

TOWN BOARD  
DECEMBER 23, 1992

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

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

ABSENT: Sheila Fuller, Councilwoman

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SUPERVISOR RINGLER: Good evening, I would like to welcome everyone to a regular meeting, business meeting of the Bethlehem Town Board. It is not a public hearing this evening, however, as the past practice, if at the end of any agenda item anyone has a question, like to raise your hand, we will try to answer it for you and at the end of the meeting if anyone who would like to bring any subject to the attention of the Board, may do so.

This is, I will be perfectly frank for the audience, this is not a very exciting meeting tonight. This is basically a bookkeeping meeting. At the end of the year we have a lot of transactions that we have to do to straighten out the books before we close them out so that is basically what we are going to be doing.

First item on the agenda tonight is a request from Judith Kehoe, Comptroller, for approval of transfers of \$26,300. from Material Reprocessing Facility to the Debt Service Reserve Fund and \$2,900. from Major Water Improvements to Debt Service Reserve.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that \$26,300. from Material Reprocessing Facility be transferred to Debt Service Reserve Fund and \$2,900. from Major Water Improvements be transferred to Debt Service Reserve. Any discussion? There was none. The motion was passed by the following vote:

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

Transfer  
Funds  
Material  
Reprocessing  
Facility to  
Debt Service  
Reserve Fund

SUPERVISOR RINGLER: Next I have a request from Mrs. Kehoe, Comptroller, for approval of request to abolish Capital Reserve funds -- the Police Radio Improvement fund, the Sewer Project Number 53, the Materials Reprocessing Facility fund, the Water Standpipe Improvement fund and the Major Water Improvement fund.

The motion was made by Ms. Galvin and seconded by Mr. Webster to abolish the Capital Reserve funds as follows:

Police Radio Improvement Fund  
Sewer Project No. 53  
Materials Reprocessing Facility  
Water Standpipe Improvement Fund  
Major Water Improvements.

The motion was passed by the following vote:

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

Abolish  
Capital Reserve  
Funds -  
Police Radio  
Improvement  
Fund, Water  
Standpipe  
Improvement  
Fund and  
Major Water  
Improvements

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SUPERVISOR RINGLER: Next a request from the Deputy Comptroller -- let's spread this out a little -- for approval of transfer of funds -- Town Attorney from Contingent, Unallocated Insurance, Workers Compensation (Total \$77,600.) to Personnel Services (\$3,500.) and

Contractual Expenses (\$74,100.); Shared Services from Hospitalization (\$8,000.) to Contractual Expenses (\$8,000.); Town Clerk from Contingent Account (\$1,900.) to Personnel Services (\$1,900.); Elections from Workers Compensation (\$75.00) to Elections (\$75.); Data Process from Equipment (\$150.) to Personnel Services (\$150.); Historian from Workers Compensation (\$30.) to Personnel Services (\$30.).

The motion was made by Mr. Webster and seconded by Mr. Gunner that the following transfers be and they hereby are approved:

Town Attorney			
From:	A1990.4 Contingent Account	\$27,000.	
	A1910.4 Unallocated Insurance	25,000.	
	A9040.81 Workers Compensation	25,600.	
To:	A1420.1 Personnel Services		\$ 3,500.
	A1420.4 Contractual Expenses		74,100.
Shared Services			
From:	A9060.81 Hospitalization	\$ 8,000.	
To:	A1620.4 Contractual Expenses		\$ 8,000.
Town Clerk			
From:	A1990.4 Contingent Account	\$ 1,900.	
To:	A1410.1 Personnel Services		\$ 1,900.
Elections			
From:	A9040.8 Workers Compensation	\$ 75.	
To:	A1450.4 Elections		\$ 75.
Data Processing			
From:	A1680.2 Equipment	\$ 150.	
To:	A1680.1 Personnel Services		\$ 150.
Historian			
From:	A9040.8 Workers Compensation	\$ 30.	
To:	A7510.1 Personnel Services		\$ 30.

Further discussion? There was none.

The motion was passed by the following vote:

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

Transfer  
 Funds  
 Police  
 Dept.

SUPERVISOR RINGLER: Next I have a request from the Chief of Police to transfer \$500. from the Communications budget 3020.1 to the Animal Control budget 3510.1.

The motion was made by Mr. Webster and seconded by Ms. Galvin to approve the transfer of \$500. from account no. 3020.1, Communications, to account no. 3510.1, Animal Control.

Any discussion? There was none.

The motion was passed by the following vote:

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

Acknowledge  
 Receipt  
 Final Plat  
 Approval  
 Upper Parker  
 Road

SUPERVISOR RINGLER: Next I would like to acknowledge receipt of Certificate of Approval of Final Plat for the Upper Parker Road Subdivision, Selkirk, from the Planning Board for information purposes.

SUPERVISOR RINGLER: Next I would like to acknowledge receipt of the Certificate of Approval of Final Plat for Three Hills Subdivision from the Planning Board for information purposes.

Acknowledge  
Receipt  
Final Plat  
Approval  
Three Hills  
Subdivision

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SUPERVISOR RINGLER: Next I have a request from John Flanigan, Building Inspector, for approval of renewal of trailer park permits for the year 1993 for Shady Grove East, Shady Grove Old Town Road and for the Breckenridge Village in Selkirk.

Trailer Permits  
Shady Grove  
East, Shady  
Grove Old  
Town Road and  
Breckenridge  
Village

The motion was made by Ms. Galvin and seconded by Mr. Webster to approve the renewal of Trailer Park Permits for the year 1993 for Shady Grove East, Shady Grove Old Town Road and Breckenridge Village, Selkirk, Town of Bethlehem.

Further discussion? There was none.

The motion was passed by the following vote:

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

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SUPERVISOR RINGLER: Next a request from Terrence Ritz, Engineering Department, for approval of proposed house numbers on Currey Avenue, Harrison Avenue, Nasner Lane and Leonard Drive with a change of Leonard Place name to Leonard Drive with the usual procedure of notification.

Approve  
House Numbers  
Currey Ave.,  
Harrison Ave.,  
Nasner Lane,  
Leonard Drive  
and  
Change Leonard  
Place to  
Leonard Drive

The motion was made by Ms. Galvin and seconded by Mr. Webster to approve street number and name assignments for Currey Avenue, Harrison Avenue, Nasner Lane and Leonard Drive.

Discussion? Question?

COUNCILMAN GUNNER: Do we put any -- I always ask this or something similar to it -- put in any notice from the Engineering Department, Bruce, about where they should put their... where we suggest they put the numbers or the size so they can be seen, like the... many of the volunteer fire departments do send that home in there...

MR. SECOR: I don't know if that is in there or not.

SUPERVISOR RINGLER: Kathy, when you send out the notice, you do that, don't you?

TOWN CLERK NEWKIRK: That is correct, it is in the letter that is sent out to each individual.

COUNCILMAN GUNNER: It is?

TOWN CLERK NEWKIRK: Yes.

SUPERVISOR RINGLER: And the size?

TOWN CLERK NEWKIRK: Yes.

COUNCILMAN WEBSTER: Three inch minimum.

MR. R. WEBSTER: That has been in the Bethlehem Report before, too.

COUNCILMAN GUNNER: Yes, but we didn't it for a while.

SUPERVISOR RINGLER: We just have to be hammering in different directions. Hopefully it will sink in if we keep hammering it.

COUNCILMAN GUNNER: That's right, the more you get it out there, the better it will be.

All in favor?

The motion was passed by the following vote:

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

Transfer  
 Funds  
 Public  
 Works Dept.

SUPERVISOR RINGLER: Next a request from Mr. Secor, Commissioner of Public Works, for approval of transfer to Capital Reserve Fund, Water District, totaling \$122,000.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to approve the transfer of funds as follows:

From: F8310.2, Purchase of Property	\$60,000.	
F8310.4, Contractual Services	40,000.	
F8330.2, Equipment	10,000.	
F8330.4, Contractual Services	20,000.	
To: Capital Reserve Fund, Water Dist. No. 1		\$122,000.

Further discussion? There was none. All in favor?

The motion was passed by the following vote:

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

Transfer  
 Funds To  
 Capital  
 Reserve Fund  
 Public Works

SUPERVISOR RINGLER: Next I have a request from Mr. Secor, Commissioner of Public Works, for approval of transfer of funds to Capital Reserve Fund for the Sewer District totalling \$185,000.

The motion was made by Ms. Galvin and seconded by Mr. Webster to approve the transfer of funds as follows:

From: G8110.1, Personnel Services	\$ 8,000.	
G8110.4, Contractual Services	13,000.	
G8120.4, Contractual Services	125,000.	
G8130.4, Contractual Services	40,000.	
To: Capital Reserve Fund, Sewer District		\$185,000.

Further discussion? There was none. All in favor?

The motion was passed by the following vote:

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

Approve  
 Seasonal  
 Personnel  
 Parks and  
 Recreation  
 Dept.

SUPERVISOR RINGLER: Have a request from Mr. Austin, Administrator of Parks & Recreation Department, for approval of seasonal personnel for the winter programs, as per the attached list and at the attached rates.

The motion was made by Mr. Webster and seconded by Mr. Gunner that the persons listed on the memorandum from David Austin, Administrator of Parks & Recreation Department, dated December 23, 1992, be and they hereby are appointed at the titles and rates indicated.

Question?

COUNCILWOMAN GALVIN: I noticed at that there is a recreation instructor II, this is on the second page, Glenn Peterson, who lives in Albany, on the Schoolhouse Road address, is there anyone in the Town who is qualified for that position?

MR. AUSTIN: That is the wrestling coach, Sheila.

SUPERVISOR RINGLER: I believe that is in the Town anyway, isn't it?

MR. AUSTIN: I am not sure, he is on the wrestling coach staff at the high school, that is primarily why we are using him.

COUNCILWOMAN GALVIN: And, there was one in Voorheesville, a William Morrison who is a recreation supervisor.

MR. AUSTIN: Bill is a teacher in the school system.

COUNCILMAN WEBSTER: He does the ski club, doesn't he?

SUPERVISOR RINGLER: Those particular situations in that particular job are basically people who fill in as chaperones on our ski trips.

COUNCILWOMAN GALVIN: And the recreation instructor III, Jude Grimley in Albany on Forrest Avenue and Sandra Banas on Providence Street in Albany?

MR. AUSTIN: They are swimming coaches, Sheila.

COUNCILWOMAN GALVIN: Okay and then there was one recreation instructor III in Schenectady and in East Greenbush, is the same true of those -- they are people...?

MR. AUSTIN: Those are wrestling coaches.

COUNCILWOMAN GALVIN: And, there aren't people in the Town who could handle it and there was one in Castleton who was a recreation instructor III.

MR. AUSTIN: Again, wrestling coaches.

COUNCILWOMAN GALVIN: That is true of all of them who were non-residents.

MR. AUSTIN: All the non-residents are coaching people. Yes.

COUNCILWOMAN GALVIN: Thank you.

SUPERVISOR RINGLER: Further discussion? All in favor?

The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next I have a recommendation from Mr. Secor, Commissioner of Public Works, for reduction of the escrow agreement regarding Beverwyck Planned Residential District. Most of the work is completed and want to reduce it from \$500,000 to \$100,000.

Reduce  
Escrow  
Agreement  
Beverwyck  
PRD

MR. SECOR: We have not yet received the lien clearance, so I would ask that they be done subject to receipt of that. We are pestering but we just haven't received it.

SUPERVISOR RINGLER: Conditioned on that.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the reduction to \$100,000. for the escrow agreement regarding Beverwyck Planned Residential District be and it hereby is approved pending receipt of the lien clearance.

Further discussion? All in favor?

The motion was passed by the following vote:

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

Out of  
District  
Water Service  
Wildwood Lane

SUPERVISOR RINGLER: Next a request from Mr. Secor, Commissioner of Public Works, to approval out-of-district customer of water service on Wildwood Lane. This is another extension which the people will pay for the extension and we are going to be incorporating this area of Town into a water district within the next few months, as your petitions are going out.

MR. SECOR: We hope to get that started this winter.

The motion was made by Mr. Webster and seconded by Ms. Galvin to approve out-of-district water service to Mr. and Mrs. Thomas Russo, Wildwood Lane, Selkirk.

Question? Further discussion? All in favor?

The motion was passed by the following vote:

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

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Discussion  
Out of  
District  
Water  
Service  
Wildwood  
Lane

MR. SECOR: Ken, if I can interrupt for a second. Mr. and Mrs. Russo are here. Did you have anything you wanted to say, Tom or is it -- I mean, you got a copy of the letter, you know what has been put before the Board, do you have any questions?

MR. RUSSO: Does that include the extension, the 235 foot extension?

MR. SECOR: That is what I had recommended to the Board.

MR. RUSSO: Okay, yes, I did have a couple of points to make on that. On the -- what Mr. Secor is recommending is that my wife and I extend the main down Wildwood Lane 235 feet at our expense and we are requesting a 1 inch service from the existing main to our home which is approximately 300 feet away from the water service. So, what we are requesting is a 1 inch service and at this point, just knowing that a few weeks ago that the Congregation of Jehovah Witnesses and Mr. Zdziebloski also tapped into the same main at no expense... they did not have to extend the main at all and they were over 1,000 feet away or about 1,000 feet away. We just want to know, basically, if it is open for discussion, why we would need to extend the main. Mr. Secor has made it a point that there would be... the water extension is in the works and it would be a 25 or 30 year bond shortly down the road that we would participate in to take care of that. I don't see any reason or I just want to know about 235 feet because, as you can see, it is expensive and we don't have the funds right now and if we have to come up with that we basically would have to drill a well, which we are trying to avoid.

SUPERVISOR RINGLER: Bruce, could you explain the rationale behind this?

MR. SECOR: And, again, that is why I gave you an overall map for the area is, when the Olsen's came in, they were outside the district and there is the expense of going to the edge of the district which was created by Syrett, Covey and another Mr. Crisafulli but they brought the pipeline basically up on Wildwood Lane and did not come back down towards the power line right-of-way. So, when the Olsen's came in and recommended that we got some of that line in there. When we go for the long term bonding everyone who is in that district will have to pay off the long term debt and if we leave long stretches of pipe whether it be across the power line or whatever you are really going to have the people over on Elm Avenue helping to get that water main down this long stretch. And, that is why I tried to explain to Tom, it is difficult and it is a judgement call. When we go down Elm Avenue, there is the large Zdziebloski farm but there are... and again, I gave the Board a map there is about 6 or 8 other residences out there and the spacing isn't... it isn't real dense area but still there are houses on both sides of the road and there will be a sharing of that on an ad valorem basis because the whole district is set up on an ad valorem basis.

SUPERVISOR RINGLER: If the Russo's decide to wait until you put a water district in, what will happen then? Will this just be incorporated into the bonding for the whole district?

MR. SECOR: But, again, what you are looking at, is you look at the front footage you have about 600 or 700 feet on the road. Yes, the decision would have to be made whether to extend the pipe say 700 feet on the road plus the frontage across the power line so you would be putting in 900 feet of pipe to service one home which then everyone in that district extension would have to pay for. And, the reason I was recommending this is that when we move forward later on, some of this pipe is going to be in the ground and there would be less of that vacant land to be put forward that the people over on Elm Avenue would have to pay for. It is going to be an expensive proposition because the density is so light and there is a lot of vacant land out there but, it is awkward. Mr. Crisafulli has a subdivision which he hopes to bring in and originally was going to put the pipe in from Syrett's property around to Elm Avenue and then the district extension was going to take in the piece on Elm Avenue from where the 3 million gallon standpipe is down to where Wildwood Lane comes in and then go down and out Elm Avenue East. So, we were going to get some of it put in by the developer and then the rest put in by the residents. But, it is an awkward area and you know, that is why I brought this up and I asked Mr. Russo if he wanted to come and speak because it is a judgement call. That is my recommendation because in my view, that is a way to share the cost equally. We are getting this crossing of the power line put in. Later on when we get the longer lengths of pipe put in, I think we are sharing the cost among the people to be benefited. At some point the Town Board is going to have to decide how far south to draw the boundary line. If we go south add 22 acres of land with 700 feet of frontage, if we bring in all of that 22 acres and then extend that pipe 700 feet down the road, that is going to be paid off in the bonding but only assessable against 1 home. I mean that is basically what you are going to come back at. And so, I don't know.

SUPERVISOR RINGLER: So, they are going to pay it now or pay it later is what you are saying.

MR. SECOR: Well, they are going to pay now and pay later is basically what this is going to come down to because they are going to participate in that 25 year bond also. But, it is just a matter of trying to keep that down. The last time we ran these numbers out, the more pipe you put in, the higher the cost, the less likelihood the extension is going to go forward because you have so few homes to pay for it. And so, what I am trying to do is to get some of the pipe in the ground so that when we go to bond this thing, it doesn't go beyond the maximum amount that the Comptroller will allow. That's to get the bonding down. Again, we will have to determine then how much of that property we can bring in.

SUPERVISOR RINGLER: The Olsen's never did this.

MR. SECOR: The Olsen's did do that. The Olsen's put in 235 feet and they got service to the one existing home and that was what they had requested from us.

SUPERVISOR RINGLER: Isn't the Russo property directly across from that?

MR. SECOR: Right, that was a separate piece. The Olsen's had 2 or 3 parcels and this is... the 22 acres is the balance of the land on the -- it would be the easterly side of the road which the Russo's have purchased.

SUPERVISOR RINGLER: But, so the pipe now...

MR. SECOR: The pipe now comes partially across...

SUPERVISOR RINGLER: Russo's property?

MR. SECOR: No, partially across the frontage of Niagara Mohawk, probably about half way across Niagara Mohawk's easement, little less than half way. So, we started to get...

SUPERVISOR RINGLER: And then, what did Olsen do? Do they have a 1 inch or something to that?

MR. SECOR: Then Olsen put in 235 feet of 8 inch pipe and then the rest was 1 inch to go down to the farm house. But, again, the choice for the Olsen's was to either do that or to do what Syrett, Crisafulli and Covey had done which was to go for an engineer's, map, plan and report, bring the water main -- those 3 families paid to bring it all the way from Fairlawn, 150-175 feet from Fairlawn, then come across the City of Albany water line and go all the way out -- there is like an easement in there where Swartz Lane used to come through the farm, out to Wildwood Lane and they went then to the end of the Syrett/Covey property line. So, it is difficult.

SUPERVISOR RINGLER: So what are you suggesting that you would like to do?

MR. RUSSO: I am suggesting that we just run the 1 inch water service from the existing main as Olsen did and as the Congregation of Jehovahs Witnesses did a couple weeks ago and Mr. Zdziebloski, they ran over 1,000 feet of a 1 inch service and didn't have to put any 8 inch ductile iron in the ground. There is, not to my knowledge, there's as far as down Wildwood Lane if you go where that vacant land is, there is no... the only developed land would be on Wildwood Lane to Elm. That is the only subdivision that is in the planning. There is nothing else on the slate down on the other side of my property as of yet. I mean, we are talking... I mean, we could be talking 10-15 years down the road.

SUPERVISOR RINGLER: What is the difference in the cost of 1 inch and 8 inch?

MR. SECOR: Well, the excavation is about the same but the 1 inch might be -- depending upon what pipe they put in the ground -- it could be 50 cents per foot and the 8 inch pipe is about \$7.00 a foot, as far as the material costs goes.

MR. RUSSO: But, we would have to pay that for 235 feet, you have the estimate there of \$5300., then I would have to excavate from that point to my home an additional cost. Where, basically, if I pay the Town for the 1 inch tap off of the 8 inch main, then I can do the excavation from that point to my home.

COUNCILMAN GUNNER: That is pretty much what Olsen did?

MR. SECOR: No, Olsen put in 235 feet of pipe and then put in 1 inch down the road. And, basically what I am recommending is that we do the same thing over again. We put another 235 feet of pipe in the ground and then whatever distance is left over to run from the end of that... it still isn't going to make it in front of their house... to run from that into their home site.

MRS. RUSSO: It is just hard to understand why we should have to do that seeing as Jehovahs Witnesses and Zdziebloski basically did the same thing and they didn't have to put up \$8,000.

SUPERVISOR RINGLER: Can you explain that to me too?

MR. SECOR: Yes, but again, that is what I am saying. If you are going in the other direction, you have a subdivision, we've got more density of housing that is going to be able to pick that up and you've got houses all the way down, except on the Zdziebloski side, as you come away from the tank, there is a farm and a house where -- I can't remember this man's name that used to live -- and then you come to the Zdziebloski farm but there are 4 other houses on the other side before you get to the Jehovah Witnesses. So, you have some more density there to pick up the frontage and the costs. And, the district is done on an ad valorem basis, so if you start picking up large lengths of pipe with no assessed valuation, all you are doing is driving up the cost for the other people who are on the other street.

MR. RUSSO: Why can't the developer, whoever develops the land down there absorb that cost if they are going to develop the land and make

lots, they are going to have to run the sewer, the gas and why can't they absorb that?

MR. SECOR: Right and that would possibly bring the water service from Syrett out to Elm Avenue but we still have to get the piece from Peel Street down Elm to Wildwood and then from Wildwood on down Elm to Elm Avenue East and go out Elm Avenue East. So, there are some expenses involved.

SUPERVISOR RINGLER: When we do a district, why do we have to go beyond their property?

MR. SECOR: Well, again, that is a decision the Board would have to make -- how much vacant land to take in beyond that.

SUPERVISOR RINGLER: If we wanted to create a district on what... you know, where we have this assessed valuation where the people want this now, we could conceivably bring this parcel in and then if at later somebody comes in with a subdivision on those vacant lands, extend it further down there and charge them to extend that line to that property.

MR. SECOR: But, what would happen at the time of the district extension, you would have to pick up the pipe where it is now in the middle of the power line right-of-way and go south the 235 feet that I am suggesting plus probably to get to the other side of your house another 100 or 150 feet, whatever it would be, to get down beyond the end of the property. We are always trying to get the water main to the end of the district extension so that somebody else comes along, they want to do a district extension, they bring it on across so you are not dealing in these half properties.

COUNCILWOMAN GALVIN: Why didn't we do that with Olsen?

MR. SECOR: Olsen didn't do a district extension. Olsen came in and asked for service as an out-of-district service.

SUPERVISOR RINGLER: That is what they are doing.

COUNCILWOMAN GALVIN: That is the same thing, they are doing.

MR. SECOR: But, see Olsen put some of the pipe in the ground to get the water main at least part way down to that residence. Again, it was the same idea is that it was a sharing of costs. When the district extension came through later on, had we not done that, we would have had 1 big house and had to put in 700 or 800 feet of main to pick up 1 house. That cost would then have to be picked up by the residents over on Elm Avenue or Elm Avenue East, whoever was in that district extension and that is why I recommended to the Board that we get some of the pipe into the ground to keep that future cost down and try to make it more equitable to the people who faced Elm Avenue.

MR. RUSSO: Are you going to run the main down Wildwood to get to Elm Avenue East?

MR. SECOR: Eventually yes.

MR. RUSSO: How are you going to get to Elm Avenue?

MR. SECOR: No, but I am thinking about going out past the church property. In other words, it will loop out that way.

MR. RUSSO: Going south... you are extending down the other way... down this way at Wildwood Lane. You would have to go across my land to get out to Elm Avenue East.

MR. SECOR: Well, ultimately, if some additional property was to be developed, that would have to be looped back out to Elm Avenue.

SUPERVISOR RINGLER: You are not under a gun for this, I take it, because if you don't...

MRS. RUSSO: We are waiting, it is all we are waiting for to get our building permit.

SUPERVISOR RINGLER: Oh, I see.

MR. RUSSO: Is the public water, we have the perk test, everything has passed so far, this is basically the last hurdle after a 2 year, if you will, we have been trying to build for 2 years in the Town of Bethlehem and this is the last step. Albany County is waiting to hear on... we are requesting a letter from the Town of Bethlehem to Albany County Department of Health that we will be able to have public water.

SUPERVISOR RINGLER: Because I, personally, would like to give this a little more thought as to what the ramifications are and perhaps talk this over with you. We have already approved it and passed it that you could do this if you pay for it. But, as far as doing it another way, I am not saying that I wouldn't change my mind but I would like to talk and look at this a little bit because I... we want to be fair. Okay.

MR. RUSSO: Right and the point is why we are here is we are trying to... we are not asking to be treated specially but the Congregation...

SUPERVISOR RINGLER: I hear what you are saying.

MR. RUSSO: ...just did it, Zdziebloski just did it, so we are looking basically for just the same thing.

SUPERVISOR RINGLER: And, I personally, don't just want to turn you down cold and say you have to pay for this without giving this a little more consideration and talk it over. You can have, the Board has already voted, if you want to pay for it, however, I will by our next agenda in January look into this and put this on for reconsideration to see if the Board would let you have a smaller pipe. Okay, you can have water, the question is whether or not we are going to make you put the 235 feet in.

MR. RUSSO: Can we have the letter from the Town stating that we will be able to have public water?

SUPERVISOR RINGLER: You can have... we have already approved the fact that you can have the extension, the question is what size pipe and the cost and I don't know how the rest of the Board feels -- I don't know if you are in concurrence with me on this but I find it difficult...

COUNCILMAN WEBSTER: I would rather take a look at it.

COUNCILWOMAN GALVIN: Yes, I'd much rather take a look at it.

COUNCILMAN GUNNER: Yes, I would rather see that more.

MR. RUSSO: One last point, is that if I do submit a letter to Albany County Department of Health stating that I have public water, and I wouldn't be able to afford the extension, then I would have to go for a well and I would have to go back to Albany County anyhow. So, basically, we are still waiting then.

SUPERVISOR RINGLER: Yes, unless you to come up with the big money right away, okay, you are still waiting. I just don't want out of hand say no to your request is what I am saying, okay, and I think the rest of the Board concurs on it. Because, we want to be fair to you and all the residents in that area and we want to digest this a little and do a little more investigation. Okay?

MR. RUSSO: Yes.

SUPERVISOR RINGLER: Okay, thank you.

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 SUPERVISOR RINGLER: Next I have a recommendation from Mr. Cirillo, for acceptance of deed for Paul Estates for a drainage easement and this will have to be reviewed by the Town Attorney. He hasn't done this yet because he went away, I assume, Bruce, correct?

MR. SECOR: Right.

SUPERVISOR RINGLER: Correct, so we would accept this pending approval of review of the Town Attorney.

The motion was made by Mr. Webster and seconded by Mr. Gunner to approve the acceptance one drainage easement from Joseph Allegretta, Albany, New York for Paula Estates, Ext. NO. 1, Selkirk, pending approval of the Town Attorney. The motion was passed by the following vote:

Drainage  
Easement  
Paula  
Estates,  
Ext. No. 1  
Allegretta

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

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SUPERVISOR RINGLER: Next a request for transfer from Mr. Secor, Commissioner of Public Works, of \$40,000 from Water Extension to Power and Supply.

Transfer  
Funds  
Public  
Works

The motion was made by Ms. Galvin and seconded by Mr. Webster that the following transfer be approved:

From: F8350.4, Extensions	\$40,000.
To: F8320.4, Power and Supply	\$40,000.

to fund the estimated bill for Albany water purchase and electrical power requirements for December be and it hereby is approved.

Further discussion. All in favor?

The motion was passed by the following vote:

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

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SUPERVISOR RINGLER: Next a request from the Chief of Police for transfer of funds regarding insurance payment, \$783.73 and \$1,717.85 to the Police Department account no. 3120.464.

Transfer  
Funds  
Police  
Dept.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the following transfer be and it hereby is approved:

From: A2680	\$783.73
	\$1,717.85
To: 3120.464, Police Department	\$2,501.58

for insurance payment towards the repair costs to two police vehicles.

Further discussion? There was none. All in favor?

The motion was passed by the following vote:

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

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SUPERVISOR RINGLER: Next I would entertain a motion to conduct an executive session at the end of this meeting to discuss -- it is just pending litigation. The land acquisition will not be on tonight.

Executive  
Session

The motion was made by Ms. Galvin and seconded by Mr. Gunner to conduct an Executive Session following the close of the regular Town Board meeting.

All in favor? The motion was passed by the following vote:

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

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SUPERVISOR RINGLER: Is there anything that anyone else would like to bring to the attention of the Board? If not, I would like to offer everyone a very happy holiday season, joyous New Year. The organizational meeting will take place on January 4th at 12 noon.

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

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

*Kathleen A. Newkirk*  
 Town Clerk

EXECUTIVE SESSION

WHEREAS,

Executive  
 Session

1. The parties to the Gladstone Development Corp., et. al v. Town of Bethlehem, et.al. federal lawsuit are desirous of stipulating to the withdrawal of all appeals pending in the United State Court of Appeals for the Second Circuit, docket numbers 92-9167L, 92-9195XAP, and 92-9211XAP.

Withdraw  
 All Appeals  
 Re: Gladstone  
 Development Corp.

2. Counsel for the parties have executed a stipulation effectuating their intentions, a true and correct copy of which is annexed to this resolution, hearing dates December 11 and 17, 1992.

NOW, THEREFORE, BE IT RESOLVED THAT:

Reinstate  
 Steven  
 Demarest  
 as Police  
 Officer

The Town Board hereby ratifies and approves said stipulation, and directs and authorizes Robert J. Alessi, Esq. to ensure that said stipulation is finalized, if necessary, and filed with the appropriate Court Clerk.

The foregoing resolution was presented for adoption by Mr. Webster, seconded by Mr. Gunner and was passed by the following vote:

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

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On a motion made by Ms. Galvin and seconded by Mr. Webster, the Town Board authorized Attorney DeAngelis to settle the outstanding litigation of Stephen Demarest regarding Section 207C of the General Municipal Law. Mr. Demarest is reinstated into his position as Police Officer. The Town Board also authorized Attorney DeAngelis to continue with the Article 78 proceeding against the Comptroller of the State of New York. The foregoing motion was passed by the following vote:

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