we ground so much material and schedule that many trucks in to take it out. It is a potential in our eyes that we might be grinding the material pretty much as we receive it and move it out but I can't promise that because that because this requires... a grinder like this is a very sizeable investment so it would be down the road until the receipts are at a level to justify such an investment and then there would be no accumulation to speak of on the site.

COUNCILMAN GUNNER: Okay. I have no argument, I don't think, with your process as you described it, all right. It is within our laws within our Town that we have to make sure we don't violate.

MR. GLOVER: That is why I defer to Bruce a little bit.

COUNCILMAN GUNNER: Okay and I believe our solid waste law that we just recently passed, called for a larger area -- Is that true?

MR. SECOR: Based on the 25,000 tons per year, that would be on the order of about 100 tons a day -- something in that range -- and the exemption in the law is for 10 tons a day or less. So, they are obviously above that, the lower threshold. And, then you go from above 10 tons up to 300 tons a day and then you get into some other thresholds. So, we are in that middle range. And, since they are processing the waste and since the DEC has regulated this as a solid waste facility, 360 facility, I think we have to consider this as a solid waste facility within our law. Based on the 100 tons a day, our ordinance would require a minimum of 5 acres and the way our ordinance is set up for this type of processing, it would have to be inside a building. And, again, what we anticipated with this -- as I explained in the memo to the Board -- what the Solid Waste Task Force was worried about is, usually when you talk about demolition material, you are tearing down old buildings. Old buildings have asbestos, old buildings have lead paint on wood or may have lead paint on the wood but when you start shredding or grinding this up, there is the possibility of creating dust that could have some problems. And, so, we anticipated that this type of work should incur inside.

What's being applied for is a fraction of the solid waste stream whereas the ordinance is really written to be comprehensive and to look at the entire solid waste stream. They are dealing with just a selected portion of it which is looking at is uncontaminated. But, the way the ordinance is set up right now, we really don't have a vehicle to address a portion of the stream. And that is why, again, I put into the memo to the Board, when the Board adopted the solid waste law, we felt that once that was on the books and we had articulated standards for the type of solid waste facility we wanted, we could go back then and create an appeals process or a variance procedure and that is being drafted by Mike Smith's office and I expect to have that to the Board very shortly. But, we don't have that available to us at this time and so what we are stuck with here is a classic situation. We have a law and now someone has come with a process which really was not anticipated at the time the law was drafted and we really need more maneuvering room than we have available to us under the current statute. But, that I think can be taken care of in the future. But, it is not going to give them relief, you know, instantaneously.

It does not at all address your other question about the importation. That is a whole other issue.

COUNCILMAN GUNNER: Yes.

COUNCILWOMAN FULLER: And, this is strictly a construction permit that you received. There isn't any operating permit at all.

MR. GLOVER: The operating permit is prepared and is being held in the DEC office subject to our submitting a bond.

COUNCILWOMAN GALVIN: Mr. Glover, referring specifically to that, in Exhibit 5 of your attachments there is the permit form from DEC dated May 2, 1993 which specifically refers to authorization of activity and that refers in turn to special condition 1 which relates back to the plans and specifications which you submitted to DEC. I would like a copy of those plans and specifications that you submitted to DEC in this permitting process.

MR. SECOR: I think I gave that to you in exhibit 1. Mr. Glover doesn't have the package that you have so just let me look that up for a second. In what I put together for the Board, exhibit 1 was the application that Bio-Burn put into the DEC and everything I have in the file is on that.

COUNCILWOMAN GALVIN: Is that the... Is that specifically the material that is referred to in the May 2nd 1993 permit under special condition 1?

MR. SECOR: Let me just get to the permit. Condition 1, all right. In the general condition referring to the specs and what you submitted to the DEC was this application and the attachments.

MR. GLOVER: Right, yes.

MR. SECOR: I just Xeroxed what you gave me.

MR. GLOVER: That is right and the one thing that Ken and I don't have with me -- yes, I do. Okay was this and the cover letter. I think you would have a letter of January 14 by William F. Coslic Associates and a site plan.

MR. SECOR: I don't remember seeing that.

MR. GLOVER: Okay.

COUNCILWOMAN GALVIN: It appears to me that what we have is partial but not necessarily complete.

MR. GLOVER: It could have been left out by... I think this is the one.

MR. SECOR: Ms. Galvin, the material I gave to the Board exhibit number 1 was presented to me as the application that went to the DEC and I spoke to the DEC. I did not get this specifically back from them but I can verify from the DEC file that the specifications they are referring to is what you have in exhibit 1 but I believe that to be the case.

COUNCILWOMAN GALVIN: Well, my problem then, if exhibit 1 is the attachment that went to DEC, the best I can tell, there is some portions of exhibit 1 that we don't have. For example, attachment B which refers to the engineering plan. It says please see attachment B.

MR. SECOR: I have some full scale drawings which I didn't Xerox. I couldn't fit them down in the package but I have those.

MR. GLOVER: And, I didn't bring mine.

MR. SECOR: No, but, in fact, I have them with me.

COUNCILWOMAN GALVIN: Okay and it also refers to an economic analysis. There are several attachments. I think it is a through about k, if I recall correctly that are referred to in your exhibit 1 which are necessary to make sense out of the whole application process.

MR. GLOVER: They should have been sent along. I would think that they were copied but I will make a note and see that they are forwarded to Bruce for your consideration. I don't have them. There are no secrets in any of it.

COUNCILWOMAN GALVIN: Because it is very difficult to even ask you questions with only half the documentation. There are a lot of questions...

MR. GLOVER: Yes.

COUNCILWOMAN GALVIN: ...that may be answered in there.

MR. GLOVER: There are no real surprises in there. The primary thing is the engineering -- I am kind of going by memory -- which was completely gone through with the DEC and met all of their requirements. It was approved by the Army Engineers, etc., etc. The economic analysis is such as to show that basically that we are not going to have an eyesore or something that we would walk away from and leave the Town, the County, or the State in the lurch, hung with... to reach a little bit of the super fund sort of site. It won't be that, it can't be. It is bonded. We do have an iron clad contract with Kenotech to remove all fuel produced on site and to clean up the site upon closure. And, that is absolute. Other listings are such things as emergency response in the event of

accidents and so forth, all of which are on file, are in place at the site. They should have been included. That is the sort of information that is there.

COUNCILWOMAN GALVIN: I think some of them... I believe some of them are included and your exhibits were marked with large capital letters in a circle, I think.

MR. GLOVER: Yes.

COUNCILWOMAN GALVIN: Some of them are included but not all of them and that is where part of the problem came up.

TOWN ATTORNEY KAPLOWITZ: Bruce, where do you think we stand as far as this variance procedure is concerned with Mike?

MR. SECOR: If I... Mike Smith will be back on Monday. I will sit down with him. We would hope to get it to the Board by a week from Friday, get the draft out and then it really needs to be read over.

TOWN ATTORNEY KAPLOWITZ: For purposes of clarification, they received their En Con permit to construct in May. In June the Town adopted...

MR. SECOR: The end of June.

TOWN ATTORNEY KAPLOWITZ: The end of June a new procedure, we will call it for siting and permitting of solid waste facilities. There are a lot of questions in our minds, most of which I think we have answered. But, that ordinance that was provided in June, provided that existing solid waste facilities were exempt from the ordinance. And, that is one of our major problems, I think is that hurdle. There is an argument as to whether you are an existing facility or not. I have to honestly say, in my opinion, you are not because you had only a permit to operate but -- excuse me -- a permit to construct but not to operate and for some other reasons I think that there is a problem. Bruce hit the nail on the head. The law we adopted and ordinance we adopted never anticipated your kind of use. We certainly weren't looking for it or trying to ban it or anything else, we never dreamed it would come along. The variance procedure that Bruce is talking about is probably the best thing that can happen and I think at that time somebody -- I think it would be a public hearing and somebody could make a decision. But, I think we have a real problem unless you determine on your own that this is a new facility and therefore -- excuse me -- an existing facility and therefore, exempt. I think there is a real problem. You would not be complying with the law we adopted in June and that has given us a headache, I think.

MR. GLOVER: Well, there is really no construction to be done.

TOWN ATTORNEY KAPLOWITZ: I know that. I realize that but to call you existing, I think you would have to have been in operation.

MR. GLOVER: The required work on site was done in early May and approved.

COUNCILWOMAN GALVIN: Who approved it?

MR. GLOVER: By the DEC engineers, inspected by Tom McDonough and the Corps of Engineers had prior approved and had one requirement for fencing which was installed early April, I believe.

COUNCILWOMAN GALVIN: At what point did you first approach the Town?

MR. GLOVER: I can give you a name -- yes, it was back last fall.

COUNCILWOMAN GALVIN: And, who did you contact at that time?

MR. GLOVER: A John Flanigan and he had taken a look at things and came back to us -- it's somewhere just prior to October and he came back with the only requirement that he would be concerned about was the findings on wetlands and approval of the Corps of Engineers.

COUNCILWOMAN GALVIN: What about importation of waste... solid waste from outside the Town?

MR. GLOVER: This was not brought up and I didn't think to ask it because I didn't know that it would be a consideration.

COUNCILMAN GUNNER: And about our own solid waste law which it would be.

MR. GLOVER: Well, depending... at that time it was 7 or 8 months away, I don't know if he was aware of it.

COUNCILMAN GUNNER: Yes, right, in October it would have been.

MR. GLOVER: And so we did contact the Army Corps of Engineers. I think we had their approval letter dated about February 1. Somewhere in that period, it is in the file, I know. And, we received it from there.

MRS. ALLIGER: Mr. Webster, could I ask a question?

DEP.SUPERVISOR WEBSTER: Yes.

MRS. ALLIGER: I was just wondering about the size of the trucks that would be used to bring this material in and also routes that they would be taking.

DEP.SUPERVISOR WEBSTER: They would be coming into the Port of Albany and out of the Port of Albany I would imagine by way of 787.

MR. GLOVER: Yes. 787 and 32 or whatever.

DEP.SUPERVISOR WEBSTER: 32 into the Port.

MR. GLOVER: And be the same route as the trucks for Cargill or Cirillo or all the rest of them. There is considerable heavy traffic down that way. We are all the way at the end of the road.

DEP.SUPERVISOR WEBSTER: It is conceivable that an occasional truck will be passing through Town if we are leaving a site where they were removing trees, stumps or something of that nature enroute to the facility. That would be a once in a while occurrence.

MR. GLOVER: Which would be a normal occurrence anyhow. They would be going somewhere.

DEP.SUPERVISOR WEBSTER: Yes.

COUNCILWOMAN GALVIN: What is the experience of Bio-Burn in operating this type of facility?

MR. GLOVER: We have had, as far as I have to be what... not egotistic -- we have had completely clean marks from the DEC in our operation since 1981 and we have been supplying wood for fuel for that entire period to Colgate University, to several psychiatric institutions throughout the State -- one south of Buffalo and one down in Binghamton, another one up in the Saratoga Springs area.

COUNCILWOMAN GALVIN: How many tons a day are you talking about processing at your facility, not the new proposed facility but existing?

MR. GLOVER: Right now we are probably handling, I would say, probably 75,000 to 80,000 ton a year which would be -- divide by 250, probably 300 ton a day.

COUNCILWOMAN GALVIN: Are you currently under contract for obtaining waste for processing the... waste wood for processing?

MR. GLOVER: Throughout upstate New York for Kenetech. Actually our contract is Kenetech Resource Recovery which is an arm of Kenetech Energy Services and they are all tied in as one company.

COUNCILWOMAN GALVIN: Do any of those contracts provide the waste material that you would anticipate being used at this facility if it were approved?

MR. GLOVER: All of it is from this facility would go to that purpose.

COUNCILWOMAN GALVIN: What would be the source of your raw material?

MR. GLOVER: Tree waste, skids, pallets, boxes.

COUNCILWOMAN GALVIN: From where?

MR. GLOVER: Manufacturing, it might be from General Electric, trucking companies, distribution companies, Price Chopper warehouses.

COUNCILWOMAN GALVIN: Are you under contract for obtaining any of the raw material for the proposed facility at the present time?

MR. GLOVER: No, not at this time. We have not entered into a contract that would be presumptuous.

COUNCILWOMAN GALVIN: Have you started negotiations?

MR. GLOVER: Yes, we have contract several hundred suppliers.

COUNCILWOMAN GALVIN: Where would they be located?

MR. GLOVER: Basically, the primary source of the material or the method that the material is brought in is by existing refuse haulers, 360 permitted haulers. And, that they will have dumpsters, the 30 yard buckets or larger or some smaller, for that matter, placed at various manufacturing plants or distribution centers such as, say Price Chopper in Schenectady. Then the wood would be segregated and collected in those. When they are full, they are brought into us.

COUNCILWOMAN GALVIN: Your contract would be with the hauler, not with the original source, is that correct?

MR. GLOVER: We look to both, generally. Where there is a container put on site, say for General Electric and for a large corporation like -- I will use General Electric, which is a handy thing or somebody equivalent -- they are very concerned about contingent liabilities. They have been hung up on super funds site and what have you and there is no contingent liability because it comes to us, it goes to the plant, it is burnt and any liability stop at that point as long as we meet all of our criteria.

COUNCILWOMAN GALVIN: Unless you are under Circla.

MR. GLOVER: Pardon.

COUNCILWOMAN GALVIN: Unless you are under Circla.

MR. GLOVER: Right. And, so this is an area of comfort. So, by and large corporations contract with us and contract with the hauler. They haul to us, we bill them for the tip fee and the hauler bills them for the hauling fee. This way they have the double check that -- yes, it went where it was supposed to -- yes, there was that much aboard and that sort of thing. So that they have documentation which they require.

COUNCILWOMAN GALVIN: And, you don't have your own trucks going out and doing collection.

MR. GLOVER: No, we don't intend to do this and we will not do this.

COUNCILWOMAN GALVIN: You have mentioned General Electric. You have mentioned Price Chopper, what other stores would you be looking to tap for the raw material for your proposed project if it were approved?

MR. GLOVER: Tree services, towns and villages, governmental entities for their tree waste from parks or rights-of-way work.

COUNCILWOMAN GALVIN: It would be from outside of the Town in addition to within?

MR. GLOVER: In part, yes. DOT, Department of Transportation whether it is local or State. Niagara Mohawk.

COUNCILWOMAN GALVIN: Have you done any estimates in terms of projections or percentages of where you would be expecting to get the bulk of your raw material from?

MR. GLOVER: Our experience is about 80 percent of it is industrial skids and pallets and most of it is coming out of manufacturing operations and from distribution centers, such as Price Chopper -- which is the one reason why I mentioned them. And, there are others around... I have the list here, without going down through it.

COUNCILWOMAN GALVIN: I would like to have a copy of that list provided to us with the location of the sources and anticipated percentages of materials to determine how much of this would be imported waste into the Town if it were approved.

MR. GLOVER: I would be hard put to put numbers on that because we have not talked to them and quantified where they are. I can give you a list of, let's say, a couple hundred prospects for the material.

COUNCILWOMAN GALVIN: That would be helpful.

MR. GLOVER: And, with their addresses just so that you would have an idea of the distribution. Basically it is... pardon...

COUNCILWOMAN GALVIN: And the type of waste they would be generating, whether it be pallet or...

MR. GLOVER: Yes.

COUNCILWOMAN GALVIN: Well, I ask because when you start talking about dealing with General Electric and Niagara Mohawk, for years their capacitors were considered to be harmless and subsequently there was a totally different change of opinion.

MR. GLOVER: Right. We won't accept any treated wood. We will not accept painted wood and that sort of thing. And, anything... for instance, we have an operation in the area of Gloversville and we won't take any material out of any of the leather processing plants because with the chrome content that has gotten onto the skids.

COUNCILWOMAN GALVIN: How do you determine whether or not the wood has been treated in any way? Painted is easy to spot in general but certain of the treatments don't necessarily show.

MR. GLOVER: Creasol shows up and the green wood shows up and that is the primary. Yes.

COUNCILWOMAN GALVIN: But, there are some others that are not as obvious. Do you have an inspection process? And is so, what is it.

MR. GLOVER: It is a visual inspection which is reasonably reliable because you can pretty much spot this. It is pretty easy and the basic woods that we are receiving -- if you see something that looks like somebody's backyard deck, then you suspect it. If it is a skid, it is a skid and it hasn't been treated.

COUNCILWOMAN GALVIN: Who is responsible for your inspection process and what...?

MR. GLOVER: We have a man on site at all times and we take him through a whole course of events and he would probably spend some time at our other sites just to have an indoctrination. We have not seen any problem. We have done sampling of material out of the site at Utica and we have been well in excess, not only of the State standards which are about 3 times as stringent -- I am sorry, as well as the Kenotech standards. The Kenotech standards are 3 times as stringent as the State's standards. And, I should note too that this

whole thing, the Kenotech plant and our operations have been approved as beneficial use determination by the State DEC.

COUNCILWOMAN GALVIN: On your list of potential prospects, do you have the Watervliet Arsenal?

MR. GLOVER: No, as a matter of fact, I...

COUNCILWOMAN GALVIN: That solved a lot more questions.

MR. GLOVER: It is probably a good suggestion.

COUNCILWOMAN GALVIN: Not necessarily.

MR. GLOVER: No, we don't.

DEP.SUPERVISOR WEBSTER: Don't put that down as a suggestion then.

MR. GLOVER: No. One growing trend is for haulers... are setting up their own -- let's call them mini transfer stations, within their 360 permits. They are bringing loads, particularly from industries where they have placed the containers or boxes and they will separate that material. They are recovering metal. They are recovering cardboard. They are recovering newsprint and the clean wood and these go because our method of disposal is much cheaper, much more economic and better for everybody. And, this is something that is happening more and more with refuse haulers because it reduces their operating costs and gives them some cost recovery.

COUNCILWOMAN GALVIN: What would be the geographic area that you would be seeking input for your waste stream from?

MR. GLOVER: I would say a 25 to 30 mile radius is the real extent. A hauler, it isn't economic to go much further than that.

COUNCILWOMAN GALVIN: You wouldn't be going up to say the Washington County area or down to the New York City area.

MR. GLOVER: No. We are in the process of establishing a wood yard in the Newburgh area. So that kind of stops us because we won't overlap. No, we won't be going very far.

COUNCILWOMAN GALVIN: We couldn't expect to see barges coming up the Hudson loaded with waste wood.

MR. GLOVER: Only when the tide is coming in and then we won't bother with a barge, we will just float it up. I will get in trouble if I get wise.

COUNCILWOMAN GALVIN: How about Conrail? Do you intend to import any by rail?

MR. GLOVER: No. Rail shipment is uneconomic. This is a material of very nominal value so excessive handling and excessive hauling is erroneous, it just doesn't work.

COUNCILWOMAN GALVIN: Would you be looking to facilities such as Conrail as a source of your wood products?

MR. GLOVER: We have and they really produce very little. It hasn't paid off for us.

COUNCILWOMAN GALVIN: The ties are treated.

MR. GLOVER: We don't touch the ties, no. That is for somebody else.

DEP.SUPERVISOR WEBSTER: Any, Charlie.

COUNCILMAN GUNNER: You are not going to ask for any action on this tonight, are you?

DEP.SUPERVISOR WEBSTER: No, I am not going to, no. I was going to make a suggestion. We have... Mike is coming back on Monday, we want to talk to him about an appeals process. We have made a couple of

request for additional information that we would like and there is still the question of whether it is a new or existing facility. I think all of those questions have to be answered and I was going to suggest that, perhaps, unless there is some further information, perhaps we ought to table it this.

COUNCILMAN GUNNER: Yes, I think we ought to get our questions answered.

DEP.SUPERVISOR WEBSTER: Table it until we get all of these questions answered and if there is anything else you would like to ask of Mr. Glover tonight...

COUNCILWOMAN FULLER: Yes, I do.

COUNCILMAN GUNNER: I am glad that we are going to table it because if we don't, I would have to vote no.

DEP.SUPERVISOR WEBSTER: Yes, no. Sheila, I am sorry.

COUNCILWOMAN FULLER: Simple question, I would like to know if you have familiarized yourself with the solid waste law here in the Town and if you haven't, has your attorney.

MR. GLOVER: Our attorney has and I have not had an extensive conversation with him. Mr. Secor has familiarized me some with it and I do now have a copy of it in my hand so I will have an opportunity to read it. We only acquired it, I think, maybe last week and one of our associates has looked at it and our attorney has looked it and gave me a broad interpretation. And, we will take a hard look at it.

COUNCILWOMAN FULLER: So, you didn't have an opportunity to look at it before this time.

MR. GLOVER: No.

DEP.SUPERVISOR WEBSTER: I think we both need a little time to...

MR. GLOVER: I am not a legal eagle.

DEP.SUPERVISOR WEBSTER: Okay. Motion to table.

Request from Capital Wood Recycling For Permit Tabled

The motion was made by Ms. Galvin and seconded by Mr. Gunner to table the request from Capital Wood Recycling pertaining to a permit to operate a facility for recycling of used wood at the Port of Albany. The motion was passed by the following vote:

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

MR. GLOVER: Thank you ladies and gentlemen.

DEP.SUPERVISOR WEBSTER: Thank you.

Approve Election Inspectors and Poll Clerks as Replacements

DEP.SUPERVISOR WEBSTER: Next item is to approve the appointment of Election Inspectors and Poll Clerks as recommended by the Republican Committee. They are replacements in Districts 11, 16, 10 and 18.

The following resolution was offered by Mrs. Fuller and seconded by Mr. Gunner:
RESOLVED, that pursuant to Article 3 of the Election Law, the following persons be and they hereby are appointed Election Inspectors and Poll Clerks as recommended by the Republican Committee for the term beginning July 15, 1993 through July 14, 1993 as follows:

Dist. 11 - Florence Gallagher, 183 Rowland Ave., Delmar, NY to replace Adella Strickland as Poll Clerk.

District 16 - Adrienne Gordon, 38 Nathaniel Blvd., Delmar, NY to replace both Lillian Kuhn & Alice Suedemeyer as Election Inspector.

District 10 - Frederick W. Stratmann, 22 Erie Drive, Slingerlands, NY to replace Margaret VanDenberg as Election Inspector.

District 18 - Clara Mayberry, 48 Marlboro Road, Delmar, NY to replace Odette Fox as Election Inspector; Ruth Downs, 12 Quincy Ct., Glenmont, NY and Betty Spooner, 11 LaGrange Rd., Delmar, NY will share the duties of Election Inspector.

COUNCILWOMAN GALVIN: We are trying to find it. I don't think I have a copy of it.

TOWN CLERK NEWKIRK: That is the new material that was put in tonight. It is back with a paper clip in the back.

COUNCILWOMAN GALVIN: Okay, thank you. Sorry about that.

TOWN CLERK NEWKIRK: It was with the new agenda copy.

The resolution was adopted by the following vote:

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

DEP.SUPERVISOR WEBSTER: Next is a recommendation from Bruce Secor, Commissioner of Public Works, for acceptance of engineer's report and accept a Letter of Credit and authorize request for final approval from NYS Comptroller's Office and Supervisor to sign agreement with the developer for the Bender Lane Water District. Bruce, do you want to brief us on this?

Discussion
Bender Lane
Water District

MR. SECOR: Yes, back in '86 we started this process for the Bender Lane Water District Extension which basically takes in the area from Bender Lane and just below Dumbarton... Devon, all the way down to 9W. And, what happened is we had the public hearing, the Board passed the resolutions, we got the NYS Comptroller's office approval. The only thing we didn't have was the \$270,000 bonding from the developer. Because of market conditions, at that time it was Mr. Rosen, he just was not able to bring it in. The area has changed hands, there is new developer involved, The Swift Group which is in partnership with, I think, Paulsen, and they have now brought forward the \$270,000 bonding. Since this is a 1986 report and since the whole area has gone through revaluation since then, we had to recalculate the tax rates and recalculate the debt service schedule and that is basically what Jim Fraser's letter of June 9th is and the Board got a copy of that. It shows the new tables in there which really just updated the tables that were in the report. The developer is still picking up 90% of the total cost of the project or guaranteeing 90 percent of the total cost of the project. We simply recalculated the tax rates to reflect the new assessed valuations that are down in that area.

The \$300,000 maximum amount to be expended which was stated in the 1986 report is still... we are still holding that number because a portion of the pipe has been put in the ground by the original developer. There was a tie in on Bender Lane and some pipe to go down Bender Lane also a piece on the other side of the Bypass was put in... you know, in conjunction with the new road construction for the phase 2 of the Meadows. So, some of the pipe is in the ground, so some of the costs have already been absorbed by the developer in order to keep this thing moving forward. So, at this point, I would ask if the Board would accept this update of the report and put it on file with the Town Clerk and that would bring the report up-to-date. There are no major changes in here, therefore, I would recommend it. There is no reason to go back and have a new hearing or do anything on that. There just isn't any major change in that.

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The second thing is the Letter of Credit, the \$270,000 Letter of Credit, ask the Town Board to accept that and again, put that on file with the Town Clerk so then we can forward that to the Comptroller's office and then the last thing was to authorize the Supervisor to enter into that agreement where the developer guarantees the payment of up to 90% of the total construction cost for the water main extension.

COUNCILWOMAN GALVIN: Has Bernie reviewed the agreement?

MR. SECOR: I don't know if he has had a chance.

TOWN ATTORNEY KAPLOWITZ: No, I haven't seen the agreement.

MR. SECOR: All right. I will get you a copy. The agreement was drawn by bond counsel and sent up and it may have been some time ago. Mr. Welt has seen it. It was returned to the Water District. I don't know that Mr. Kaplowitz has seen it.

DEP.SUPERVISOR WEBSTER: Any other questions for Bruce while Bernie is looking this over.

TOWN ATTORNEY KAPLOWITZ: The agreement without exhibits is only about 3 pages long and I am sure that Dixon has seen it, prepared by bond counsel, I am sure you can go ahead and adopt it.

DEP.SUPERVISOR WEBSTER: The agreement is only a page and a half.

TOWN ATTORNEY KAPLOWITZ: Yes.

COUNCILWOMAN GALVIN: What is the date that is to be filled in in item number 1?

MR. SECOR: I am sorry, what was that?

COUNCILWOMAN GALVIN: What was the date to be filled in in item number 1? One of the... a date each year prior to the finalization of the assessment rate. Do we have a specific date and also the Town shall give the developer blank days prior to the notice?

MR. SECOR: That would have to be after the Board passes the budget and before the tax bills are sent out. So, that would be some time in November.

COUNCILWOMAN GALVIN: But, we need a date and a number of days.

MR. SECOR: Okay.

COUNCILMAN GUNNER: Now, we have 2....

TOWN ATTORNEY KAPLOWITZ: What date are you looking for, Bruce?

MR. SECOR: Well, the Town Board passes the budget sometime in either October or November.

TOWN ATTORNEY KAPLOWITZ: Right.

MR. SECOR: And, at that point, you could set the tax rates. The tax bills go out in January. So, it would have to be some time around the end of November, beginning of December, you would have that.

COUNCILWOMAN GALVIN: We would have to have a date.

MR. SECOR: I'm sorry.

COUNCILWOMAN GALVIN: We have to have a date and a number of days.

TOWN ATTORNEY KAPLOWITZ: Where are you looking?

COUNCILWOMAN GALVIN: Paragraph 1, Bernie.

TOWN ATTORNEY KAPLOWITZ: Where?

MR. SECOR: On the agreement. Here it is right here where there is a blank space.

TOWN ATTORNEY KAPLOWITZ: Are based on the....

COUNCILWOMAN GALVIN: I move that we table this until we can get this reviewed and fill in the blanks.

MR. SECOR: And, fill in the blanks.

The motion was made by Ms. Galvin to table the request for the Supervisor to sign the agreement until this is reviewed and the blanks completed.

DEP.SUPERVISOR WEBSTER: How important is that date?

MR. SECOR: Well, we have to make one up. We can't have an agreement without it.

COUNCILWOMAN GALVIN: And, we can't sit here and pick one because it is going to be based on both the Assessor and on what the Comptroller says. So, we need input from people who aren't here.

COUNCILMAN GUNNER: Do you agree to that, Bruce?

MR. SECOR: Yes, and again I burned past this, I just thought we could put in a number there. You are right, we really need to specify that. I would ask though, if the Board could, if you could accept the Letter of Credit and accept the Engineer's report. Then I can forward that to the Comptroller's office and get that part of the process started and then we can pick up on this agreement. If we could do that.

DEP.SUPERVISOR WEBSTER: Any objection to that? I have a motion to table the rest of the agreement until we can get the dates filled in for the next meeting.

TOWN CLERK NEWKIRK: Ms. Galvin made a motion to table it.

The motion was seconded by Mrs. Fuller.

DEP.SUPERVISOR WEBSTER: You are saying table the whole thing?

COUNCILWOMAN GALVIN: Well, I have a problem with that because in the letter from the Comptroller's office, office of Counsel, Mitchell Morris, it specifies, in addition we will need documentation that the Town will not proceed to construct unless and until such agreement has been executed and such security posted. So, it sounds like they need a copy of both. Just forwarding the Letter of Credit won't do it.

MR. SECOR: But, when they say they want documentation. If we have a letter from the Town saying that we will not construct this -- I mean, that is just a matter that we are not going to put it out to bid and construct it and incur the cost, we have to forward the agreement back to them anyway.

COUNCILWOMAN GALVIN: Yes.

DEP.SUPERVISOR WEBSTER: Is that all right?

COUNCILWOMAN GALVIN: Bernie, what is your opinion?

TOWN ATTORNEY KAPLOWITZ: You are talking about tabling the agreement.

COUNCILWOMAN GALVIN: Until it is complete.

TOWN ATTORNEY KAPLOWITZ: Yes, fine. Is there an emergency, Bruce?

MR. SECOR: No, the thing is I have been trying to get this in the ground for a number of years and I... the Comptroller's office is going to take some time for turnaround. What I would like to do is get the cover letter off to the Comptroller's office and say here is

the Letter of Credit, here is the updated and this and then the agreement can follow.

DEP.SUPERVISOR WEBSTER: Then you won't be holding the project up at all.

TOWN ATTORNEY KAPLOWITZ: I don't have any problem with that. Accept the Letter of Credit.

COUNCILWOMAN GALVIN: Specifying in the letter that we are still working on the terms of the agreement.

TOWN ATTORNEY KAPLOWITZ: Right.

DEP.SUPERVISOR WEBSTER: Then we are not holding anything up.

TOWN ATTORNEY KAPLOWITZ: Just hold up the agreement itself for the dates you are looking for.

DEP.SUPERVISOR WEBSTER: And, that's not of importance.

MR. SECOR: I am not going to get one day turnaround from the Comptroller's office. I know that.

TOWN ATTORNEY KAPLOWITZ: Right now you are lucky if you get 6 months turnaround. Then you have a new comptroller who is throwing everybody out.

COUNCILMAN GUNNER: Does the Town Clerk have what we just said?

DEP.SUPERVISOR WEBSTER: Do you have the proper?

TOWN CLERK NEWKIRK: I think basically the motion originally was to move to table the agreement until it's reviewed and filled in, the blanks on there. You need a second... you need to vote on that motion and then you need a second motion to accept the Letter of Credit and the Engineer's report which would make the individuals in that case.

COUNCILMAN GUNNER: Very good, very good.

TOWN CLERK NEWKIRK: I ma paying attention.

COUNCILWOMAN GALVIN: Right on the mark.

DEP.SUPERVISOR WEBSTER: So, we have a motion and a second.

Bender Lane
Water Extension
Agreement
Tabled

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to table the authorization of the Supervisor to sign the Agreement for the Bender Lane Water District Extension. The motion was passed by the following vote:

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

- - -

Accept
Letter of
Credit and
Engineer's
Report -
Bender Lane
Water District
Extension

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to accept the Letter of Credit and the Engineer's Report regarding the Bender Lane Water District Extension. The motion was passed by the following vote:

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

DEP.SUPERVISOR WEBSTER: Hopefully this won't hold it up.

TOWN CLERK NEWKIRK: Now we are straight and you have what you need.

COUNCILWOMAN FULLER: It has been held up all these years, I wouldn't worry about another 2 weeks.

DEP.SUPERVISOR WEBSTER: You don't live on Bender Lane.

COUNCILWOMAN GALVIN: One matter that is not on the agenda I would like to raise. We have just received this evening from our Assessor some information concerning the... because research on the homestead action...

DEP.SUPERVISOR WEBSTER: I haven't seen that, no.

COUNCILWOMAN GALVIN: It was in our packet this evening.

DEP.SUPERVISOR WEBSTER: Oh, okay, I did not see the other information in the packet.

COUNCILWOMAN GALVIN: Since we are going to be looking at assessment matters, I also would like to request that the Assessor and our Supervisor look into the new legislation which was just signed by the Governor concerning an option which towns have with respect to certain tax alleviation and tax help for people who make substantial changes to their homes during the course of the tax year. It was just signed.

DEP.SUPERVISOR WEBSTER: I think that is good, that's a good point.

TOWN ATTORNEY KAPLOWITZ: I am sure that, you know, they will.

DEP.SUPERVISOR WEBSTER: You look at that, Counsel?

TOWN ATTORNEY KAPLOWITZ: Well, I am familiar with it. Somebody who substantially remodels or adds a room or something to the home will no longer have to fear being immediately reassessed under the new legislation. It puts off the reassessment period for a year, at least a year, and then gives them the opportunity to spread it over the next 8 years... over an 8 year period.

DEP.SUPERVISOR WEBSTER: To bring it in gradually.

TOWN ATTORNEY KAPLOWITZ: Yes, over an 8 year period. But, I am sure that when that becomes law and takes effect, we will have received a lot of information from the Comptroller and everybody else in the State.

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DEP.SUPERVISOR WEBSTER: Anything else from any Board members?

COUNCILMAN GUNNER: I meant to do it the last meeting, I missed the opportunity. Everything moved too fast for me on adjourning the meeting and we were out of here before I... but, I thank you for the opportunity.

I just wanted to thank... take the opportunity to thank our Town Clerk, Mrs. Newkirk, for a job well done on obtaining and putting into the operation this project on restructuring and defining all of our records that have been around the Town for a long time. And, we have gotten \$30,000 about already.

TOWN CLERK NEWKIRK: Yes, you have received \$30 some with the first grant which I think was \$32 something and I have received over \$16,000 on the new grant and we will be having a report and some information at the next Board meeting to bring you up to date.

COUNCILWOMAN GALVIN: You should be commended.

TOWN CLERK NEWKIRK: Thank you.

COUNCILMAN GUNNER: I just.. I think it is a really worthy project because you never know when you are going to need some of the history and it is important to save things like that.

DEP.SUPERVISOR WEBSTER: That's for sure.

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COUNCILMAN GUNNER: Thank you.

TOWN CLERK NEWKIRK: Thank you.

DEP.SUPERVISOR WEBSTER: Anything else from anyone? There was nothing.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to adjourn the regular Town Board meeting at 8:53 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Ringler.

Kathleen A. Newkirk
Town Clerk