

TOWN BOARD
FEBRUARY 13, 1991

A special 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 4:00 p.m.

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

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Supervisor Ringler called the special meeting to order at 4:00 p.m.

On a motion made by Ms. Galvin and seconded by Mr. Webster the Board adjourned to Executive Session. The motion was passed by the following vote:

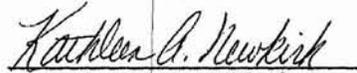
Executive
Session

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

The Executive Session was called to discuss Pending Litigation.

On a motion made by Ms. Galvin and seconded by Mr. Burns, the special meeting of the Board was adjourned at 4:05 p.m. The motion was passed by the following vote:

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


Deputy Town Clerk

No formal action was taken at the Executive Session.

TOWN BOARD
FEBRUARY 13, 1991

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

PRESENT: Kenneth J. Ringler, Supervisor
 Frederick C. Webster, Councilman
 Robert J. Burns, Councilman
 M. Sheila Galvin, Councilwoman
 Charles Gunner, Councilman
 Bernard Kaplowitz, Esq., Town Attorney
 Gregg Sagendorph, Foreman, Highway Department
 Sharon Fisher, Recycling Coordinator
 Martin Barr, Planning Board Chairman
 Bruce Secor, P.E., Commissioner of Public Works
 David Austin, Administrator, Parks & Recreation Dept.
 Philip Maher, Comptroller
 Judi Enck
 Jan Treadway
 E. Leroy Brown
 Martha S. Brown, Delmar Progress Club
 D.J. Bobeck
 Liz McCoy
 Elaine Cornelius
 Robert Marriott
 Betty Albright
 Paul Parker
 Carol Butt
 Don Neddo
 Steven Fein
 Karen Fein
 Karen Ross
 James Turner
 Shirley Seyler
 Carolyn Wenger
 Phyllis Hillinger
 Ellen Kelly Lind
 Marie Capone
 Suzanne Capone
 Marie Wiedeman
 Terry Rodriguez
 Mike Larabee, The Spotlight Representative
 Barbara Hayden, Times Union Representative
 Kathy Keenan, The News Herald Representative
 Kathleen A. Newkirk, Deputy Town Clerk

Public Hearing
 Local Law No. 1-
 1991, Amending
 Local Law 5-1990,
 Solid Waste
 Facilities Morator
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Supervisor Ringler called the meeting to order and welcomed everyone to the meeting. He indicated the first item was a public hearing to consider Local Law No. 1 of 1991 which amends Local Law No. 5 of 1990 Imposing a Solid Waste Facility Moratorium Law for an additional six (6) month period of time. The Supervisor asked the Deputy Town Clerk to read the call of the hearing.

NOTICE OF PUBLIC HEARING
 TOWN OF BETHLEHEM
 ALBANY COUNTY

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Bethlehem, Albany County, New York, Local Law No. 1 of 1991 Amending Local Law No. 5 of 1990 imposing a Solid Waste Facility Moratorium Law for an additional six month period of time.

NOTICE IS FURTHER GIVEN that the Town Board of the Town of Bethlehem will conduct a public hearing on the aforesaid Local Law No. 1 of 1991 at the Town Hall, 445 Delaware Avenue, Delmar, NY on the 13th day of February, 1991 at 7:30 p.m., at which time all interested persons will be heard.

consultants and spent quite a bit of time going over these. He said they really worked mostly with what the consultants had to offer and what they thought the scope of services would be narrowed down to in the end. He indicated that he also provided the Board with an outline, a draft of the scope of services and a letter that will go to the consultants. He said the Committee has done quite a bit but at the same time, it is obvious that they will not finish with the entire task by the time this moratorium runs out. He said, therefore, they are requesting this extension and feel there is a very good possibility that they can finish working with the consultant, drafting the criteria, getting it to the Board so the Board can review them and they could be heard prior to the expiration date of the extended time that is asked for. He said this is currently where they are at. Supervisor Ringler said the current expiration date is March 18, 1991. Mr. Secor agreed that this was the date and they were asking for six months beyond that date.

Supervisor Ringler asked if there were any questions from the Board in regard to this proposal. There were none. Supervisor Ringler next asked if there were any questions from the audience. He said when someone speaks, please stand and identify themselves and state whatever they want to state for the record. He said first is questions. He then asked if anyone would like to speak in favor of this proposal. Ms. Terry Rodriguez next spoke and stated she is a resident of the Town of Bethlehem. She said she wanted to speak on behalf of Bethlehem Work on Waste. Bethlehem Work on Waste is a grass roots organization, according to Ms. Rodriguez, comprised of Town residents who want to ensure that solid waste is managed in economical and environmentally responsible manner. She said there are over 2,500 signatures of people who share their concerns. She said the organization urged the establishment of the initial six month moratorium on considering proposals for solid waste disposal facilities in order to give the Town time to develop standards for such facilities. She further stated they now support the extension of the moratorium for another six months. She said they would also like the Town Board to consider the following issues during the moratorium. She stated (1) that the Town Law be amended so that elected officials can review and approve or disapprove of all new solid waste facilities, (2) that standards be developed to safeguard the interest of the community, and (3) that the Town adopt a bad actor law. She said she will address each of the issues in order.

Ms. Rodriguez indicated why attend the Town Law. In the great democracy, she said, elected officials are accountable to the public for insuring compliance with the Town's laws. She said appointed officials are less accountable and responsive to the elector, stating as an example American Refuel applied to the Zoning Board of Appeals for a use Variance in order to build a regional 1,500 tons a day mass burn incinerator. She said any application for a variance must demonstrate that the proposal is in compliance with all Town laws. She said American Refuel submitted a notarized affidavit stating that its application was indeed in compliance with the Town's law and the Zoning Board of Appeals accepted this application. She said Work on Waste pointed out to the Zoning Board of Appeals that the operation of a mass burn regional incinerator within the Town is illegal because it is unlawful to import waste pursuant to Article 2 Section 97.11a of the Town law. However, she said Work on Waste received no response from the Zoning Board of Appeals. This information was later shared with Supervisor Ringler, according to Ms. Rodriguez, who promptly brought this to the attention of American Refuel. Due to his action, she said, the request for a variance has been withdrawn. She said Work on Waste believes that issues of such importance as the siting of solid waste facilities should be handled by public officials who are directly accountable to the electorate.

Ms. Rodriguez next addressed item 2, stating another compelling reason why the Town Law should be altered to allow elected officials to review and approve of all new solid waste facilities. She asked if it is a decision to permit the Town to becoming a regional solid waste disposal center -- if it is a decision of public policy more appropriately made by elected officials. It is of a different nature and importance to the health and welfare of all Town residents, according to Ms. Rodriguez -- than variances that permit minor alterations to the property within the Town. She asked why standards should be developed to safeguard the interest of our community and

stated (a) during the moratorium standards that safeguard our community need to be developed. She said as the Board is well aware, State and Federal regulations fail to adequately protect the health and safety of the community nor do they ensure that a facility once operating will meet the environmental emission standards on a day to day basis. She said a case in point is the Albany ANSWERS plant. She said this was built as the best available technology when it opened, yet less than 10 years later Commissioner Jorling calls the facility abysmal and yet this abysmal facility continues to operate and is still supposedly in compliance with State laws. She said our standards need to provide for facilities to be upgraded as better technologies are developed. She said companies that own and operate these facilities must be held accountable over the life of the facility and made to bear the economic burden of meeting such standards.

Next she addressed (b), saying standards that are developed must provide for the review process to halt immediately when serious flaws in an application are uncovered. She said as an example, BFI Refuel application stated that no solid waste would be produced. Therefore, she said, the issue of where the toxic ash residues of incineration would be buried was not mentioned. However, she further said, State regulations dealing with incineration define ash as a solid waste. She said because of this error, the community faced with the possibility of receiving hundreds of tons of contaminated ash each day was not included in the review process at its inception.

Ms. Rodriguez next addressed (c), stating in addition to frequent monitoring by independent firms, standards that are developed should also provide for background and base line monitoring. Before any facility starts to operate, according to Ms. Rodriguez, comprehensive sampling of soil, air, surface water and ground water should be performed to establish base line conditions. These same areas, she said, should be periodically resampled to detect changes. In this way, she said, subtle increases in pollutants will be detected and prompt action can be taken to close the pathways releasing these pollutants.

Next she asked why Bethlehem should adopt a bad actor law. She stated in the testimony by Work on Waste given August 1990, they urged that the Town adopt a bad actor law. She said, that companies with criminal records should not be given operating permits for solid waste facilities. Illegal disposal of solid waste has profound implications for the well being of present and future generations, she said. Therefore, she said, only companies with proven compliance records should be allowed to operate such facilities. Ms. Rodriguez stated the State of New Jersey has incorporated such a provision into its statute dealing with solid and hazardous waste disposal. She said Florida has similar protections. Within New York State, Ms. Rodriguez said specific bad actor provisions are contained in the Environmental Conservation Law dealing with hazardous waste permits, as well as regulations dealing with infectious waste. She said when Work on Waste formally requested the Town Board to pass a bad actor law in order to protect its citizens, some Board members were concerned about the propriety of such an action as it might affect a company with a pending application -- that is the Refuel application. She said that variance application has now been withdrawn and she said they again urge the Town Board to act on this request.

Ms. Rodriguez thanked the Board for the opportunity to tell the Board about their concerns that are shared by at least 2,500 residents who sincerely hope that the Board will respond and address the issues that they have raised.

Supervisor Ringler thanked Ms. Rodriguez. Ms. Judy Enck next spoke indicating she is with the New York public interest research group NYPIRG, which is a State wide environmental and consumer organization. She stated there are a few hundred members in Bethlehem who are very concerned, specifically about the proposed American Refuel garbage incinerator. She said they are very supportive of the proposed moratorium and would respectfully urge the Board to consider actually extending the moratorium to make it a permanent moratorium so that Bethlehem is never the home of a regional garbage incinerator. She also said they are supportive of the previous statement in support of a bad actor law, which she thinks generally is a very good idea for any company doing business in a community. She said she thinks that most

everyone would agree that having a company that has extensive environmental law violations or anti-trust violations regardless of whatever field they work in could pose a problem to their future operations. She said she thinks it is important for the Town to act on this issue because she thinks it would be unwise to rely on the State Department of Environmental Conservation in their State Environmental Quality Review Act proceedings to make sure that steps are taken to protect the environment. She said there is about 20 years of history of the DEC routinely issuing permits for some very polluting facilities. Locally, Ms. Enck stated, she thought everyone knew that the Hudson River has been impacted very negatively by PCBs discharged by a company over 20 years ago. What is important to notice, she said, is that the company had a permit to discharge those PCBs into the river. She said she recently worked on a case in Green Island where the DEC just issued a permit for a company to emit close to 4 tons of asbestos into the air annually and this is very recently. She said this seems ironic that while municipalities are spending so much money trying to get asbestos out of school buildings, that the State agency would allow a company to emit this amount of a known carcinogen into the air. So, she said the point she was trying to make is that it is important for the Town to act and not simply rely on a State environmental review process to protect public health. In fact, according to Ms. Enck, over 95 percent of the permits that were applied for at DEC were approved. She said once a permit is applied for there is a real likelihood that it will be approved. She brought copies of a recent New York Times article for the Board that she felt they should know about. She said the article is about garbage hauling in New York City and there is an effort to get organized crime out of the commercial hauling in New York City. She said what a few city agencies are doing down there is trying to get bids from large commercial haulers, including BFI. She said she thinks there is a real likelihood that BFI will have a lot of additional garbage that they are going to have to get rid of somewhere and what they are seeing more and more with regional private garbage incinerator facilities is garbage being shipped in from a very large geographic region. She said no matter how well the capital district does at recycling and waste reduction, there is still going to be more and more garbage being shipped into an area to make the plant as economical for the vendor as possible. She also pointed out that in today's Spotlight there was an article about Refuel's decision to remove their application for a variance and the representative of the company said they do not plan to challenge the local law that bans the importation of trash from other communities. She said this was certainly good news but not the real story because in the State Legislature, representatives of the company are trying to get the State Legislature to pass State laws that would prohibit local communities to have laws on the books that restrict the importation of garbage. She said while they may not be challenging it in court, the representatives of the company have given testimony in the State Legislature trying to seriously erode local government's ability to restrict the importation of garbage. She said in summary, she would urge the adoption of the moratorium but to give some serious consideration to a permanent moratorium, to a bad actor law and to other legal strategies that will insure that this particular facility is not built. Ms. Enck thanked the Board.

Supervisor Ringler asked if anyone else would like to speak in favor of the proposal. Mrs. Martha Brown next spoke and said she was in favor of extending the present six month moratorium for another six months. She said, in fact, she would extend it a lot longer than that if she was in charge. She said she is speaking for her husband and herself, stating they live on Retreat House Road and this is an area where present industries at the Port are making life very unpleasant. She said the thing that worries her, more important is that it is getting so unhealthy down there. She said there is a lot of air pollution, odor, noise and believe it or not, vibration from the CIBRO oil refinery. Mrs. Brown indicated when they are at full blast, her house shakes. She asked if anyone else lives in this area and one person did indicate she did also. She read a quote from Physicians Quarterly -- "the Capital District is listed by the Center for Disease Control as having one of the highest levels of respiratory distress and cancer mortality rate in the nation". She said this frightens her because she knows what that does to a family. She said she has had cancer and her husband has had heart attacks and respiratory problems. She said so have many of her neighbors. She thinks soon, the Town will

have to get together with other communities to see what can be done about this Capital District area. According to Mrs. Brown, she has discussed this with people from the Department of Health, to see if the problem is getting worse or maybe if it is not as bad. She said this article was written in the spring of 1990. She said she had a meeting the next day with one of the people. She said she is very concerned, not so much for herself and her husband -- indicating take a look at them, they are not going to be around too long. But, she said, she is concerned for the many young families who are moving into the Glenmont area. She said she is judging this by the census in the Glenmont school. She said she is asking that the Board take additional time and look more deeply into the health situation because that is really where her concern is. She said when she was going to college she wrote a paper on Glenmont and Bethlehem Center. She said she did not get a very good mark on it but she said she always told her mother the reason she did not get a good mark -- she only got a B+ and her mother thought she should have better -- she said there were not enough people in such a little community, she did not have very much to write. But, she said she got it out and read it and one of the things that were said is that this Bethlehem Center/Glenmont area had more cemeteries -- that there were more people dead in it than alive. She said she hoped 20 or 30 years from now, somebody doesn't write and say that the air condition and everything is so bad. She thanked the Board.

Supervisor Ringler thanked Mrs. Brown. Mrs. Betty Albright next spoke indicating she was here, as these nice people are, neighbors of the Port of Albany already and very experienced in pollution problems that they have there already. She said her house on Corning Hill shakes from CIBRO plant as well. She indicated her husband Skip's great grandparents built the house in 1912. She said her son is fifth generation living in the house. She said their roots go deep into this Town and their concern is major. She said they are concerned about the status of the air pollution currently and certainly extremely concerned about the future for their son and other kids here, as well as for themselves and the future in planning. She said they feel very strongly that the six months extension is necessary. What they are talking about is another six months to set up a system -- a well structured one at that -- where things can be properly reviewed and perhaps some of what they have all been going through in fighting this American Refuel proposal won't be necessary in the future. She said there will already be rules and regulations that are there and set, that we can go by. She said elected officials can then review proposals before the entire community is held at bay. Mrs. Albright said the last two years have been like a gun has been held to her head. She said she can see the American Refuel proposed site from her kitchen window. There is not a day, according to Mrs. Albright, that goes by without 3 or 4 times she looks out the window and thinks it could be there. She said there is already enough problems with CIBRO as it is. She said she is extremely concerned about the way the proposal is being reviewed. She said it must be reviewed by elected officials. Two years ago, Mrs. Albright said, most of the people sitting at the table ran for office. She said they were all asked, at that time, by Bethlehem Work on Waste, whether or not they were in agreement with the proposal for American Refuel's \$200 million dollar mass burn incinerator or whether they were opposed. She said with only one exception, all of the people who were running in that election, voiced opposition. She said the one person who did not at that time voice opposition, explained very clearly that that person's reason was, the proposal was not official and upon receipt they would examine the proposal and have since voiced opposition to the proposal as such. She said she strongly urges that there be an additional six month moratorium, if not more, that there be a well structured committee that write laws that are clear cut and concise. She said also that these laws should be written by people who are elected and immediately elected responsible and accountable to the people who have voted them into office and in turn can be voted out of office, next time if they do not agree with what is done. That is all, Mrs. Albright said and thanked the Board for the opportunity to be at this meeting.

Supervisor Ringler thanked Mrs. Albright. He asked if anyone else would like to speak in favor. Mrs. Ellen Kelly Linde next spoke, indicating she lives in Delmar at 9 Maple Terrace. She said she also urges the Board to extend the moratorium for at least six months. She said her reasons are more primarily concerned with the Refuel

proposal. She did indicate she knew the Board wanted to keep it more general than that. She said the opposition to that is two fold, (1) is that she thinks it will discourage us from reducing and recycling those kinds of things and (2) she also has a concern about air quality. She said she is a mother of a child with asthma and she thought she had stated this before at a Town meeting. She said her son goes to Slingerlands school and suggests some day they stop over and ask Eileen Perkins, the school nurse, to open her bottom desk drawer and see the number of inhalers in here drawer for children with asthma. She said the Board may have been reading in the paper the increase of asthma in the country and the increase in deaths due to asthma. She said this is her personal reason for being concerned about the air quality right here in her region. She said she had planned to come to this meeting for a few days and she coincidentally had the experience of being at DEC this day on Wolf Road on another matter. She further said she was talking with people about compliance with federal laws of another facility in our region and said she was here feeling very depressed. Mrs. Linde said this was a depressing experience because -- it speaks a little bit to what some other people have said -- it was her first time there. She said she certainly feels the impact of the impending layoffs is every where. She said it was very depressing to hear the official in the hazardous waste permitting bureau tell her that -- lady, I know why you are concerned but there is nothing we can do about your concern -- which does not have to do with this facility -- because we already have all these problems that we cannot keep up with and once these layoffs come, forget it. She said the point is that, during this moratorium time, she is hoping that the Town looks at all of the issues and takes them into consideration because from her way of thinking, the Board are the persons who are most potentially responsive to the citizens. She said the Board is the most accountable to the citizens, the closest to them. She said she was here to tell the Board she is depending on them as the people elected by the people in this Town, to take these things into consideration, not to think that this is too big a problem for you. She said she does not want the Board to think this is something someone higher up is going to take care of. She said she is well aware of the power of these large corporations, it may well come to a time when they offer the Town lots of money or lots of incentives and she is just saying, here she is a citizen that helped elect some of the Board and please take these things seriously. She said the Board is the closest to the citizens and the first people the citizens are depending on to protect the quality of life in the Town. She thanked the Board.

Supervisor Ringler thanked her. Mr. Jim Turner next spoke stating he has been a resident in the Town for 14 years. He said he is with himself, not representing any lobbying group. He stated he is an engineer and a research scientist and nothing in his 17 year career has impressed him more than data that groups in this country, Canada and Europe have collected on the concentration of harmful organic compounds. He further said it is absolutely clear what the trend is over time. He said in 1939-40 the curve was high, straight up -- 1968-70 it started to arch over -- the reason for that is environmental legislation at the federal level and the clean air act. He said there is no other explanation and it is clear, it is everywhere. Legislation that will be enacted will have an enormous impact on whether we stay on the curve coming down or whether our Town has a blip and we become an island of concentration, it is very simple according to Mr. Turner. His opinion, he said is that we should not even be considering whether we want a moratorium because it is taking us in the wrong direction. He said we want to go the other way. Mr. Turner said the most innocuous compound that will come out of this incinerator is not going to do us any good. He said from there you go to the most dangerous compounds that we know. He said he has dealt with some of them on a professional level. He said he does not want them in his Town. He said he thinks rather than consider this issue and waste our resources, our time and our energy further, we should be going exactly in the opposite direction. Exactly, to foster recycling programs, he said, and use again the things that we have and to require it. What the Town Board does, according to Mr. Turner, is going to determine what this Town is 20 years from now and he said he knows what the data is going to look like.

Supervisor Ringler thanked Mr. Turner. Again, Supervisor Ringler indicated there is going to be a lot of discussion on what these

standards might be and so forth with public hearings on them. He said all that is being decided at this meeting is whether or not to take the time to continue exploring. He said he wanted to reiterate this point. Ms. Carol Butt next spoke indicating she also has a professional background in these types of things. She said she can see that there has been great progress made in the last 6 months with the recycling and she sees down the line a lot of other things that are potential for the Town to recycle. She said she personally was involved with petitioning residents in Bethlehem and she found that a good 70 percent -- and she could say this confidently -- were supporting reduction, recycling and reuse of materials in lieu of turning rapidly to some other source of waste management. She said this was very firm with people and indicated she talked to a good 500 people. Ms. Butt said she has also done some studying on her own and as part of her professional career, of materials that come out of incinerators and some of the research indicated that the temperatures that you need in an incinerator to burn the dioxins are the same kind of temperatures that you burn plastics and increase the rates of carcinogens. She said when you are trying to kill one thing, you increase another. She said it is impossible to produce the burn conditions that are going to burn every kind of materials. She said the mass burn incineration is something that should be looked at very hard if it is to be considered as an alternative. She said there will be something needed after recycling, reducing and reused as much as possible. She said there will have to be a turn to something but she is hoping that plenty of time will be taken to consider what that alternative will be for us. Ms. Butt said she is also concerned about funding. She said as everyone knows, all the State funding is going down and if in monitoring and the watch-dogging of these types of facilities has been not to our liking in the past, it will certainly not improve with the amount of funding. She said she for one, did not approve of the infrequency that facilities like incinerators and -- as we have seen in the past, even landfills -- have not been monitored as they should have been. She said she would like to encourage the Town to put a lot more energy into the reduction, recycling and reusing before there is a turn to other alternatives -- maximum that. She said she would like to see the Town avoid a dependence on burning and burying of waste as long as it can possibly be done because it seems we are doing very well and she would like to see this continue.

Supervisor Ringler thanked Ms. Butt, asking if anyone else would like to speak in favor of extending the moratorium. Ms. Elaine Cornelius said she lives in Delmar and said she would just simply say she is in favor of extending the moratorium and the bad actor law is a great idea. She said she would like to see the Town develop some really clear and enforceable health and safety standards. Ms. Jan Treadway indicated she lives in Delmar and said she would like to see it extended so we can avoid having two trash burn plants less than a mile apart. Ms. Mary LoGiudice stated she was in favor of extending the moratorium. Mr. Robert Marriott stated he was in favor of extending the moratorium. Ms. Shirley Seyler said she is in favor of extending the moratorium. Ms. Jean Eaton indicated she lives in Selkirk and she is in favor of extending the moratorium. Ms. Karen Fein stated she is in favor of the moratorium.

Mrs. Marie Wiedeman said she is in favor of extending the moratorium. She said she probably has lived in the Town of Bethlehem longer than anybody here because she has been there since 1918. She said there is a little bit of deterioration in the quality of the air thanks to, first of all, the Corning insulation where they make the pretty pink stuff that goes in the walls, GE plastic plant -- every so often she still smells this although there has been much improvement there. She indicated she lives on Route 144 with Van Wies Point to the back. She said also they get fall out from the cement plant in Ravena. She said when she looks down from the high hill that the State of New York set her up on when they lowered the road in front of her house several times, in the summer there is a blue haze over everything. She said that blue haze has to contain contaminants from somewhere so she is against bringing any more deteriorating plants of any kind in our area.

Supervisor Ringler asked if anyone else would like to speak. No one spoke. He then asked if there was anyone wishing to speak in opposition to extending the moratorium. Mr. John Thomas said he lives

in Glenmont and he opposes the moratorium. He said first of all he would like to say that regardless of how this comes out, he certainly would have no intention of threatening any Board member to say that he voted you there and all that. These are tough times to govern, Mr. Thomas said, and he certainly would never, ever do something like that. He said what he would like to address to the Board is -- in the beginning of January he took upon himself to find out a cross section of what the people of the Town of Bethlehem think, the people that actually live here in the Town. He said he sent out a survey to 100 people, he went through a phone book at random, picked out names, addresses that would be within the Town of Bethlehem and sent out a survey. He said it is a straight up and down question, "should American Refuel be allowed to construct a waste/energy facility in the Town of Bethlehem", with a couple of other questions. Mr. Thomas said question number 1, should they be allowed to build a facility out of 100 just cold call tries that he did, he received 45 back -- which he said he has been told in cold call surveys is pretty good, if you get 25 percent you are doing good -- he got 45 back and the numbers are 34 in favor, 10 against and one abstention because that person was a member of the Solid Waste Task Force. He said he wanted to leave these with the Board indicating there are some comments on them. He said the cover he included said they would be given to the Board so they could just review the statements of what the people really think. He said he did not think the Board gets an accurate description of what the people of the Town think just in this bunch here because to be honest with them, you get more of the anti's than you would proponents. The silent majority right here, Mr. Thomas indicated, are figures from them. He said he would leave this with the Town Board. Mr. Thomas indicated he wished to make a couple statements.

Mr. Thomas said the numerous things that have been said about the American Refuel plant, how bad it would be, creating this bad air and what it would do and then compared to the ANSWERS plant. He said there is one simple statistic that he read which is a very good simple fact and it was, if at American Refuel's proposed plant -- the proposed plant that they want to build here and of course, they have one in Hempstead so we know what the facility is going to do and what the emissions standards levels are going to be -- that if you burned all of the garbage in New York State, all of the garbage that is generated in New York State in this plant for one year, you would not create or reach the levels currently being put out by the ANSWERS plant which burns four or five hundred tons a day. So you have to recognize that modern technology is here and to go back twenty years and compare the technology of today to what was done twenty or twenty-five years ago, is just simply not being responsible and all of this in conjunction with one basic fact -- we have got garbage, we produce it, we have got to do something with it, we cannot just sit and spin our wheels with it and you can recycle and reuse and reduce to a certain point. He said even all of the stuff that is recycled if it goes to a smelting plant there is resulting pollution which nobody talks about. So anytime there is recycling involved, where you reuse something, there is energy applied to that to reuse a product and there is resulting air pollution which nobody ever really talks about. He said we all know as well that we are also in tough economic times, and he has been reading a number of letters in THE SPOTLIGHT which have interested him. He said representatives of the Town government have said we are in for tough times with budget concerns. He said here is a plant that is going to come into the Town, contribute two million dollars to the school tax base, and a million dollars of property taxes, and an outright amount of about a half million dollars a year to the Town. He said at the same time we are going to be helping to solve the solid waste problem, and we just cannot stop and keep rethinking and rethinking the whole thing. New York State people talk about adopting new standards, according to Mr. Thomas, stating New York State's are the toughest of any in the United States and then on top of that there are the new Federal clean air standards which are going to make it even tougher. He said which by the way Refuel exceeds those standards, by in some cases hundreds and thousands of times over already so there is not going to have to be any bid modification of this plan. He said they are meeting those standards now which will go into effect at some point, so you know the technology is there. He said there is a problem, something has to be done and he guessed that he could go on and on but he really did not want to.

Supervisor Ringler indicated that this was not debating the issue of American Refuel he did not think, and Mr. Thomas had been given his fair shot. Mr. Thomas indicated that it had sort of turned into that and he has a suggestion. He said he had one question for the Board, is there any way that the Town Board could put this issue to a referendum to the people of the Town of Bethlehem this coming November. Supervisor Ringler indicated it could not. Mr. Thomas asked if they would do that? Supervisor Ringler indicated that it was legal and he understands it -- and Counsel can correct him if it is wrong -- Town Attorney, Bernard Kaplowitz indicated that he has not looked at the list for years but the only things that can go to a referendum are specifically listed in the law and he did not think that this was one of them. Mr. Thomas stated that he had investigated this and received a handbook on Local Governments and he did have a copy of the appropriate pages and it did say specifically -- and, of course, this was not from a law book, but it did say that the siting of Solid Waste Facilities could be put to a referendum. Attorney Kaplowitz indicated that he would have to check this out. Supervisor Ringler stated that this would look at further but the understanding was that usually only bonding could put to a referendum. Attorney Kaplowitz indicated that it was used to get around that requirement, a lot of Towns will say, well we are not putting a waste energy plant or a particular project to a referendum, if we are going to put the financing, this can be done. Supervisor Ringler indicated this was done with the Community Center. Attorney Kaplowitz continued that this was how this kind of a thing was used. Mr. Thomas stated that he knew that it was kind of a gray area, but he thought that an issue which is very controversial -- and obviously his position is very opposite of some people here -- but he thought that the majority of the people of the Town of Bethlehem should have an opportunity to speak and if they vote for it, why not go with it, or if they vote against it, then it is all over with -- but let the people decide.

Supervisor Ringler thanked Mr. Thomas and asked if there was anyone else who wished to speak in opposition to the extension of the moratorium.

Mr. Don Neddo spoke indicating that he was pretty popular with the Environmental Groups. He was approached by the Farmers of Saratoga County -- which is completely in opposition to the way these people feel here tonight -- because they had the chance to go and visit several of these sites which the new plants were built -- not American Refuel but other ones like it -- but they saw these, they saw the one down in Westchester County -- which is probably the richest county in the State of New York with plenty of money there that could have stopped it -- but it is there and the people in the surrounding area think it is the greatest thing that ever happened to the community. Mr. Neddo continued that he did not know how many of these people have ever been to any of these plants, probably two or three, but most of them are here because of fear. He said up in Saratoga County it was just the opposite, and they were afraid of losing their farms. He said they did some extensive investigation on their own with groups by going to these things and seeing these facilities and talking to the people in the neighborhoods there. He said you know everybody is an environmentalist but then you have those radical environmentalists that stop industry at all costs and if we stop our industry at all costs like this gentlemen said in the 1950's it started -- it sure did -- we lost all of our steel mills because our governments would not subsidize them to bring them up to standards of the emission control. But, he said they turned right around and gave Japan all the money in the world to build their new steel mills which do not have pollution controls on them. He further said the United States is going to sacrifice all of their industry to live up to pollution controls way beyond what the government sets forth and other countries are not going to do it. He said you are asking for a third world country here where people are going to be without jobs and you are not going to have any money, you are not going to have jobs, you are going to have chaos in this Country and it is not to far down the road. He said the steel industry in this Country has been lost, the electronic industry in this Country has been lost and now you are on the verge of losing several other industries in this Country. Mr. Neddo said everybody keeps saying, well industry can pick up the taxes on the ones that leave, but you cannot if they are all gone. He said right now GE is ready to pull out of this area, and at Pittsfield, Massachusetts the right wing environmentalists faulted

the plant over there until they conceded that they would build this gas fired plant. He said they built it, now the same people are stopping them from bringing the gas line that is eight miles away to this plant so GE has a three hundred and eighty-six million dollar plant just sitting there like a white elephant. He further said in return there are forty-six thousand people whose jobs are in jeopardy right now because the corporate headquarters in Connecticut is ready to close every plant in the State of Massachusetts because they cannot compete with foreign markets. He said people want decent wages, they want this and they want that, but they don't want to sacrifice anything to get them. A lot of people are here tonight because they do not know what is really behind anything, they are all afraid, they are scared, and this is what fear does to people and they will speak out. Now this man, this guy is a scientist, but Mr. Neddo was sure that twenty other scientists would say something different from what he does, so it is like a doctor they always say go get a second or third opinion. He said you know, you have to use your common sense in this thing, if you are going to destroy the industry in this Country, you are destroying the backbone of this Country and who is going to pay the taxes then. Everybody says, and he has talked with a lot of State workers a year ago, work we are against, we do not care about industry, well today they are changing their attitude, now that 10,000 to 20,000 of them are getting laid off and that is only the start, it will be up to 50,000 before the year is out. Now there is a completely different turn around going around now, according to Mr. Neddo and indicated when it affects the person personally, there is a different attitude and a different approach on everything. He said if these people are really concerned about this plant -- and he indicated he did not see any of these plants, but he did see the Willowbreak plant -- if they are really concerned about this plant they will get off of their duffs and go and look at them and talk to the people in the community that is living there and see the effects of it. He said they should not just take people's word, that they do not even know what they are talking about and just take numbers out of the air. He said professional people that have been hired to go and demonstrate against these people, these plants, and he said no one should try to tell him they are not hired, because he knows differently.

Supervisor Ringler asked Mr. Neddo if he is opposed to the extension of the moratorium and Mr. Neddo indicated that this was right. The Supervisor asked if there was anyone else who was opposed to the moratorium extension.

Mr. Daniel Bobeck indicated that he lives in Delmar and he came down to definitely opposed the moratorium and he felt this way at this point, but basically he is opposed to the moratorium. He said he feels you have to drive the fear away from people who think they know all about these things and they really do not. He said Mr. Secor is requesting more time and he has to respect his opinion because it takes time to do the job and do it right, and that is what we want to do. Someone in the audience commented that he is was not opposed. Someone else indicated that he was on the fence and Mr. Bobeck indicated that he could not say that he was opposed because if that gentleman over there says that he needs time, he has to respect that.

Supervisor Ringler asked again if anyone else wished to speak in opposition to this moratorium extension.

No one else spoke.

The motion was made by Ms. Galvin and seconded by Mr. Webster to close the public hearing at 8:20 p.m. The motion was passed by the following vote:

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


Deputy Town Clerk

The Supervisor read the following note from Jo Ann Bennett in regard to the above public hearing as follows:

Feb. 10, 1991

Dear Ken,

I will be unable to attend the Town Board Meeting this Wednesday. I would therefore like you to know that I support a 6 month continuation of the moratorium on the Solid Waste Disposal Proposal. Bethlehem is becoming an example for other towns with our wonderful recycling program. I think we can further help the environment by not allowing American Refuel to build in our Town.

Thanks so much.

/s/ Jo Ann Bennett

The regular Town Board meeting was convened immediately following the close of the Public Hearing at 8:21 p.m.

The Supervisor asked if the Town Board wished to take action on this proposal at this point in time. He indicated one question he had before this was approved regarded the original SEQR determination. He asked Mr. Secor if the SEQR had to be done in regard to the extension. Mr. Secor responded that he thought the Board would have to make an additional declaration about SEQR.

Adopt Local
Law No. 1 -
1991 and
SEQR neg.
declaration

The motion was made by Ms. Galvin and seconded by Mr. Burns that a Negative Declaration be declared covering the additional six month period of time for the Solid Waste Facilities Moratorium. The motion was passed by the following vote:

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

- - -

Supervisor Ringler asked if anyone would like to offer the motion to implement this extension effective March 19th. The motion was made by Ms. Galvin and seconded by Mr. Burns that the Six Month Extension on the Solid Waste Facilities Moratorium be implemented effective March 19, 1991. The motion was passed by the following vote:

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

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An unidentified woman from the audience asked if she could make a comment having nothing to do and completely off the record and she promised she would keep it short. She said it was about the comment made about threatening people and since she was a proponent of non-violence she felt a little offended by that and asked why they did not just set the record straight that people who intend to hold their public officials accountable are not threatening their public officials. Supervisor Ringler indicated that they do not feel threatened by that, but we have to make some difficult decisions and we are not always going to make everybody happy when we make them. The unidentified woman indicated that she understood this and she figured that the Town Board understood that, but that when they vote it is one of the few times that they have to do that. Supervisor Ringler said he hoped that they would be making them for a good long time. Councilman Webster indicated that they expect to be held accountable, but he thought that we needed a little more time to look into this to make a proper decision. The unidentified woman indicated that she understood this but just wanted to make that one point as the use of that word was offensive.

Supervisor Ringler indicated that they had a long agenda but would take about a two minute break and they were all welcome to stay.

The Supervisor indicated that the next item on the Agenda was a recommendation from him regarding the Fiscal Situation of the Town. He read the following memorandum:

M E M O R A N D U M

TO: TOWN BOARD MEMBERS
FROM: KENNETH J. RINGLER, JR.
DATE: FEBRUARY 12, 1991
SUBJECT: FISCAL SITUATION

Fiscal
Situation
Endorsement
and Park
Pavilion Fees
Approved

I am sure you are aware of the potential fiscal problem the town will be facing if the Governor's current budget is approved as is. The Governor has eliminated all revenue sharing for towns and we estimate this to have an effect on our General Fund of approximately \$340,000.00.

In addition, there has been a reduction in the Consolidated Highway Improvement program. Estimates indicate we will lose \$67,000.00, however, a portion of the Governor's plan calls for a dedicated highway fund, some of which should be returned to localities, but at this time that figure is unknown.

It also appears we will lose in its entirety or at least a portion of youth funds that now support many of our programs at Parks and Recreation. These cuts add to the problems that I outlined in my memo of November 1, 1990. At that time, I indicated a concern regarding the economic conditions which would lead to a decrease in sales tax revenues and other fees. Therefore, I propose the following actions in order to prepare for a very serious shortfall on revenues during our current budget year.

Of course as time goes on the situation may change. The Governor may not receive all the cuts that he had hoped for, sales tax revenues may be different than anticipated. Some of the cuts that I am outlining may not have to take place as time goes on. However, we must take action now. We cannot spend the money in anticipation of an improved situation. In addition to the cuts proposed for the general Fund, the Highway Department has outlined their plan for addressing this crisis in the attached report. We can only spend it if we actually receive it. I look for your endorsements of these proposals and/or any suggestions that you might have regarding this plan.

ESTIMATED CASH SAVINGS

Insurance \$ 5,000.00

The actual policy cost this year appear to be \$5,000.00 less than we originally budgeted on based upon conversations with our insurance agents.

Conferences \$ 15,000.00

The current policy in effect allows employees to attend conferences only on a local area basis. Our estimates are that a savings of over \$15,000.00 result.

Hiring Freeze \$100,000.00

At this time there are several openings in the Police Department and there are other openings, part-time in nature, which we had budgeted for which have not been filled. At this time, I would recommend that no hirings take place in these areas.

Fire Arms Purchase \$ 11,000.00

I recommend that we do not purchase the fire arms that the Police Department wish to purchase this year at this point in time.

Garbage Pick-Up \$105,000.00

Although I had originally had hoped to continue this service for a period of time, it appears now, that due to the Governor's cuts, we will be unable to do so. I had already reduced the staffing in this area. If we eliminate the service completely, a substantial savings will take place.

Contractual Expenses \$ 80,000.00

I will request all Department Head personnel to review their contractual expenses in their budget and to reduce that figure by 5% and to present a plan to me for this reduction.

Project Hope \$ 13,000.00

We originally budgeted \$26,000.00 to support Project Hope. I recommend that I attempt to re-negotiate this contract at the price of \$13,000.00

Parks and Recreation \$ 10,000.00

This year's budget provided for \$50,000.00 for park development in South Bethlehem and North Bethlehem. The Board has agreed that we should try to do this on a pay-as-you-go basis. However, with the current deductions from the State, I reluctantly believe that we should attempt to cut this back this year unless the fiscal situation improves. I recommend that this be cut back by \$10,000.00. However, I have asked the Planning Department to expedite the review of the 10% set-aside of land or payment in lieu of for recreational purposes. As you know, this was on the Board agenda at one point in time, and they were asked to gather further information from the Board. I feel, it will be important if Parks and Recreation are going to increase on facilities, that increase be offset by new developments taking place in town.

As you know, at this point in time, it would be very difficult for us to increase anything on the revenue side. However, Parks and Recreation will be increasing program fees to offset loss in state funds as necessary. It is also recommended that the board approve a charge for using our pavilions. This would be minimal, however, would offset the cost we currently incur for cleanup after parties take place. I attached a copy of the proposed pavilion schedule. Together with the program fee additional revenue of approximately \$13,000.00 will be generated.

This is a beginning and adjustments may have to be made throughout the year. While many of these are administrative in nature, I am looking for the Board's endorsement of these policies, or other alternative suggestions you may wish to offer.

1991 HIGHWAY DEPARTMENT BUDGET (CONTINGENCY PLAN)

LOSS OF REVENUE

61% cutback in state-funded CHIPS program

LOSS OF \$65,000.00

TOTAL AMOUNT TO BE CUT \$65,000.00

PROJECT CUTBACKS

Guide rail purchase and installation

1989-1990 average \$28,000.00/yr

25% REDUCTION FOR 1991 \$ 7,000.00

Latex modified asphalt pavement (micropaving)

1989-1990 average \$26,000.00/yr

25% REDUCTION FOR 1991 \$ 6,500.00

Chip seal program (stone and oil)

1989-1990 average \$54,000.00/yr

25% REDUCTION FOR 1991 \$13,500.00

EQUIPMENT PURCHASE

1) 1991 Heavy-duty dump truck from state contract

\$45,000.00 (estimated) \$42,000.00 (actual)
Savings: \$3,000.00

2) 1991 Medium-duty rack trucks from state contract

\$22,000.00 (estimated) each \$21,500.00 (actual)

Savings: \$500.00 each
Total Savings \$1000.00

1) 1989 used 3 to 5 ton roller purchased from bid

\$29,500 (estimated) \$19,000.00 (actual)
Savings \$10,500.00

1) 1991 Tractor and mower to be purchased

\$14,000.00 (estimated) Cancelled
Savings \$14,000.00

1) 1991 Salt-sand spreader to be purchased

\$5,000.00 (estimated) Cancelled
Savings \$ 5,000.00

1) 1991 One-way snowplow to be purchased

\$4,000.00 (estimated) Cancelled
Savings \$ 4,000.00

These figures represent a 20% cutback in equipment purchase.

Total amount of all anticipated cutbacks

\$64,500.00

In addition to the previous cutbacks, it will be necessary to re-evaluate the spring clean-up program. Due to the spiraling costs and increased regulations on the disposal of many items, we will need to limit the type of materials we pick up. These items should be limited to yard waste and any material which can be disposed of in our C&D Landfill. Although this will have a limited effect on the expenses directly associated with the labor and equipment involved, it will curtail any additional funding needed to separate and dispose of the unacceptable items.

The \$64,500.00 cuts in expenditures account for a 2% overall decrease in the 1991 Highway Department budget of \$3,245,864.00

Possible Fees for
Group Usage of Facilities
Remainder of 1991

Large Pavilion-Elm Avenue Park

Under 50 people	\$10.00
50-99 people	\$30.00
100-199 people	\$40.00
100-500 people	\$50.00
500+ people	\$60.00

Total: \$1,510

Medium Pavilion-Henry Hudson Park

Under 50 people	\$20.00
50-99 people	\$30.00
100+ people	\$40.00

Total: \$ 910.00

- - -

Supervisor Ringler asked the Town Board if they had any comments.

Councilman Robert J. Burns indicated that he had a few comments and questions. First of all he applauded Supervisor Ringler's efforts to boldly deal with the State cut-backs. We and every other municipality realize we will have to make very difficult decisions so that the question should we cut is a moot point. He said he guessed we have to, he guessed the question is more where do we cut. He asked Supervisor Ringler how many of these he felt needed to be decided upon now, as opposed to in April or in May. Supervisor Ringler indicated that he did not think these should be waited on, indicating some of these can be reinstated if it is found that there are additional monies. He is recommending -- and the one big issue, the one that is going to be of major concern he thought -- on the residents or some of our residents, in any event, is the garbage pick-up. He indicated he is going to suggest is that as originally discussed when we received the Solid Waste Task Force recommendation, that it be eliminated. He said he felt that it was important to have a community meeting to go out and obtain some input on that subject. He said he would like to suggest that at the next meeting we are going to have, indicating it would not be a public hearing per se, but an informational meeting where people may come in and speak to that particular issue. He said he was looking at that particular proposed recommendation as terminating in mid March, depending upon what the Board finds and listens to at that particular meeting.

Councilman Frederick C. Webster indicated that he thought that we had promised we would have a meeting and Supervisor Ringler indicated, we did. He said he thought that this was important to do. Supervisor Ringler said the other items -- for example when he talks a Hiring Freeze -- as the year goes on, if changes take place, then they can let up on that. The Police Department currently is operating three men below authorized levels, indicating one has gone out on disability retirement, the second expects that the disability retirement will be approved shortly, indicating he thought it would be and then there is a third young that is serving in the armed forces in Saudi Arabia. He said the Chief was anxious to increase at least with one of those positions, however, through some perseverance on the part of our staff, some agreement to make schedule changes and things like that. He said the Police have been able to work and feels that we have to continue with this at this point in time. He further said many of these things can be looked at later in the year. He hoped that the County would take this approach also. He said the sales tax revenues -- under the new census data we should have a larger share of sales tax, because our population has gone up to 27,542 from approximately 24,000 -- we should get a bigger cut, however, that requires action by the County Legislature. He indicated this is not an automatic change when the census becomes effective, the current law states that this sales tax formula is based upon the 1980 census and does not say anything, as he understands it, that would change it. If that happens we could see a substantial increase in our sales tax revenue -- or he should not say that -- with the economy the way it is you do not know what is going to happen, but hopefully that will offset and increase it. He spoke to the State Legislature yesterday representing the New York State Association

of Large Towns and they are trying to articulate our case -- that the governor's proposal is totally inequitable to Towns. We represent over fifty percent of the population of the State and they are taking all of our revenue sharing away and for Cities most of which provide the same services that we do as a large Town, they are only seeing a reduction. He did not know what kind of an effect this would have but said the Chairman of the Ways and Means Committee seemed to be responsive, whether or not they will change that, he did not know. He indicated you know how the State Legislature is, we may not have a budget in place until June if it goes by last year and we cannot wait until June in hope that they give us this money, we have to take the cautious route at this point in his view.

Councilman Burns continued, for instance on the timing in regard to the Parks & Recreation Department, how much of that \$50,000 would be expended before June 1st. The Supervisor asked David Austin to comment on this. Councilman Burns asked if this would halt any plan that has been started for the next month. Mr. Austin asked the Park Development cut, and indicated that they probably would not expend that by June 1st, but realistically probably half of that amount would be spent in South Bethlehem and North Bethlehem. Supervisor Ringler indicated the point is that if we can reinstitute those funds in the fall, work can be continued. Councilman Frederick C. Webster indicated that there would be \$40,000 remaining in that fund. Supervisor Ringler stated, there would still be \$40,000 remaining under the proposal. Councilman Webster continued that that was what Mr. Burns was saying -- that if you cut out twenty percent of that fund for the development of North and South Bethlehem will it affect your work as your start -- say from now until June. Mr. Austin indicated that he would have to say, no. He said if it is not reinstated later in the year, then it is just obviously not going to get done. Supervisor Ringler indicated, on the other hand if we can move ahead on the payment in lieu of and things like that and build that fund up for capital improvements, we may be able to make more strides in that particular area.

Councilman Burns continued, he knew the Supervisor spent more time and worked on this with departments heads but they just received this yesterday so he did not want to take away from the time he was sure he had spent making these recommendations. He asked, however, if the department heads had the opportunity to take... First of all he asked if they concur with each of these, and if not did they come up with any other ideas. He asked for example if the Police would rather retain the appropriation for the new weapons in lieu perhaps of another \$11,000 in some other area. He asked if there are other pieces of equipment that might be recommended to be held off on. Supervisor Ringler stated that not every department head has had this discussed at this point in time, but that he did talk with the Chief of Police because that was a major hit in his department. He said at this point in time they did not get into any detail on that, but talked particularly in the area of vehicles and things like that as to whether or not we should be reducing there. He said this is the kind of thing we cannot reduce, we have to keep the policemen on the road, however, any department head that would come in with an alternative plan, it could certainly be considered. He said as far as helping to prioritize these things, there were things that could be done quickly and have something proposed for the Board's approval but if the Chief comes back with a proposal of something else, the Board will certainly look at it. Supervisor Ringler said the Chief is aware of it, as was David aware of it, and any of the other major changes. He said they could see under the \$80,000 on contractual he was asking the department heads to give him their priorities on that and to look at their own budget.

Councilman Burns asked one question or maybe he was just expressing a concern, his understanding is that when hard times befall us, when economic difficulties exist, when people are laid off we tend to see more emotional difficulties, more arrests -- more difficulties in that area -- and asked if that has been taken into full consideration when the money is deleted for additional police officers. He further asked if we have any concern for this. Supervisor Ringler indicated that public safety is a paramount concern and if something happens as he told the Chief, if there is a start of serious problems, this will have to be reconsidered. He said, however, at this point in time it is going to take some bending but he thought that the Board could live with it, stating it will have to be monitored very

carefully. Councilman Burns asked if we will see overtime expenditures rising dramatically. Supervisor Ringler indicated that he did not think they have risen dramatically at all, as a matter of fact he thought that the departments after his last letter on overtime have been monitoring it and then overtime has been pretty good. The problem with the Police Department will crop up in the summertime as vacation schedules come into play and so forth, at this time of the year there are not a lot of people out on vacation so it is much easier to keep the full compliment of cars on the road.

Councilman Burns asked on Project Hope -- Supervisor Ringler indicated that you have to remember in the Police Department basically we have been paying two of these individuals that have been out pending disability -- the bodies have not been there so the effect on the manpower situation at this point is strictly with the situation of Jeff Vunck being added, who is in Saudi Arabia and God willing he will be home mid year. Councilman Burns indicated that he did wonder about the Project Hope cut and he guessed that he was surprised that they have agreed to a fifty percent cut, due to the fact human services agencies really rely on this kind of money just to keep the counselling going. Again, during difficult times when youngsters perhaps need the counselling more than ever, Mr. Burns explained, he wondered why they agreed to that knowing that they had another funding source to turn to, or did they just accept that fifty percent cut. Supervisor Ringler indicated that you have to realize that we have an existing contract and they would have to agree to it. Supervisor Ringler said he pointed out to them that we did have a serious problem and that we were looking at all departments. He did not, however, that they asked him not to advertise the fact that they had agreed to this, because they do have other communities that will be looking to save money also. He said they were asked and they understand our situation. Supervisor Ringler said he talked to Mr. Krupka today and he said as with every other department if the situation changes during the year he can come back to us and have us reconsider.

Councilman Burns continued asking what he was looking for this evening, inquiring if it is authorization to hold the expenditures. Supervisor Ringler indicated that he was not so sure that he needed a motion, he was looking for the Board's counsel and advice and the only thing we would need a motion on as he sees it, would be the approval of the fees for pavilions that is attached to this correspondence. Supervisor Ringler said the proposed fees are for the Large Pavilion at the Elm Avenue Town Park for under 50 people a ten dollar charge up to \$60.00 for 500 or more and on the Medium Pavilion at Henry Hudson Park \$20.00 up to \$40.00. These are minimal charges, according to Supervisor Ringler, but again this is one area where we do have increased costs because they leave those pavilions generally a mess when they get done and we thought that we would try to offset some of that. He thought that THE SPOTLIGHT quoted him well today when he said a nickel here and nickel there will add up indicating this is what has to be done. Supervisor Ringler said the Town has to be looking at these nickels. Councilman Burns asked if we would make that retroactive to when the GOP had their party -- Laughter. Attorney Kaplowitz indicated that they would just automatically pay double next year. Supervisor Ringler indicated get that in the record -- Laughter -- because we do not talk politics here Mr. Burns -- Laughter. Attorney Kaplowitz indicated as long as we do the same for everybody.

Supervisor Ringler asked if anyone would like to offer a motion on the fees for the pavilions.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the following fees be established for Group usage of the Large Pavilion at the Elm Avenue Park and the Medium Pavilion at the Henry Hudson Park for the remainder of 1991:

Large Pavilion-Elm Avenue Park

Under 50 people	\$20.00
50-99 people	\$30.00
100-199 people	\$40.00
100-500 people	\$50.00
500+ people	\$60.00

Approval Par!
Pavilion Fee!

Medium Pavilion-Henry Hudson Park

Under 50 people	\$20.00
50-99 people	\$30.00
100+ people	\$40.00

The motion was passed by the following vote:

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

Noes: None.

- - -

Supervisor Ringler asked if anyone else had comments on what he has proposed at this point in time or suggestions.

Councilman Charles A. Gunner stated that all that he could say was that we have made an honest effort and it should be appreciated by other people in the community or will be if we run into any more difficulty. The Supervisor thanked Councilman Gunner. Councilman Webster asked if the garbage issue will be discussed. Supervisor Ringler indicated that the garbage issue would be put on the agenda as the first item at the next meeting. He said it will be publicized for the community's benefit. He said as a matter of fact that he was thinking of sending a flyer out with the haulers notifying that this is going to happen. Councilman Gunner asked if there was any possibility that we can have some figures on how many people use the garbage pick-up, indicating about 1400 if he remembered correctly. Supervisor Ringler indicated the last count -- and he had it last week that he asked them to do that -- there were 1400 stops. Councilman Gunner asked if there was any way to find this out. Supervisor Ringler asked Sharon Fisher, Recycling Coordinator, who did a study of this at one time and this number ties in closely with what she found out the last time as he recalls. Sharon Fisher indicated that she knew at least seventy percent of the people already had a garbage hauler and it seemed like there was no dominant age group who used the garbage service but it did seem as you get into the rural areas more people used the service than in Delmar or right in Town.

Supervisor Ringler asked if there were any other Board comments. Councilman Burns asked on the garbage pick-up if the \$105,000 would be the savings from perhaps April through the end of the year. Supervisor Ringler indicated that it was annual savings and excluding the fact that he has already taken one man off of there, it was higher than that. He said the Board may recall was always talk about \$125,000 or \$130,000 as to what Bruce had anticipated and gave him. He did not have it with him, but a complete break-down can be gotten that he knew would be an accurate figure. The Supervisor asked if there were any other Board comments.

Marie Capone asked -- two things -- if you are three cops short don't you pay it in overtime. Supervisor Ringler indicated, no, stating there will be some but there is still a net savings. Mrs. Capone continued, those two guys that are retiring, could one of them have been put as a DARE officer. Supervisor Ringler indicated there are

DARE officers and Mrs. Capone indicated that she knew but instead of Ray Linstruth, could you have used one of the two other officers. Supervisor Ringler asked by keeping them on and Mrs. Capone indicated, yes, instead of using Ray Linstruth as a DARE officer you could have used Rudolph or the other guy that is going. Supervisor Ringler indicated but the problem is a police officer has to be a total police officer in our view. He said the Town does not recommend positions for people with partial disabilities.

The Supervisor asked if there were any other comments and thanked the Board for their endorsement and indicated he will continue to monitor this very carefully.

Councilman Burns asked if we had a date that we expect to hear on the sales tax revenue. Supervisor Ringler indicated that he did not know when that will happen indicating he will have to talk to our County Legislators to see what is going on. He said the question is when the census actually becomes official -- we have received the numbers -- but he did not know the exact date. Philip Maher,

Comptroller, stated the suggestion that he was hearing was some time in April the census data would become official but there has been nothing available on the sales tax and the County really probably cannot take any action until that data is finalized. Supervisor Ringler indicated he certainly hoped Mr. Burns would help lobby with the Democratic Majority in the County Legislature to get that changed. He thanked Councilman Burns.

The Supervisor next acknowledged receipt of of the 1990 Annual Report from the Selkirk and Elsmere Fire Districts.

Acknowledg
Selkirk &
Elsmere Fire
Dists. 1990
Annual Report:

Next the Town Board had a recommendation from the Department of Public Works for assignment of house numbers on Beaver Dam Road in Selkirk. The Supervisor asked if anyone had any questions and indicated it was the usual letter from the Engineering Department with the six month notice and so forth.

The motion was made by Ms. Galvin and seconded by Mr. Burns that the following house numbers be and they hereby are assigned on Beaver Dam Road, Parker Road, Upper Parker Road, Grand View Terrace, Bingham Road and Old Town Road, effective August 13, 1991. The motion was passed by the following vote:

House No.
Assignment:
Beaver Dam
Parker Rd., Up
Parker Rd., Gr
View Terr.,
Bingham Rd.,
Old Town Roc

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

- - -

BEAVER DAM ROAD

Property Owner	Proposed Number
Dorothy Earl	7
Peter Van Kempen	11
Robert McGurn	21
Stephen Wahl	30
Orpha Clemons	36
Alan and Donna Bozzolo	44
Robert and Alice Samsel	54
Michael Mogul	53
Raymond and Marietta Denney	57,61
Raymond and Charlene Denney	65 Shop 63
Gary and Ruth Zinzow	66
Richard and Katherine Gordon	68
Sandra Goulet	72
Robert and Joanne Hagadone	74
Roy and Lorretta Rexford	78
Angelo Gigliotti	81
Ronald Lymburner	129
Henry Meyers	130,136
Clyde Norton	139,147,149
Wesley and Susan Demerest	158
Samaritan Shelters	163
Donald Gillespie	170
Robert and Margaret Schermerhorn	178
Daniel and Victoria Donnelly	188
Nancy Carrington	193
Judith McCarty	199
Richard Kaser	210
David Koonz	239
Gerald and Holly Dare	247
Tyrone Yandon	254
Henry Camperlengo	255
Raymond and Lori Agudo	259
Raymond and Lori Agudo	261,263
Elizabeth Murphy	283
Brian and Regina Herrington	286
Thomas and Carolyn Baker	289
Sarine Ackert	290
Charles Mahar	293

BEAVER DAM ROAD (continued)

Property Owner	Proposed Number
Rodney and Anna Raynor	294
Andrew and Gracie Judkins	301
John O'Hanlon	304
Abe and Thelma Robinson	305
John Brady	307
Richard Shord	308
Bernard and Hazel Teriele	312
Thomas Walker	316,318
Anthony and Kathleen Teriele	319
Gregory Smith	322
Stephen and Margaret Seymour	325
Zoe Bowie	332

OLD TOWN ROAD

James and Beth McKiernan	21
Fred and Louise Buschofsky	40
Clifford Wright	44
Edward Weingarden	52
Robert Muller	60
Florence Camps	71
Joseph and Charlotte Gallagher	83

PARKER ROAD

John Ubrich	14
Allen Philpott	18
Ray Clifford	19
Klara Nagy	21
Salvatore Giordano	22
Klara Nagy	23,25
Salvatore and Marion Giordano	26
Margaret Lewis	27
Walter and Leona Krzanowski	30
Alexander and Julia Benko	41

UPPER PARKER ROAD

Louise Smith	10
Thomas and Eileen Alicandro	14
Joseph Thomas	17
Steven and Lorainn Wing	29
Lawrence Femminella	37

GRAND VIEW TERRACE

Scott and Diane Thompson	4
Paul and Jane Leblanc	7
Robert and Barbara Day	10
Glenn and Veronica Dehond	14
Francis Femminella	19

BINGHAM ROAD

Craig Roberts	16
---------------	----

House No.
Assignments,
VanDyke Rd.,
Vadney Rd.,
Gay St.,
Franklyn St.,
Marvin Ave.

The Supervisor indicated that next was also a recommendation from the Department of Public Works on VanDyke Road, Vadney Road, Gay Street, Franklyn Street and Marvin Avenue in Delmar and as he read that letter he was confused as they indicated there were attached five sets of prints for Meads Lane, but that was just a word processing problem, and Meads Lane was approved at their last meeting.

The motion was made by Ms. Galvin and seconded by Mr. Burns that the following house numbers be and they hereby are assigned on Van Dyke Road, Vadney Road, Gay Street, Franklyn Street and Marvin Avenue in Delmar, effective August 15, 1991. The motion was passed by the following vote:

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

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VADNEY ROAD

Property Owner	Proposed No.
Vernonica Sinnamon	2
Paul Parker	10
Jeff and Karen Vadney	59
Frank and Mabel Vadney	81

GAY STREET

N.Y. Assoc. For The Learning Disabled	12
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FRANKLYN STREET

Judith Laffin	8
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MARVIN AVENUE

Irwin and Madeline Sutter	2
Egbert and Leigh Bagg	6
Mary Dente	10
Lynn Verde	14
Kenneth and Bernice Lenseth	18
Ronald and Patricia Walter	22
John and Lois Vadney	30
John Vadney (shop)	32

VAN DYKE ROAD

William and Jean Krell	5
Thomas Moran	11
Francis and Marian Sheridan	55
Charles Preska	59
Victor and Etta Preska	73
Bethlehem Central (bus garage)	82
Thomas O'Connor	126
Frank and Ruth Hawthorne	132
Elaine Watton	136
John and Veronica Wildzunas	141
Michael and Cecile Mulhern	142
George Keck	148
Victor and Carole Ballato	153
Charles Preska	163
Dennis and Frances Stevens	167
John and Barbara Logan	169
William and Carolyn Greer	223
Alfred and Margaret Fournier	229
Arthur and Marion Fournier	237
Ralph Leonard	246

Councilman Gunner asked before moving on if he could ask a question. He said maybe Bruce Secor could answer because it is his department. He asked in regard to our Emergency Services with the Police Department and Fire Departments if there are any problems with people locating homes. He said he did notice a lot of houses without numbers and he did not mean a great majority, but there are considerable numbers without numbers posted. He asked if we have any regulation that requires them to put a house number on in a certain area, commenting some of them have them on the barn and somebody else may have it at the front door. Mr. Secor indicated that he was not aware of a regulation but it is suggested by the Fire Companies when they go around for their fund drive each year, and every piece of literature that you get suggests that you put the numbers out there. He said it is also suggested that they be numbers, not written out words, and make it as visible as possible. The suggestion is also made that at night if you have some lighting, the number be located

someplace near the lighting because it is difficult going around and finding the addresses. He further said he was not sure what we could do about it, you know shrubs grow up or light bulbs go off but it is a very difficult thing. The numbering system that we are trying to work towards is ultimately getting us toward the 911 system and if it is ever going to come into play, we will have to number every road in the Town. He said the system will not work without a numbering system and we are working towards that goal. Councilman Gunner indicated that he has no problem with what is proposed at all, it was just that he was just going one step further. He felt the Board should find out from our emergency services whether or not there is a problem. Supervisor Ringler indicated that the letter from Mr. Ritz indicates that he always says it does not work unless the people put the numbers up. Councilman Gunner indicated that he noticed the Fire Departments send out flyers. Councilman Burns indicated that he felt this was a good idea and he thought at first that it looked like Mr. Ritz was telling us, or lecturing us that this is of no value unless this is done, so he assumed that when the letters go to the residents they are urged to do that. Councilman Burns indicated in other communities he understood that it has been a community project by one of the service organizations and he has been meaning to talk to his own Kiwanis Club about this. He said it might be something since they did not sell light bulbs or anything like that, that maybe they could do some kind of a project of that nature and have large numbers that we could somehow provide. He said maybe it is something that government need not get involved with. Supervisor Ringler asked Councilman Burns if the Board could expect a report from him on that - Laughter. Councilman Burns indicated that he would check this out. Councilman Gunner stated that he just wanted to find out if it was a problem and if so maybe government should get involved, and if it is not a problem, then he would agree. Councilman Frederick C. Webster indicated that one thing the Fire Departments do is maintain in their radio rooms a rolodex index which tells cross streets and the numbers between this cross street and the next cross street, so at least when they are going into a situation they know the block they are going into and then it is a question of picking the house out of that block. Councilman Burns indicated that Terry Ritz was an official of a fire department so he assumed that when he writes that he is expressing the concern from that point of view. Bruce Secor indicated that it is a problem as you get out into the more rural areas because of the house setbacks and so forth. Councilman Webster indicated that there is a more difficult problem in Selkirk then as you say up here in the village. Supervisor Ringler indicated this should be looked into further with the Chiefs, indicating the Board is aware of joint meetings with the Fire Chiefs and Ex-Commissioner of the Ambulance and see what they have to say on that.

Kathleen Keenan indicated, as an ambulance person who has literally gone up and down a darkened road at two o'clock in the morning, looking for a heart attack patient, she would love to see that happen. Supervisor Ringler indicated that it was a good idea.

Approve Town
Bd. minutes -
Jan.9, 1991

The motion was made by Ms. Galvin and seconded by Mr. Burns that the Town Board minutes of January 9, 1991 be approved as submitted to the Board. The motion was passed by the following vote:

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

Settlements
in matter of
Berben &
Hausmann -
Beacon Rd.
Improvement
Project

Next was a recommendation from Bruce Secor, Commissioner of Public Works, to accept settlements in the matter of Harold Berben and James Hausmann in regard to the Beacon Road Improvement Project, with the recommendation of Counsel. Those two adjustments are \$650.00 and \$1140.00. The Supervisor asked if there were any questions.

The motion was made by Ms.Galvin and seconded by Mr.Burns that in accordance with the recommendation of the Department of Public Works and Attorney Efron, the amount of \$1140.00 to Harold Berben, et ano. and \$650.00 to James Hausmann et ano. be and they hereby are approved as settlements for both rights-of-way in connection with the Beacon

Road Reconstruction Project. The motion was passed by the following vote:

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

The Supervisor next acknowledged receipt of the Quarterly Franchise fee from October through December in the amount of \$17,033.00 from Cablevision.

Councilwoman Galvin indicated that she had a question on that. We got a one sheet piece of paper that gives quarterly total receipts and some other figures that are very nice, but she did not see one iota of backup. She asked if we ever received audited financials of any sort to back this up or do we just believe everything we get sent by these people. Supervisor Ringler asked if perhaps one of the previous Board Members could answer this for him. Councilman Webster indicated that they had tried and Councilman Burns indicated that he had been on the Board when they first talked about having a Commission Group to look into this and he believed that this is dealt with in their initial reports that we are getting the minimum and maybe it is all we can get. Supervisor Ringler said we have never received in his time here anything of this substance. Councilwoman Galvin asked if we had ever requested these, though. Councilwoman Galvin indicated that she would like to make the request. Councilman Webster indicated that the Cablevision Committee was looking into this. Councilwoman Galvin continued that just before we glibly accept \$17,033.00 and say thank you very much, she would like to say that we will accept the \$17,033.00 subject to review of audited financials and their last year's tax returns and see what they tell the IRS too.

Acknowledge
Receipt of
Quarterly
Franchise
Fee -- Cable-
vision

Councilman Charles A. Gunner indicated that he would agree with that, because he has a concern, they just recently stopped or they will be stopping at the end of this month the little pamphlet inside that gives you the mini program guide. He said they claim because of the expense they will discontinue this pamphlet, while in reality they are saving more money but they have not reduced the Town's income, but the report may speak to that. Councilwoman Galvin stated that she found this one page statement as being totally unacceptable for acceptance of the fee and she thought that we should take the check for \$17,033.00 but with the proviso that it is being accepted subject to review of audited financials to verify their statement. Supervisor Ringler indicated that he would check to see what we could get from them by our past franchise agreement. Councilman Gunner asked if we would be getting a report in the very near future from the Cablevision Committee. Supervisor Ringler indicated you have one. Councilman Gunner indicated that he had the written one but asked if they were going to give one here. Supervisor Ringler indicated that this was a matter of negotiations and he was going to bring that up in Executive Session because we are going to be discussing that soon. Councilwoman Galvin indicated in reading over the material it was her opinion that we would certainly be entitled to those financials. Supervisor Ringler indicated again, he would read it and see what is required and he would find out. He thanked Councilwoman Galvin.

The Supervisor next acknowledged receipt of the Annual Franchise Fee from Mid-Hudson Cablevision of \$81.32. Councilwoman Galvin indicated that she would like to make the same request. Supervisor Ringler indicated that it was not as important here as we only have about four residents in the Town that receive cable from them. Councilwoman Galvin stated that it was probably accurate but given the fact that we are asking all of our departments to make cut backs and having everybody tighten their belts, she thought that we should look at all of it.

Acknowledge
1990 Yearly Fee
Mid-Hudson
Cablevision

Next was a request from Bruce Secor, Commissioner of Public Works, for approval of two representatives to attend a Yard Waste Management Training Course at the Hilton in Albany, with expenses paid and he

outlines his reasons for doing that. The Supervisor asked Mr. Secor if he minded if only one went to this course and Mr. Secor responded that he did not.

Training
Course -
Yard
Waste Management

The motion was made by Ms. Galvin and seconded by Mr. Gunner that one representative of the Town of Bethlehem be and they hereby are authorized to attend the two-day Seminar on Yard Waste Management Training to be held on March 27-28, 1991 at the Hilton Hotel, Albany, N.Y. with expenses paid. The motion was passed by the following vote:

Ayes; Mr.Ringler, Mr.Webster, Mr.Burns, Ms.Galvin, Mr.Gunner.
Noes: None.

Modifications
Waste Water
Treatment
Plant
Improvements
SEQR determin-
ation rescinded
and approve
of Coordinated
Review -
Type I action

Next was a request from Bruce Secor, Commissioner of Public Works, to annul the previous SEQR Negative Declaration approved for the Modification of the Waste Water Treatment Plant and declare this as a Type I Action and begin the lead agency determination process. He indicated that in the memorandum as the Board can see, Mr. Secor thought that this was an unlisted action, however, it is adjacent to the Nicoll Sill house and in a historic district, which forces us to go through a Coordinated review. The Supervisor asked for a motion to annul the Negative Declaration.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the Negative Action for the SEQR Declaration for the Modification of the Waste Water Treatment Plant be and it hereby is annulled. The motion was passed by the following vote:

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

- - -

The motion was made by Mr. Webster and seconded by Mr. Gunner that the Town of Bethlehem Town Board declare itself lead agency and circulate the necessary forms to other identified agencies to begin the coordinated SEQR review. The motion was passed by the following vote;

Ayes: Mr.Ringler, Mr.Webster, Mr.Burns, Ms.Galvin, Mr.Gunner.
Noes; None.

Approval
1991 Park
usage fees

Next was a request from David Austin, Administrator of Parks & Recreation Department, for approval of usage fees for use of the Town Park for the Summer of 1991. These are not changes in this particular instance, as these are not areas that should be changed. Last year we did have an increase and we do not recommend increasing these. The other fees that we receive support particular programs that we receive Division of Youth support from, we will suggest increasing.

The motion was made by Ms.Galvin and seconded by Mr.Burns that the following fees be and they hereby are established for the Summer Facility Usage Fees at the Elm Avenue Park.

Pool Charges

Daily Rates

Adult (Age 14-64) - \$1.50 after 5:00 p.m. .75¢
Child (Age 7-13) - \$1.00 after 5:00 p.m. .50¢
(Non-resident guests are double the above rates)

Season Pass Rates

Family Pass \$70.00
Husband & Wife \$60.00
Individual Adult Pass \$35.00
Individual Child Pass \$25.00

Pool I.D. Card Replacement \$3.00

Parking (non validated vehicles only) \$2.00

The motion was passed by the following vote:

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

Supervisor Ringler indicated that next was a request from Martin Cross, Superintendent of Highway, to go to bid for Motor Oil for use of the various departments within the Town for 1991, indicating we could advertise on February 20, 1991 and open bids on March 4, 1991.

The motion was made by Ms.Galvin and seconded by Mr.Webster that the Town Clerk advertise for bids for Motor Oil for use of the Town in 1991 in THE SPOTLIGHT issue of February 20, 1991 and that bids be received on March 4, 1991 at 2:00 p.m. The motion was passed by the following vote:

Request to
go to Bid
for Motor
Oil for
1991

Ayes; Mr.Ringler, Mr.Webster, Mr.Burns, Ms.Galvin, Mr.Gunner.
Noes: None.

Next was a request from Bruce Secor for a total of five employees of the Department of Public Works to attend a one-day Training Session for Small Water Systems at the Holiday Inn, Latham, at a cost of \$13.00 per person. It was indicated that this training is required for these individuals while operating the Water Treatment Plant and at five times \$13.00 he thought that we can go with that.

Training
Session fo
Small Water
Systems

The motion was made by Ms.Galvin and seconded by Mr.Burns that five employees of the Department of Public Works be and they hereby are authorized to attend the one-day Training Session for Small Water Systems to be held on Thursday, February 28, 1991 at the Holiday Inn, Latham, N.Y., with expenses paid. The motion was passed by the following vote:

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

The Supervisor next acknowledged receipt of Conditional Approval of Final Plat for the Proposed ADAMS WOODS Subdivision located on Feura Bush Road.

Acknowledge
Cond. Appr.o
Final Plat
ADAMS WOODS

Next was a request from David Austin, Administrator of Parks & Recreation, for approval of Seasonal Personnel. He indicated that he realizes these people are necessary to keep these particular programs underway, and he does not consider this as part of the freeze.

Approval of
Seasonal Per-
sonnel, Park
& Recreation
Dept.

Recreation Specialist I at a rate of \$25.00 per trip.

Jane Feldman
11 York Road
Glenmont, NY 12077

Senior Lifeguard at a rate of \$7.90 per hour.

Margaret Fitzpatrick
6 Roweland Avenue
Delmar, NY 12054

Senior Lifeguard at a rate of \$6.70 per hour.

Becky Seidenberg
444 Delaware Avenue
Delmar, NY 12054

Recreation Instructor I at a rate of \$4.50 per hour.

Amanda Smith-Socaris
1 Alden Court
Delmar, NY 12054

Christian Smith-Socaris
1 Alden Court
Delmar, NY 12054

Recreation Instructor I at a rate of \$4.70 per hour.

Karen McCue
13 Wellington Road
Delmar, NY 12054

Recreation Instructor I at a rate of \$5.10 per hour.

Jennifer Googins
27 Sylvan Avenue
Delmar, NY 12054

The motion was made by Mr.Webster and seconded by Ms.Galvin that the above-mentioned personnel be and they hereby are approved to serve at the pleasure of the Town Board for the Parks & Recreation Department at the recommended rates of pay. The motion was passed by the following vote:

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

Acknowledge
Cond.Appr.
Final Plat
Caccamo

Next the Supervisor acknowledged receipt of Conditional Approval of Final Plat for the Subdivision of Anthony Caccamo.

Approve
Payment
Overpayment
Water Rents
Jan. 1991

Next was a request from Kenneth P. Hahn, Receiver of Taxes & Assessments, for payment of overpayments of water rents for the month of January, 1991 totaling \$6.14.

The motion was made by Ms. Galvin and seconded by Mr. Burns that overpayments of water rents for the month of January, 1991 be made to persons whose names appear on the list furnished by the Receiver of Taxes & Assessments in the amount of \$6.14 and on file in the office of the Town Clerk. The motion was passed by the following vote:

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

Acknowledge
Cond.App. of
Final Plat
Futia

The Supervisor next acknowledged receipt of the Conditional Approval of Final Plat for the Subdivision of Joseph and Madeleine Futia.

Acknowledge
Prel.Plat
Paula Estates

Next the Supervisor acknowledged receipt of the Preliminary Plat Approval for the Paula Estates, Ext. No. 1 Subdivision.

Request to
go to Bid
for Bethlehem
Report for 1991

The Supervisor indicated that he would next like to request to go to bid for the publication of the 1991 Bethlehem Report. We could advertise on February 20th, opening bids on March 4th.

The motion was made by Ms.Galvin and seconded by Mr.Burns that the Town Clerk advertise for Bids for furnishing of production and printing of the Bethlehem Report in THE SPOTLIGHT issue of February 20, 1991 and that bids be received and opened on March 4, 1991 at 2:30 p.m. The motion was passed by the following vote:

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

Next was a request from Paul E. Currie, Sr., Chief of Police, for Reappropriation of \$3,901.83 from Insurance Recovery Account to the Collision Repairs account.

The motion was made by Mr. Gunner and seconded by Ms. Galvin that the amount of \$3,901.83 be reappropriated from Account 2680 Insurance Recovery to Account 3120.464 Collision Repairs for the Police Department. The motion was passed by the following vote:

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

Approve
Reappropriation
from
Ins. Rec.
Acct to
Collision
Repairs,
Police Dept.

The Supervisor next acknowledged receipt of a petition requesting a Scooper Law in the Town of Bethlehem. He received the petition with 51 signatures which states, We, the undersigned residents of the Town of Bethlehem, request that an addendum requiring dog owners to clean up after their pets, be added to the Dog Ordinance.

Acknowledge
Petition Re.
Scooper Law

We live in a lovely community. Much time, energy, and money is spent to keep our homes, yards, and neighborhoods looking attractive. It is so unfortunate that the beauty of our town should be defaced and defiled by the excrement of our pets. It is unpleasant for our health conscious walkers and our children to have to watch where they step when they walk or play in our community.

Pets are important parts of suburban families and wonderful companions. A little effort on the part of the individual owners can allow us all to enjoy family pets and a clean, sweet smelling, and beautiful atmosphere in our Town.

Please enact and enforce a POOPER-SCOOPER law in the Town of Bethlehem.

Supervisor Ringler asked for comments. Councilman Burns indicated that he would imagine it was a prudent thing to do upon receipt of a petition like this to ask for Counsel's recommendations and suggestions. Laughter. He said he thinks it should be reviewed a little further and he would be interested to know where this is working elsewhere. He said he would like to see information on whether it enforceable, how the wording would be, and, he at least. He said he would like to know a little more about it, indicating he knew that it gets a great deal of play, and it seems more in the urban environments than in the suburbs. Supervisor Ringler stated that this has created a lot of discussion in the community already, he had received several phone calls, and many people are adamantly in favor of it, and several who are adamantly opposed to it. He talked with our Dog Warden today and he tells me that this is one of the calls he receives the most and he cannot do anything about it. He said people complain about people walking their dogs on the front of their lawns and leaving gifts and so forth. He said it is something that there has been a lot of discussion on and he did not know what the rest of the Board feels, he has a feeling that it may be the hottest issue in Town if we hold a public hearing on it. He said, however, he thinks it might be something that we might want to get some draft language to see how it is handled in other communities. Councilman Gunner indicated that he thought this would be good too, and he thought that we ought to look at the people in this community. He said they are fairly sophisticated and that is happening and we should try an educational program to make them aware of it before we have to go out and enforce this. Councilman Webster asked if it was something that we could just attach on to the leash law. Supervisor Ringler indicated that he would guess it could be but Attorney Kaplowitz will have to look at it. Town Attorney, Bernard Kaplowitz, indicated that to answer Mr. Burn's question, you can prevent it if it is done elsewhere, it is up to you five whether you want to do it or not and what form you want it to take. Councilman

Gunner indicated that he was just glad that you people did not have it before you got Cubello to keep his animals locked up, because if he came on to my lawn at any time, he would need a couple of pooper-scoopers. Laughter.

Supervisor Ringler indicated that he has a neighbor of his that he used to get so aggravated at this young man who used to walk the dog by his house every day. He said finally his wife walked out one day and he was doing his thing and she held out a plastic bag - "excuse me, this is for you". Councilman Webster stated that he knew of many, many of the people who had signed this and he even saw his mailman's name on here, and he could imagine that he has a real problem. Supervisor Ringler indicated that if everyone was in agreement he would ask Attorney Kaplowitz to look at this and possibly draft some language and see what is out there. He said then it could be discussed and if the Board feels so inclined, they could schedule a public hearing and thoroughly review the issue. Councilman Gunner indicated to Attorney Kaplowitz what he thinks is being said is that the Board wants a pooper-scooper-blooper. Laughter. Supervisor Ringler asked if Mrs. Freeman who proposed this originally was by any chance was in attendance at the meeting. Phyllis Hillinger indicated the she was here representing Mrs. Freeman, who was here earlier and saw how you moved and thought probably it would be to long. Supervisor Ringler indicated that he thought he had moved pretty quick here. Phyllis Hillinger indicated that she did live in the same neighborhood as Mrs. Freeman and Mr. Gunner and they collected those signatures without any trouble over the course of a couple of weeks. She said, as Mrs. Wenger just asked her, who among us would stand up and say, no, I am not going to do this. Supervisor Ringler indicated that there were several and Mrs. Hillinger indicated several people, but did they give you reasons why. Supervisor Ringler indicated they felt that it is an infringement on their rights. Mrs. Hillinger indicated it is an infringement on all of us and you may have not heard anything from the neighbors because she did not think that anyone had taken the initiative. She further said Mrs. Freeman was good enough to put out a little bit of effort and she felt that there was substantial interest in the Town to having such a law. Councilwoman Galvin asked if there was a particular violator that Mrs. Freeman had identified - Supervisor Ringler indicated Mr. Cubello - Laughter - and Councilman Gunner indicated that he has been pretty good recently. Mrs. Hillinger responded that she thought there was at one time and that was solved, indicating that was quite a while ago. She said, however, they all have a number of people in their neighborhood who do have pets and it is year in and year out and it is every season of the year and there are quite a number of defilements on the lawns and she thought that it was probably Town wide, indicating she did not think that her neighborhood is trying to be special. Councilman Burns indicated that he was trying to think of why this seems to be a city and urban issue at least from what he has read, and he knew that this was before Attorney Kaplowitz's research, but is it possibly because any time in a city environment there are community sidewalks, if you will, and that seems to be the problem that, in other words on the sidewalk you cannot just let the animal stain the sidewalks and cause that problem. He said in a suburb area with the exception of the street, which he does not imagine is the big problem and the small area that maybe the Town owns, or some power company owns or something that is grassy, anyone stepping on your lawn with or without a dog is technically trespassing anyhow -- asking if this is an accurate description. Supervisor Ringler indicated you have to realize that a lot of that is Town right-of-way. Councilman Burns continued but beyond that actually going on to someone else's property is not that cover under trespass violations. Attorney Kaplowitz indicated that it would technically be but he would imagine or would be willing to bet that the violations you are having are on the first six or eight feet, not on the rest of the property. He also said he was sure that this is where it takes place on the edge of the road. Mrs. Hillinger indicated that it was right at the edge of the road. Attorney Kaplowitz indicated that people do not go on your property intentionally but at the edge of the road it is common. Councilman Gunner asked that he just wondered in their particular area why they just cannot go up where the Cubello farm is. Supervisor Ringler indicated that this poor gentleman was taking a beating here tonight. Laughter. Councilman Gunner indicated the he knew that there was a long right-of-way all the way down Oakwood Road and all of the way down to Bender Lane, indicating there is plenty of empty space. Mrs. Hillinger indicated it is a long

way from her house down there and if the dog is in a hurry he cannot wait. Councilman Webster indicated and there are a lot of dogs running loose. Mrs. Hillinger indicated there are a number of cats loose, as well, and they did not start the cat pooper law yet. Supervisor Ringler indicated that one of the people who objected to this suggested that we give equal treatment to cats. Mrs. Hillinger indicated that if they would like to tack that on she thought that there would be interest as well. Supervisor Ringler indicated that they would ask the Town Attorney to research this and give us some draft wording. Councilwoman Galvin indicated that she thought that the Board should also note, for the record, that it cannot be discriminatory as to dogs alone. Councilman Burns asked if we have had petitions on this topic before, asking Mr. Kaplowitz if he know. Attorney Kaplowitz responded not that he knew of.

The next item was a request from John Flanigan, Building Inspector, for approval of a Dumping Permit for Peter K. Frueh for the premises located on West Yard Road and indication was made that there were recommendations from the Engineering Department.

The motion was made by Ms. Galvin and seconded by Mr. Webster that a dumping permit be issued to Peter Frueh to dump not to exceed 30,000, plus or minus, cubic yards of clean fill, concrete, gravel, etc. on his property on West Yard Road, Feura Bush, N.Y. for a period of one year, with the following stipulations:

Approve
Dumping
Permit -
Peter Frueh

1. All fill shall consist of clean soil and broken pavement. No building construction material will be allowed.
2. No surface or subsurface drainage shall be blocked or directed onto adjoining properties.
3. If it becomes necessary to alter or add to the existing box culvert under West Yard Road, a plan of the proposed improvement must be submitted to the Town for approval.
4. It may be necessary for the applicant to construct a temporary straw bale dike or silt fence if erosion becomes a problem.
5. As soon as a portion of the filling is completed, that area shall be graded to allow for proper drainage and then seeded to minimize wind and rain erosion.
6. If any material is tracked out onto the highway, it shall be cleaned immediately or all operations shall cease. It shall be the applicants responsibility to maintain the site in a neat and orderly manner at all times.

The motion was passed by the following vote:

Ayes: Mr. Ringer, Mr. Webster, Mr. Burns, Ms. Galvin, Mr. Gunner.
Noes: None.

Councilman Burns asked if this property crossed over into the Town of New Scotland or was it just a Feura Bush mailing address. Supervisor Ringler indicated that he had been looking at this himself and it is very close to the Town line but he assumed that Mr. Flanigan was permitting them to dump only in the Town of Bethlehem. Councilman Burns indicated that he was just wondering if this was actually much more extensive and we were just covering half of it, or a portion of it. Supervisor Ringler indicated that he did not know.

Next they had a request from Martin J. Cross, Superintendent of Highways, for approval of purchase of two (2) medium duty diesel-powered trucks and one tractor mower under State Contract. This is, as you know, in with his plan where he is going to make up his loss of CHIPS and as he said we have to keep our fleet out there.

Approve
Purchase 2
Med. Duty
Trucks -
Highway Dept.

The motion was made by Mr. Gunner and seconded by Ms. Galvin that Martin J. Cross, Superintendent of Highways, be and he hereby is authorized to purchase two Medium Duty Diesel-powered trucks with rack-type bodies for brush and leaf collection and one tractor diesel-powered with side attached mowing equipment to be used to mow the shoulders along Town roads at a cost of \$21,470.00 each for the

trucks and \$14,957.00 for the tractor under the 1991 State Contract. The motion was passed by the following vote:

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

Acknowledge
1990 Annual
Reports of
Town Justices

The Supervisor indicated that he would like to next acknowledge receipt of the Annual Reports for 1990 for the Town Justices, Peter Wenger and Roger Fritts.

Executive
Session
Motion -
Pending
Litigation

The Supervisor asked for a motion to conduct an Executive Session to discuss pending litigation at the end of this meeting.

The motion was made by Mr. Gunner and seconded by Ms. Galvin that the Town Board meet in Executive Session at the close of the regular meeting to discuss pending litigation. The motion was passed by the following vote:

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

Supervisor Ringler asked if there was anything else that anyone would like to bring to the attention of the Town Board this evening. No other business was transacted.

The motion was made by Mr. Webster and seconded by Ms. Galvin to adjourn the regular Town Board meeting at 9:10 p.m. The motion was passed by the following vote;

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

Supervisor Ringler thanked everyone.

Kathleen A. Newkirk
Deputy Town Clerk

No formal action was taken at the Executive Session.