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TOWN BOARD  
FEBRUARY 26, 1992

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

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

ABSENT: Frederick C. Webster, Councilman

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Supervisor Ringler said the first item on the agenda was a request from Bruce Secor, Commissioner of Public Works, to approve a request from the Tennessee Gas Pipeline Company to permit construction of a new gas pipeline around the end of the Vly Creek Reservoir on property owned by the Town of Bethlehem. He noted the Board had received a written report from the Commissioner of Public Works.

Approve  
Request  
for  
Tennessee  
Gas Pipeline  
to construct  
new gas  
pipeline  
at the  
End of  
Vly Creek  
Reservoir  
on Land  
Owned by  
Town of  
Bethlehem

Mr. Secor demonstrated on an exhibited map the location of the reservoir and where the proposed pipeline would be located. He noted there is one pipeline already relocated around the end of the reservoir, indicating this was a concession the Town was looking for and Tennessee Gas Pipeline Company was very cooperative about doing this. He further said this new pipeline parallel's the existing one and it does not cause any additional problems. He said the Company is very good at completing the work and restoring the land. He further indicated there are four instruments that the Company has asked to be executed. Mr. Secor noted he sees no problem with what they have asked for. Attorney Kaplowitz asked if they were all easements. Mr. Secor said one is an easement for the new pipeline, the other one is a request to use the construction access road. He said they are offering a damage release in each of those as part of the payment.

Councilwoman Galvin asked on the amendment to the right-of-way agreement, since the Town Board did not have the original right-of-way agreement, if that had insurance coverage, provisions hold harmless and indemnification coverage. Mr. Secor said he would have to check that. Mr. Dennis Laga of Tennessee Gas said it does. He said they can grant it in writing but it is part of their contract. He said they are self-insured for \$1,000,000. and it carries on from their. He said all of their contractors are all insured. Mr. Laga said the Town is liable for nothing. Councilwoman Galvin asked that Mr. Secor check this out.

Supervisor Ringler noted if the Board agrees, the motion can be made to authorize the Supervisor to sign the necessary documents. The motion was made by Mr. Gunner and seconded by Ms. Galvin that the Supervisor be and he hereby is authorized to sign the necessary documents to permit the construction of the new gas main. The motion was passed by the following vote:

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

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The following item, according to Supervisor Ringler, was a recommendation from John Flanigan, Building Inspector, for approval of issuance of a dumping permit for Kevin Helm, Bridge Street, North Bethlehem.

Approve  
Dumping  
Permit  
Kevin  
Helm,  
Bridge St.  
N. Bethlehem

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that a dumping permit be issued to Kevin Helm, Bridge Street, North Bethlehem, for a period of one year to dump clean earth, gravel and broken pieces of concrete and asphalt pavement equal to ten loads,

subject to the conditions of the Engineering Department. The motion was passed by the following vote:

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

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Approve  
Dumping  
Permit  
Robert J.  
Hillman  
Lasher Rd.  
Selkirk

The next item was a recommendation from John Flanigan, Building Inspector, for approval of issuance of a dumping permit for Robert J. Hillmann, Lasher Road, Selkirk.

Councilwoman Galvin said she had one question regarding number 6 on the report, indicating there might be a need to install a geotextile sediment control silt fence at the base of the ravine if erosion and sedimentation becomes a problem, the question was whether there was any determination as to when inspections were going to be conducted to check that. Supervisor Ringler said he did not think it had been determined, indicating Mr. Flanigan does it on a regular basis as a part of any permit and the Engineering Department reviews it also.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the issuance of a dumping permit to Robert J. Hillmann, Lasher Road, Selkirk, to permit the dumping of 10,000 cubic yards of clean earth and broken pieces of concrete, as per the Engineering Department stipulations. The motion was passed by the following vote:

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

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Approve  
Dumping Permit  
Harold Grumme  
Route 144  
Glenmont

Supervisor Ringler said the next item was a recommendation from John Flanigan, Building Inspector, to approve a dumping permit for Harold Grumme, Route 144, Glenmont.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the issuance of a dumping permit to Harold Grumme, Route 144, Glenmont, to permit the dumping of 12 loads of dirt, gravel, concrete and broken pavement, as per the Engineering Department stipulations. The motion was passed by the following vote:

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

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Councilman Gunner said the two previous dumping permits indicated what was proposed, while this one does not and asked if it was known. It was noted that the application does state to fill low spots in the road grade.

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Request from  
David Austin  
to authorize  
Supervisor  
To sign  
Clarksville  
Playground  
Agreement

The next item was a request from David Austin, Administrator of Parks & Recreation Dept., according to Supervisor Ringler, to authorize the Supervisor to sign the Clarksville Playground Agreement.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller that Supervisor Ringler be and he hereby is authorized to sign the Clarksville Playground Agreement, on file in the Town Clerk's Office. The motion was passed by the following vote:

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

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Discussion  
Request  
Water -  
New Salem  
Saab  
Garage

Supervisor Ringler said the next item on the agenda was a discussion of a request for water at the proposed location of the New Salem Saab Garage, Route 85, Town of Scotland. He noted the report from Mr. Secor indicates the particular property is located along Route 85 where the Town of Bethlehem is required to supply water to any buildings within 150 feet. He said in this particular case the developer wants to build this commercial property further back and is asking for an exemption from the Town in order to do this.

Mr. Secor introduced Mr. Anthony Stellato from Clough, Harbour & Associates.

Councilwoman Galvin noted for the record that she will abstain from any participation in this matter since she currently represents a client who is or may be in litigation with New Salem Saab Garage.

Mr. Stellato gave a brief description of the proposal. He said they are proposing a 16,900 square foot one story brick and masonry building. He said it is next to the restaurant on New Scotland Road across from the old Mayfair Drive in. He said the building is set back approximately 350 feet. Mr. Stellato said the developer and the Town of New Scotland felt it was best in this location for a couple of reasons, rather than crowded up on the road. The property is wider back in this area, indicating on the exhibited map, explaining it facilitates the display of cars more adequately. Strictly from the standpoint of aesthetics, they are able to achieve a nice effect with a winding road in and trees lining the area, indicating there will be planting of trees. The purposes of the aesthetics is much better served with the building set back, Mr. Stellato said, indicating the Town of New Scotland agreed with this. He said on the technical side, there is a slight sight distance problem due to the high point to the road and the sight distance is about 400 feet. Mr. Stellato said these are reasons for the request to place the building back from New Scotland Road. He also indicated there will not be any future building in this area. He said the owner has 10 acres behind this but it will remain open. Supervisor Ringler asked if the land is developable. Mr. Stellato said he supposed it is, indicating it is not accessed by any street. He said there are no plans to develop it, as far as he knows.

Supervisor Ringler asked why the plan shows an 8 inch water line. Mr. Stellato said it is not going to be an 8 inch line, noting originally they thought the building would be sprinklered. He said the building will not be sprinklered and they are probably going to use a 2 inch line. He indicated there are only two lavatories in the building, a slop sink in the service area and a pressure washer in the back. He indicated the pressure washer is for washing off the cars when they are sold and it will be low volume, high pressure. Supervisor Ringler asked if there would be any hydrants installed. Mr. Stellato said there are none proposed.

Councilman Gunner inquired as to what is on the western boundary. Mr. Stellato said it is the restaurant. Mention was made that there was a proposed senior citizen development. Mr. Stellato said it was on the other side from the restaurant.

Supervisor Ringler asked Mr. Secor what a 2 inch line could support beyond this proposal. Mr. Secor said with a 2 inch line, there would be the possibility of conversion to apartments but in terms of industrial/commercial use, the 2 inch line is really a minor supply. Mr. Secor said if the Board was to consider granting this, he thinks there should be something conditioned in with regard to a substantial use or something else which might come along and require the developer to come back to the Board for some future approval. As an example, Mr. Secor noted the proposal of an addition on the front of the building. He said if they were within the 150 feet and the building was 400 feet long, it is his understanding that the Town would still have to service it with water. Mr. Secor further noted he feels that with the proposed location 350 feet back, the request is to service the building shown and if they want to double or triple it or put another garage on the back parcel and feed from one building to the other, he would hope that the approval that would be given would require the developer to come back in. Mr. Secor also indicated he felt the Town needs to be able to look at any future proposals.

Supervisor Ringler said he thinks one of his concerns and he thinks the Board's, is loosing control in these water issues. Councilman Gunner said he was at the site with Mr. Secor this date and they looked over the whole thing. He said he has concerns of acting too quickly because every time this is done, it may create a precedence for the next person. He agrees the plan makes sense but he has to look at the other properties in the area and how far is the Town going to go with this servicing. He said his feeling is that he would like to wait for the information that Mr. Secor is attempting to collect and once this is received consider a decision. Councilman Gunner noted in this area there are private lines, lines of the water districts and some taps the Town is not even aware of. Mr. Secor commented that he and Mr. Gunner had drove out through and looked at the situation, indicating they drove over Route 85A which is just above this location and there are 2 or 3 private lines on that road. He said there is a number of other roads that spur off of Route 85 that have private service lines on them and he is preparing an inventory on this situation. He said these numbers should be available for the next Board meeting.

Mr. Secor noted he will be coming to the Board for a policy on where these private lines do exist, some go in 700 or 800 feet, and somebody wants to put another tap on it. He said as far as he is concerned, it is beyond the 150 feet and the rule to him is it is 150 feet from the Town's mains. Mr. Secor said in checking with the County Health Department, if there are 5 or more taps off of a single line, they consider it to be an illegal water system. He said they feel this constitutes what should be a municipal water line. Mr. Secor said they have sent some updated County regulations, all of which he will be bringing to the Board.

Supervisor Ringler said there are some real problems out in this area. Mr. Ringler said there is an item on the agenda later where something was granted within the 150 feet and the developer decided he was going to build another house and ran a line to it. He said these are the concerns that the Town Board has. He further said although this seems not to be a problem, due to the fact there is not an 8 inch line going in, he agrees with Councilman Gunner to wait for the inventory as to what is going on out in this area before a decision is rendered.

Councilman Gunner noted the minutes that Mr. Secor supplied the Board with from 1988 indicated some members of the Board and the Counsel were concerned about what is going to happen down the line. Attorney Kaplowitz said this is a difficult argument, whether each one creates a precedent, indicating technically he feels it should not. He said each one should be looked at for its own merit. Mr. Kaplowitz said down the line if enough of them have been granted, there should be a very good reason for not granting one, indicating there might be a question of discrimination.

Mr. Stellato said he would like to add a couple things for clarity. He said the first reason is that they originally thought the building would be sprinklered and would require an 8 inch line. He said secondly, they fully expect that a waiver or an exemption would come with some conditions and they would fully agree to not be able to build anything else without coming before the Board. He said thirdly, there is no sewer on the site and there will be a system installed, approved by the Department of Health. He further noted they will have a SPEEDIES permit which will have a flow limit on it and it will be low. He said in any case, they have some constraints on future development of the site and water is not so much the constraint as sewer is.

Supervisor Ringler asked Mr. Stellato if they have considered a well due to the limited amount of water needed. Mr. Stellato said they had but they would much rather have Town water.

Attorney Kaplowitz said there is another side to the coin which has been discussed before, indicating it does not make sense in individual instances to say to a lot of these businesses, you have to move up within the 150 feet. He said in this case the Town of New Scotland is making the request for the location of the building. He noted it is the Town of New Scotland's area as far as zoning. He said

if the Town grants it with conditions, the Board should be careful, be reluctant to grant this proposal with conditions but limit the right to any increase without coming in to the Board. He said there is a difference. Supervisor Ringler noted Mr. Secor suggested some deed restrictions.

Supervisor Ringler suggested tabling this until Mr. Secor compiles the information requested. A motion was made by Mr. Gunner and seconded by Mrs. Fuller to table the request for water at the proposed New Salem Saab Garage location on Route 85, Town of New Scotland. The motion was passed by the following vote:

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

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Supervisor Ringler said the next order of business was a request from Michael J. Cirillo, P.L.S., Department of Public Works, for permission to go to bid for various pipe for the year 1992.

Request  
To go  
To Bid  
for various  
Pipe for  
Year 1992

The following resolution was offered by Ms. Galvin and seconded by Mrs. Fuller:

WHEREAS, the Town desires to advertise for bids for Corrugated Aluminum Pipe; Corrugated Metal Pipe and Pipe-Arch; and Plastic Pipe for the period from April 15, 1992 to April 14, 1993, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT on the 4th day of March, 1992 and that bids be received up to 2:00, 2:10 and 2:25 p.m. respectively on the 23rd day of March, 1992 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

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The Supervisor indicated the following item was pulled from the agenda by the Chief of Police verbally, regarding the award of bids on Uniforms, due to the fact he has found some problems in the awarding of the bid and would like to research this further before he makes his recommendation.

Award of  
Bid for  
Uniforms  
Removed  
From  
Agenda

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Supervisor Ringler said the next item was to accept the resignation of Thomas M. Heffernan, Jr. as Telecommunicator. He noted Mr. Heffernan is going to work for the New York State Police.

Accept  
Resignation  
of Thomas  
M. Heffernan,  
Jr. as  
Telecomm-  
unicator

The motion was made by Ms. Galvin and seconded by Mr. Gunner to accept with regret the resignation of Thomas M. Heffernan, Jr. as Telecommunicator and to extend best wishes to Mr. Heffernan. The motion was passed by the following vote:

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

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Following was a request from David Austin, Administrator of Parks & Recreation Dept., according to Supervisor Ringler, for the appointment of seasonal personnel.

Approval  
of  
Seasonal  
Personnel-  
Parks &  
Recreation

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the personnel listed on the memorandum from David Austin, Administrator of Parks & Recreation Dept., dated February 26, 1992 be and they hereby

are appointed to serve at the pleasure of the Town Board. The motion was passed by the following vote:

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

Approve  
Minutes  
Jan 22,27,  
1992

Supervisor Ringler next asked for a motion to approve the Town Board minutes of January 22, 1992 and January 27, 1992, which were distributed on February 12, 1992.

The motion was made by Mr. Gunner that the Town Board minutes of January 22, 1992 be approved with correction as noted to the Town Clerk and approved the Town Board minutes of January 27, 1992. The motion was seconded by Ms. Galvin and was passed by the following vote:

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

The next item on the agenda, according to the Supervisor, was a request from Gregg Sagendorph, Highway Superintendent, to go to bid for the rental of a large track excavator.

Advertise  
To go to  
Bid for  
Rental of  
Large  
Track  
Excavator

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that the Town Clerk advertise for bids for Rental of a Large Track Excavator for use of the Highway Department in THE SPOTLIGHT issue of March 4, 1992 and that bids be received up to March 16, 1992 at 2:00 p.m. at which time they will be publicly opened and read. The motion was passed by the following vote:

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

Request to  
Go to bid  
for Bio-  
degradable  
paper bags

Supervisor Ringler said the next item was a request from Highway Superintendent Gregg Sagendorph to go to bid for biodegradable paper bags.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that the Town Clerk advertise for bids for Biodegradable Paper Bags for resale to the residents of the Town of Bethlehem in THE SPOTLIGHT issue of March 4, 1992 and that bids be received up to March 19, 1992 at 2:00 p.m. at which time they will be publicly opened and read. The motion was passed by the following vote:

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

Request for  
water service  
for James  
F. Dunn -  
Town of  
New Scotland

The following item was a recommendation from Bruce Secor, Commissioner of Public Works, according to Supervisor Ringler, pertaining to a request for water service for property owner James F. Dunne, Town of New Scotland for an existing dwelling on Route 85.

The Supervisor noted that Mr. Dunne has purchased property in the Town of New Scotland where there is two dwellings and the second residence has a line run by the previous owner to the second residence. He explained the second residence is about 20 feet outside the 150 feet required area for water. He said Mr. Dunne is trying to straighten this out and do it right by coming in and requesting that we officially allow him to put water into that second dwelling.

Commissioner Secor said this was basically all he knew. He said this existed long before he came to the Department of Public Works. He said he received the information from Mr. Paul Wagner, a former

employee. Attorney Kaplowitz asked how long ago the second dwelling was constructed. Mr. Secor said the plot plan shows 1988 but to be honest he did not know.

Councilwoman Galvin addressed the considerable parcel of land existing behind the two existing buildings and asked if there was any intention on the part of Mr. Dunne to develop and seek an extension back into that area. Mr. Secor said he asked that specific question and Mr. Dunne answered no. Ms. Galvin asked if he was willing to put it in writing. Mr. Secor said if the Board requires it, Mr. Dunne will have to.

Councilman Gunner said he would like to delay this request also. He noted he believes Mr. Dunne is trying to make it right, however, once again this is going beyond the 150 foot requirement. He asked further if Mr. Dunne was aware of this when he purchased it. Mr. Secor said he spoke to him personally but he did not get to invite him to attend this meeting to answer questions. Councilman Gunner suggested Mr. Dunne be invited to attend the next time this item is on the agenda to answer questions.

The motion was made by Mr. Gunner and seconded by Ms. Galvin to table the request for water service to the property of James F. Dunne, New Scotland Road until a future date. The motion as passed by the following vote:

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

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Supervisor Ringler said the next item was to acknowledge receipt of the Land Use Management Advisory Committee <sup>Report</sup>. He noted Mr. Lipnicky was in attendance if anyone had any questions.

Acknowledge receipt of LUMAC Report

Councilwoman Galvin indicated after reviewing this report, she wanted to asked Mr. Lipnicky about the LUMAC activity in general, on the time frames during which the work was actually performed. She said in reviewing all of the items listed, she is not clear on the dates involved, noting it mentions the period June 27, 1991 through January 28, 1992. She noted some of the items listed were on the agenda back when she and Councilman Gunner were active with the Committee. She asked him to be more specific about exactly what was done. Mr. Lipnicky said the major activities were completing the Town planning survey which was essentially putting together data analysis, preparing the reports and the like. He said this was probably completed around July of 1991. Councilwoman Galvin asked when it was started. Mr. Lipnicky asked if she meant the project itself. Ms. Galvin said she meant this particular Town planning survey -- when the work was started on the Town planning survey. She said she thinks it was back when both she and Mr. Gunner were on the Committee. Councilman Gunner said it was started in May of 1989, indicating this was before Mr. Lipnicky started to work on it and stated Mr. Messina had started it. Mr. Lipnicky noted this date sounds about correct.

Councilman Gunner asked if it was mailed out the summer before last. Mr. Lipnicky agreed with this and said all the returns were in around November or September. Mr. Gunner said he thought they were in but the Committee agreed to extend the date of closure a couple of times. Mr. Lipnicky said it was then sent to the data processing people to put it on tape and then sent to the County to generate print outs of open ended responses and tabulations. This probably returned, according to Mr. Lipnicky, about February, indicating he was not sure of the exact month.

Councilwoman Galvin said basically what her question is, what was done with LUMAC in 1991, what was the work actually done in 1991, indicating she cannot tell from the report. Mr. Lipnicky commented, again as he just said, they looked at all the information, the data from the Town Planning Survey, put that all together, analyzed it, developed the report, presented that report, put together a report for the agency responses that they got and about 52 or 53 agencies also worked on combining from both the results of the survey, the industry

survey, results from the Town planning survey that was sent out, results from public meetings that were held quite a while ago, spent a good deal of time going through this to really pair down what people in the community appeared to feel were the major planning problems in the community and began to really start discussing actual solutions to some of those problems, conducted a number of field trips to see the real nature of some of those problems and how they might be resolved, did a good deal of work on the transportation study in terms of putting together an extensive inventory of land use in the Town, in order to be utilized both in the transportation models, CDTC and also in terms of developing a data base for land use in the Town.

Councilman Gunner asked if CDTC was contracted to do some of these things. Mr. Lipnicky said not in terms of the data collection for land use. Councilman Gunner said he thought Mr. Lipnicky said he used their material and asked him how this material was used. Mr. Lipnicky said no, the material utilized was a compilation of things, including aerial photos and the assessor's rolls and building department records.

Councilwoman Galvin asked how many hours of staff time was put in on LUMAC activity for 1991. Mr. Lipnicky said he could not give a number off the top of his head, he did not know. Ms. Galvin asked about the percentage of his time. He said considering there was about a 6 month period without a Deputy Town Planner, he estimated about 40 percent, maybe 30 percent. Ms. Galvin further asked of the time when there was a Deputy Town Planner, how much of the time of this position, in terms of either hours or percentage, was allocated to LUMAC during the 1991 period. Mr. Lipnicky said nothing. Ms. Galvin asked if any other employees in the Planning Department allocated any time to work on LUMAC. Mr. Lipnicky said the Planner when they were doing the survey activity, probably spent about a month's worth of time.

Councilman Gunner had a question about the issue statements, indicating they had been done 2 years ago, inquiring if these were used again. Mr. Lipnicky said there was a substantial rewrite of what was in there. Mr. Gunner asked if they were altogether different. Mr. Lipnicky said he would not say altogether different but substantially different.

Councilman Gunner said he had one last question, noting Mr. Lipnicky referred back to the meetings, asking if he meant the original community meetings. Mr. Lipnicky said yes. In reviewing the issue statements, Mr. Lipnicky said he went back to take another look at the results. Mr. Gunner said that had been done before also, when the last issue statement was done. Mr. Lipnicky indicated this was correct. Mr. Gunner commented these were of no use to him. Mr. Lipnicky said this was not correct. Mr. Gunner asked if they had to be substantially rewritten. Mr. Lipnicky said in his opinion, yes. Mr. Gunner said he was asking for Mr. Lipnicky's opinion.

Mr. Martin Barr said he did not intend to speak on this but since he is in attendance, he said they have done a series of things. He said in his opinion, when this is finally done, it will be a very thorough survey of what exists in the Town of Bethlehem, indicating this takes time. He further noted that the Committee over the last several months has been using the issue statements as a springboard attempting to reach some consensus on where they ought to go in terms of the recommendations. He said it is hard to say what it is that they are doing other than, he thinks the Committee is making a lot of progress in clarifying thinking, evaluating issues and reaching some general conclusions. He said this is part of the process. He said the Committee is meeting every two weeks and they are making progress. Councilman Gunner said he would expect that they were making progress because it has been worked on for a long time. He said he is glad to hear it is moving toward its finality and doing those issues again. He said certainly a different group of people would see them in a different way but it all goes back to the original meetings when they met in the different parts of the community, plus the survey -- which Mr. Gunner feels was much too complex for what was needed but may be desirable for the Planning Office without a doubt -- and this may have slowed the work down. Mr. Martin said the survey did delay things considerably in terms of the ultimate result and it did become very complicated and the response was overwhelming and he thinks in the long

range -- in the larger view of things, the final report will be more acceptable because it will be based upon a very thorough survey of Town residents.

Councilman Gunner also asked Mr. Barr about one of the original statements formulated by the Committee and that was that the Committee should be the driving force for the issues and conclusions, and he said he assumes this is still taking place. Mr. Barr said he would say that the citizen members of the Committee are doing that and noted he did not know who else Mr. Gunner might have in mind. Mr. Gunner said they were concerned about consultants, planners, indicating the planners should fill in everything after the citizen Committee gets the generalities and the statements, the issues, goals, objectives, whatever. Mr. Lipnicky said the best way to answer this is to say that the policy oriented type of things are probably more toward what the Committee is and should be looking at. He said the Planning Department should be and is looking at the technical aspects.

Councilwoman Galvin asked about the final date of March 27, 1993 for the master plan and whether or not this was realistic. Mr. Lipnicky said in his opinion, yes. Ms. Galvin asked Mr. Lipnicky if he anticipates coming before the Board for any further interim proposals or interim acts of legislation from the Board to be required prior to March 27, 1993. Mr. Lipnicky said at this point in time, in addition to what is already in place, the answer is no. He did say, however, as everyone is aware, two of those items do expire before the deadline. Ms. Galvin said this is her big concern. She said with those, that have been treated as interims, they seem to be stretching into eternity as opposed to interim. She asked once the report is submitted, March 27, 1993, if the Board is still looking for an approval process that could go on for quite a significant period of time. She further asked at what point these cease to be interim and in effect, become permanent adoption of a plan without a plan being proposed. Mr. Lipnicky said neither are really adoption of a plan. Councilwoman Galvin said she disagrees with this but requested Mr. Lipnicky to proceed. Mr. Lipnicky said the problem with the one piece of legislation, the density act, is the adoption of that would create a good deal of non-conformity in the developed areas in Town, indicating there is a way around that by creating new zoning districts in the undeveloped areas. He said he does not know if that is a wise approach.

Councilwoman Galvin said leaving this along the way, the question comes up, is there an interim proposal that LUMAC is going to be prepared to come forward with to the Board to deal with those issues prior to the expiration of the interim legislation. Mr. Lipnicky said he did not follow what Ms. Galvin was asking. Supervisor Ringler said he thought the suggestion was that LUMAC will come in in 6 months with a recommendation, as far as, something being permanently in place. Mr. Lipnicky said he would tend to think that this will not happen. Ms. Galvin asked if there was any reason. Mr. Lipnicky said the work to do these things would take time away from the plan. Ms. Galvin asked if they were an integral part of the plan. Mr. Lipnicky said this was true but it involves public hearings, involves work that has to be done with respect to that and environmental assessment, environmental impact statements perhaps and this would take away from the time that should be devoted to the plan. Ms. Galvin said the public hearing aspect would be when the matter is considered by the Board, not while it was being considered by LUMAC. Ms. Galvin asked Mr. Lipnicky if LUMAC had any proposals at this time with respect to zoning changes, density or anything of that nature and noted probably nothing is anticipated within the next 6 to 8 months. Mr. Lipnicky said at this point in time, no they do not, it has not been discussed at LUMAC so he cannot speak for the Committee.

Supervisor Ringler said he wanted to add his thoughts. He said he realizes it would be nice to get something done but he senses that if this is done, the purpose will be sidetracked. He said when a plan does come through, there is going to be various actions that the Board will have to take. There will be a whole series, according to Supervisor Ringler, and he feels the Board will have to set some priorities as a time frame for doing this. He said he thinks the Board should be looking at the total plan when this is done.

Councilwoman Galvin noted if she believed that March 27, 1993 were a firm date and a date that could be looked to without expecting it to be pushed out into the future, she said she thought she would be more ready to live with it. Supervisor Ringler said he wanted to be frank and realizes that another extension may have to be added to the current expiration date. He said once there is a plan and recommendations have been made, there may be a need for a short total moratorium to prevent a rush to diligence. Supervisor Ringler further noted once the plan is established, the Board will have to look at what is happening in this Town and make some decisions on what action to take at that point.

Mr. Lipnicky said the only thing he can tell the Board is that it probably would not be an approach he, personally, would favor, but it has not been discussed with the Committee although he would be happy to bring it up to them and discuss it with them.

Councilman Gunner said he understands that the Planning Board is consigning more of their time, since there seems to be somewhat of a lull if there ever is one, to planning. Mr. Barr, Planning Board Chairman, said this was correct. Mr. Gunner asked if they are getting into talking about subdivision regulations and things like this. Chairman Barr said they were. Mr. Gunner asked if this was going to support the LUMAC Committee. Mr. Barr said there are certain areas that he thinks the Planning Board, in the next several months, might make some recommendations to the Town Board for some changes in the zoning that he hopes will be consistent with what LUMAC is working on. He said this is part of the problem of the Planning Board exercising its past function of making recommendations or changes in the Zoning Ordinance. Mr. Barr said there may be some things that might even be of an interim nature.

Councilwoman Galvin noted Mr. Barr was bringing up exactly what she was asking, is there going to be a piece mealing of recommendations. She noted unless LUMAC starts working with the Planning Board and looking at these things together, there is going to be a return to hodge podge. Mr. Lipnicky said he did not think so. Mr. Barr said one of the problems is whether an attempt is going to be made to do an overall thing like the Route 9W overlay district or to do it piece by piece which might be better. Mr. Lipnicky said he did not think there was any conflict or piece mealing because the purpose of the two is different. Ms. Galvin said she is not sure that they are working at the same purposes. Mr. Lipnicky said he knows they are.

Supervisor Ringler thanked Mr. Lipnicky.

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Supervisor Ringler said a personnel matter had come up that he feels the Board should discuss and asked for a motion to go to executive session.

Executive Session

The motion was made by Mr. Gunner and seconded by Ms. Galvin to enter into Executive Session to discuss a personnel matter following the close of the meeting. The motion was passed by the following vote:

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

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Supervisor Ringler asked if there was anything else to be brought to the attention of the Board. There was nothing.

The motion was made by Ms.Galvin and seconded by Mrs. Fuller to close the Town Board meeting at 8:22 p.m. The motion was passed by the following vote:

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

*Kathleen A. Newkirk*  
Town Clerk

NO ACTION WAS TAKEN AT THE EXECUTIVE SESSION.