

TOWN BOARD  
FEBRUARY 27, 1991

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

PRESENT: Kenneth J. Ringler, Supervisor  
 Frederick C. Webster, Councilman  
 Robert J. Burns, Councilman  
 M. Sheila Galvin, Esq. Councilwoman  
 Charles Gunner, Councilman  
 Bernard Kaplowitz, Esq., Town Attorney  
 Bruce H. Secor, Commissioner, Dept. Public Works  
 Philip Maher, Comptroller  
 Karen Pellettier, Senior Citizens Director  
 Sharon Fisher, Recycling Coordinator  
 Gregg Sagendorph, Foreman, Highway Dept.  
 Martin Barr, Chairman, Planning Board  
 Richard Webster, Deputy Comptroller  
 Robert Alessi, Esq., Counsel to the Planning Board  
 John LaForte, Member, Planning Board  
 Alice Cirillo, Secretary, Planning Board  
 Ellen Kost, Deputy Town Planner  
 Terry Ritz  
 Barbara A. Ritz  
 Charles Manning, President, Creighton Associates  
 Charles J. Sableski  
 Gary Martin, Center Point Development  
 Valerie Martin, Center Point Development  
 Kay Mart, Center Point Development  
 Suzanne Capone  
 Dennis Corrigan  
 Marilyn Picarazzi  
 Simon Van Ryn  
 Tom Sutter  
 Shirley Dearstynne  
 Maurice W. Groves  
 Jonathan F. VanDerpoel  
 Joe and Jean Gardner  
 Sid Kaplan  
 Kevin Kosiba  
 Jane Felgentreff  
 Raymond Felgentreff  
 Martha S. Brown, Delmar Progress Club  
 E. Leroy Brown  
 George Kaufman  
 Janet and John Ritz  
 Bob Bangert  
 G. Wright  
 Red Goyer  
 Marijane Goyer  
 Thomas Lewis  
 Liz McCoy  
 Robert Longabaugh  
 Alleesa Rosenfield  
 Sue Fuller  
 Brian Mahony  
 John Selig  
 Irene D. Kilcoyne  
 Joseph B. Rooks  
 Phil Clark  
 Barbara Hayden, Times Union Representative  
 Mike Jarabee, The Spotlight Representative  
 Kathy Keenan, News Herald Representative  
 Kathleen A. Newkirk, Deputy Town Clerk

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The Supervisor welcomed everyone to the regular meeting of the Bethlehem Town Board.

Discussion  
Discontinuance  
Gargage  
Pick-up

The Supervisor indicated the first item on the agenda was a public discussion regarding cancellation of garbage pick-up due to budget constraints. Supervisor Ringler gave a brief background on this item before beginning the discussion. He noted this is not an official public hearing per se but The Board did say that they would like the public to have some input in this before the Town Board makes any decisions. Supervisor Ringler gave a little bit of the background, Mr. Secor, Chairman of the Solid Waste Task Force, gave more detail and public comments were to be taken following.

The Supervisor continued that basically this has come about for several reasons. In November, he explained, the Solid Waste Task Force recommended to the Town Board that this service be eliminated. At that time it was pointed out that very few people were using it in relationship to how many once were and the costs were excessive. At that time the Town had already budgeted money for it in this year's budget and the Board decided to table any action until some things were looked into. We looked into reducing the operational costs of the service, educating the public to insure that the public all knew that they could put wet garbage with their regular trash. The Town Board decided to try to talk to the haulers to see if the haulers would come up with a plan which would charge on the basis of trash generated, as opposed to the stop system that is currently being used, Supervisor Ringler noted. He further said that before any action was taken there would be a public forum for the public to comment on. To bring you up-to-date as to what has happened, Supervisor Ringler said since that last meeting the cost of operations was reduced by reducing manpower. He also said an attempt was made to educate the public. He gave many speeches as did the Recycling Coordinator. Contact with the haulers took place, a meeting with them was held and the question asked as to what they could do for those individuals who are not generating the amount of trash that others are. From there Supervisor Ringler does not have a specific answer as yet but he does have one hauler in particular -- that although they will not give him the specifics on the cost yet because of competitive reasons -- has said that if the Town does give this up that they are going to have a system of three separate levels of service. These will depend upon how much trash is generated and a price differential will be based on that. The other haulers indicated that they were looking into it and, quite frankly, said if the competitors start doing it they would be forced to do it. The Supervisor said this still has not been finalized, however, they are still working on it. He further said they did give us a commitment that one of them at least would do it.

Supervisor Ringler continued that since all of that happened -- another problem developed for the Town of Bethlehem and most municipalities throughout the State -- that is the financial situation that we find ourselves in due to the State of New York, or the Governor's proposal to reduce our State Aid to zero. Under the current budget proposal that the Governor has submitted the Town will lose over four hundred thousand dollars in anticipated revenues during this current year. Supervisor Ringler said this is taking place after our budget is in place, and after we had made estimates based upon some reduction because the Governor was sending vibes out that there would be a reduction. He further said we had no idea that he would propose eliminating it all, but he has, and there is no way that, we, in the middle of a budget year can increase taxes to offset those proposals. Supervisor Ringler said there has to be a cut in our existing budget and one thing about local government -- and he was not going to attack other forms of government, but there is very little fat in local government -- we pay for the services that we give to the people and it is usually a pretty direct relationship between those two. Two weeks ago he presented a plan for consideration of the Town Board to meet that budget deficit gap by reducing various services -- by putting hiring freezes in, by putting off purchases of equipment and so forth -- and one of the things that he said the Board should consider was the elimination of this service. He also commented that the Solid Waste Task Force had already recommended the stoppage of this service and based upon the data which Bruce will be presenting, it would be about \$105,000.00 on an annual basis savings. Supervisor Ringler said with that background in mind, he would ask Mr. Secor to go into more detail on the original recommendation as to why the Task Force felt that the Town should stop this service.

Mr. Bruce H. Secor, Chairman of the Solid Waste Task Force, indicated that last November the Task Force forwarded a Memo to the Town Board. The Supervisor asked if everybody could hear Mr. Secor? Mr. Secor continued with the results of a survey that had been done by Sharon Fisher, the Recycling Coordinator, and indicated Mrs. Fisher was in attendance and could help fill in on some of those results. Basically, what they did is that the men on the garbage trucks as they went around would copy down on a piece of paper the street address of whatever house they picked up garbage. Mrs. Fisher would then try to match that up with the phone number and call those individuals and ask them some basic questions. Basically, the answers that they were looking for is -- do you also have a private collection system? The Town is picking up once a week, the private collector is picking up once a week, and basically you have once a week service and of the ones that we were able to contact about 72 percent of the ones who are using the service, have a duplicate service of private collection. Mr. Secor said there are about 1400, depending upon which figure you look at, but 1400 to 1500 users of the system, and 72 percent of that have another service, so now you are down to about a couple of hundred residences who will have the full financial impact of this decision. He said the financial impact of that decision was also spelled out in this Memo and he had a couple of slides that he would like to put up in front that talks about this. He said basically it is worth a couple of hundred dollars a year to someone if they have to sign up for a commercial pick-up. Unfortunately at the same time this was all happening our tipping fees to the ANSWERS disposal facility also rose with that. Mr. Secor said the Solid Waste Task Force Committee also had another recommendation to the Town Board, to look at the Rupert Road collection station tipping fees. Mr. Secor said we are losing money, a lot of money at Rupert Road. He said we still are losing money down there and he could get into some of those numbers also. He said the Town was forced to look at how to charge more at Rupert Road, and we discussed going on a per bag basis or per vehicle basis. The Solid Waste Task Force Committee, according to Mr. Secor, made the decision that we would try the \$5.00 per vehicle basis to see how that went. He stated he does have a report to present to the Town Board at this meeting at least for the first few weeks and that was also included in their packet effective February 1st. He said we do not have that much operating experience on this. He thought the easiest way to organize this is -- first he went over what the costs are right now for the services that are being looked at. He said they looked at wages that were being paid to the people who were doing the collection. He then added the debts involved and the tipping fees to ANSWERS and indicated the bottom line down is the \$105,000. that the Supervisor is talking about. He said this was a twelve month figure. He said a portion of this money has already been spent. Basically, there is one driver on a truck and a laborer. There is also some substitutes, Mr. Secor stated and noted these gentlemen are entitled to vacation time, and sick leave. He said there are also some substitute salaries that have to go in here to man that truck five days a week, indicating this is the allowance of \$7,000. He also said there is an allowance for some vacation time and a small amount allowed for overhead for the foreman which adds about \$68,000. of direct salaries that are involved in this operation. The garbage truck is an old garbage truck, according to Mr. Secor, stating it cost originally \$55,000. to purchase it and over the ten years of service we have a straight line depreciation for that of \$5,500. per year. If the service is to be continued too much longer into the future, Mr. Secor said the truck has about 60,000 miles on it and some day it will have to be replaced and that will involve a capital expense. He said there is a number in here for fuel, tires and maintenance which adds up to \$12,500. He said it would cost us about \$25,000. in tipping fees for the materials that we collect and take to ANSWERS. He said when the truck goes over the scales it costs us about another \$25,000. He said this is the \$105,000. that it costs to service about 1200 units -- 72 percent of which are already paying \$20.00 or more a month for another service that can take the same material.

Mr. Secor continued that a letter was received from Mr. Hawkins and a copy given to the Town Board. He apologized to the Board that he was not able to get this out earlier, but Mr. Hawkins spent quite a bit of time going through this and analyzing some of the costs involved to the homeowner. He said he realized that not everyone could read this, but he would just give some numbers. Basically, Mr. Secor said, if you

are paying \$16.60 a run in fee plus \$1.15 in sales tax, that adds up to a total cost to the taxpayer of about \$213. per year that you are paying for this service. The letter goes on to try to generate how much that meant if you picked up from all 8,200 dwelling units in the Town. He checked with the Assessor's office on single family and two family houses which by our definition are considered single family dwellings and there are about 8,400 units so this 8,200 mentioned in Mr. Hawkins' letter comes very close. This computes out to \$1,746,000. per year that would be spent at \$213. per dwelling unit if everybody signed up with a commercial hauler. Mr. Hawkins goes on to explain that he feels the Town of Bethlehem should provide this service and become part of the town-wide tax base. Mr. Hawkins also provided an analysis here of what the pick-ups would be and came up with a total cost of about \$1,300,000. if the Town did it instead of the \$1,700,000. if a private company did it. Mr. Secor said as he pointed in the memo to the Board there were a couple of numbers there that he could not agree with. He said the ANSWER'S tipping fee he had in as \$200,000. and he felt that it should be about \$600,000. He said there was another dollar value in here for recyclables and when we pick those up it costs \$18. a ton to take them to the center and drop them off. He further said there is another cost to us as we get rid of them, but we really did not put any money in here for the hauling back and forth because that really does not have anything to do with the pick-up directly from the homes. Mr. Secor said in his opinion the number of \$1,746,000. for estimated purposes is the same number. Basically by this analysis, Mr. Secor said, if the Town was to pick it up or if everyone was to have vendors to do it, it is about the same dollar value. He also sat down with the Highway Superintendent and started a completely fresh analysis of this. Mr. Secor said he and Mr. Cross discussed how many employees would be needed for the crews, how many packing trucks would be needed, how many recycling trucks would be needed, how many drivers, how many laborers to staff the whole thing up. He said the number was not terribly different from that, it was in the same ballpark.

Mr. Secor continued in regard to what Mr. Hawkins is looking at and said if you put this on the tax base sixty percent of the taxes are paid by residences, forty percent by commercial. He stated the homeowner would only have to pay sixty percent of the \$1,700,000. collection fee. He said there would be a paper saving shown here of \$700,000. to the taxpayers. His comment to the Board is if you are saying to industry you pay forty percent of this, we are not going to pick up your trash, and in fact, you are going to pay the disposal cost of our trash. He said this is a decision the Board would have to make. The problem with that is when you look at the implication of the tax rate and you get a listing of the tax rates -- the current Town tax rate is \$8.11 per thousand -- and to raise \$1,746,000. in new revenue to pay for this program, it would require a new tax of \$21.64 per thousand or a 367 percent tax rate and he was not about to recommend that to the Board. Mr. Secor further said there is a paper savings shown here but you have to say in this analysis that government is going to step in, put private industry out of business and do a better job than they can do. Along with this, according to Mr. Secor, the Town will be saying and we will be raising your taxes 367 percent and I am going to save you money. Mr. Secor indicated that he had a piece of the Brooklyn Bridge that he was going to sell them too. He said he thought it is really a difficult analysis but he said he would follow through on it. He said he appreciated the amount of work Mr. Hawkins put into it and he realized that he only gave the Board a copy of the letter at the beginning of the meeting but he did spend some time on it and he did go over the numbers with the Highway Superintendent. Mr. Secor said based on an initial run through, he thought that we were in the right ballpark, but more time will be spent on it and it will be analyzed more thoroughly. He said there would be a substantial impact to try to pick this up on a town-wide basis. Again, Mr. Secor said all we would be addressing would be one and two family houses. He said by the definitions that we have adopted through the Solid Waste Task Force three family, four family and multifamily houses would still stay under the commercial definition.

Mr. Secor indicated that he would also like to give some information on the Rupert Road Transfer Station. He indicated that as he said the Rupert Road Transfer Station crossed our desk -- and there was only a weeks operating experience here so it is tough to really go along with the conclusions. Mr. Secor said when you drive in the gate

at the Rupert Road Transfer Station there is a man at the gate with a scale house, there is an operator to run the bulldozer and this employee also helps operate the packing mechanism on the packer truck. He said we charge half of the gate man and one fourth of the cost of the operator against this portion of the operation. He further said there are also recycling bins on the site where a driver comes in with a hook truck, pulls those out and takes them to market. He said there is also a charge for some time for this employee. The Rupert Road facility works six days a week, according to Mr. Secor, so you have a salary for half of the gate keeper, a quarter of the operator plus an extra day's labor on a Saturday which has to be filled in, and the total of that is about \$1,000. a week for labor. Mr. Secor said the equipment down there has only the depreciation charge of \$465. for the transfer trailer and the on site equipment. He said there is no cost there for the scale, the scale house, the electricity or anything else -- just a bare bones cost.

Mr. Secor stated further that the Tipping Fees for ANSWERS were running about seven and a half tons per week which is about \$487. in tipping fees. The newspapers we get paid \$15. a ton for so that is a positive revenue, according to Mr. Secor. He said the recyclable food containers is \$3.75 a cubic yard which is about this \$30. a ton number that we are charging at Rupert Road. He said you could just say I do not want to charge \$30. a ton, I want to charge \$18. a ton because that is the tipping fee in Syracuse. He stated this is a small amount, it is only \$56. of a \$2,000. total, and whether you wipe it out or kept it in, it is not going to make much difference. Our revenues for this one week, according to Mr. Secor -- there were 154 customers at \$5.00 a head, 35 extra bags at \$1.00 each, for a total revenue of \$805. and we lost \$1200. for that week. He said that is even with the rate increase to \$5.00. He said the revenue -- the \$805. covers the tipping fee and some of the equipment, the labor down there is all a direct loss. He had promised the Board that they would continue to report back and as the numbers are developed and there is more operating experience, it may be that since this is just the first week, our count here was lower than what we will see when the weather turns nice and more people come out. He said the original estimate was that the revenue would just about balance there with the numbers coming in. The other thing that is interesting is, Mr. Secor said, is about 100 pounds per customer is coming through the gate. So the customer coming through the gate is giving us \$3.20 worth of trash, he said, and that is the tipping fee at ANSWERS. In light of this, Mr. Secor said this gives us \$1.80 to pack it, take it up to the ANSWERS, dump it off, bring the trailer back, take the recyclables out Syracuse and return. He said it is going to be very comfortable and the Solid Waste Task Force will continue to report back to the Board.

Supervisor Ringler thanked Mr. Secor and indicated that he would now open this up to the public. He said although this is not a formal hearing, this will be open to comments for a few minutes. He asked if anyone had any questions or any comments indicating that they should come up to the microphone, identify themselves and speak their piece.

Mr. Sy VanRyn indicated that he lives on Elm Avenue. The Supervisor asked if everyone could hear Mr. VanRyn and asked him to move a little closer to the microphone. Mr. VanRyn thanked Mr. Secor for his presentation and he thought that it was pretty good and nobody was going to argue with that, but on the other end this wet garbage is mostly used by people that are on fixed income like himself and many others in this Town. He said his question related to why this is the first service to have to go. Also, if he wants to get rid of his wet garbage and take it to Rupert Road it is going to cost him \$5.00 for the little bag that he has every week and he did not think that this was fair to the poor people like him. Next he had to disagree with Mr. Secor's report when he said that everyone was contacted and asked about having a private hauler due to the fact he was never contacted. Supervisor Ringler indicated only a percentage were contacted, he believed 219 out of the 1200 to 1400 that we collect. He said it was at a random sampling, not every single person was contacted. Mr. VanRyn indicated that he understood every person was contacted, and the Supervisor assured him that it was just a sampling. Mr. VanRyn continued that we also have grass pick-up all during the summer, which he would presume costs more than the garbage pick-up and nothing has been said about that. He said he generates less than a bag of garbage

a week, he tries not to throw away anything that does not have to be thrown away and he goes to Rupert Road about once every six weeks with two or three bags of paper mostly, and package stuff. He said he would like to see this continued to be picked up and if not take a look, also, at the grass pick-up in the summer as they are mostly affluent people that take care of that. Mr. VanRyn indicated that this was all that he had to say.

Supervisor Ringler thanked Mr. VanRyn and indicated the man back he thought was next.

Mr. Robert Longabaugh of 47 Haskell Place spoke and indicated he moved here in 1964 because the services were so great, the school district was first rate and the municipal services were extraordinary and that has continued he has noticed all through the years. He said he has been very pleased with the level of service that Bethlehem has provided -- the snow plows out on Christmas Eve, this type of thing. He said when it was started the garbage pick-up, he thought, was twice a week, now it is once a week. He said now the move is to move it to a private hauler. He said he cannot help but think the private hauler is going to increase his price. He said the last couple of years when the tipping fee goes up, it ripples down to the consumer. He said he finds it somewhat incredulous that he would take it on at the price that is being paid now. He said he thinks whether it is paid in higher State taxes in order to keep the local assistance going or pay it in higher Town taxes in order to keep garbage pick-up or pay it in higher fees to the private hauler. He said he had a suggestion, indicating he was not an attorney and he has not done any research, leaving it to the attorneys on this -- but there might be enabling legislation that the Town could have a special benefit district. He said this would be those households that are served by the pick-up and it would have a special levy put on them only, similar to the lighting and sewer districts. This way, Mr. Longabaugh said, the consumer that lists their deductions on the income tax, could benefit from a deduction on the income tax. He also said this way, the consumer would not have to pay the full price to the hauler. He said he would like the Board to look into the feasibility of doing this and perhaps, everyone can be happy. He further said it is going to be paid for one way or the other and he is trying to minimize it. He thanked the Board. Mr. Ringler questioned Mr. Longabaugh as to how his trash is removed. Mr. Longabaugh said he has a private hauler take the trash away. Supervisor Ringler asked if he realized that the wet garbage could be put with this trash. He said he always found it unsanitary to do this and always segregated it. Mr. Ringler further said it could still be segregated but put out with the trash for the hauler. He said the hauler will take it at this time under the current contract. Mr. Longabaugh said he still thinks if the Town drops the garbage pick-up, there would still be an increase in the private hauler price.

Supervisor Ringler thanked Mr. Longabaugh. Mr. Tom Lewis, a resident of North Street, next spoke indicating up until now the figure that was being thrown around was 2,000 households that were served by this service. Tonight, he said, the figure is 1400 and asked how the discrepancy was reached. Mr. Ringler said there was a study done two weeks ago, as he recalls, where a foreman went out with the truck and counted with the men on the truck and came up with 1400 stops. He asked Mr. Secor to give the previous numbers. Mr. Secor said in the 1982 solid waste study that was done, they also followed the trucks, according to Mr. Secor, and they came up within the order of 2,000 which was done in the winter. He said they actually had a foreman sit in the truck and go over the entire route. He said they did not follow the entire routes, but followed a couple routes and projected it out for 5 days. He said he thought the foreman, over a two week period, obtained these most recent numbers. Mr. Lewis said he figured on the basis of 2,000 stops, this comes out to about \$50. a year per household or \$1.00 per week. He said this will not be beat. He further asked if the Town Board has considered billing the people who use the service along with the tax bill, \$50. per year to have their garbage taken away. Supervisor Ringler said the current cost, based on 1400 stops and \$105,000. would be about \$200. or a little more per household. Mr. Lewis asked how it got up to \$200. per household. He said the numbers being thrown around comes out to \$50 a week. Supervisor Ringler said the most accurate, current number is 1400 people. Mr. Lewis said even this number would only make it \$100. Mr. Ringler said, in any event,

he would like to have the people using the service pay for it. He asked Mr. Lewis how many people he thought would drop off using it if they had to pay for the service. He asked if he had any thoughts on this. Mr. Lewis said the people who do not have private service would pay for it because it would be cheaper than that. Mr. Ringler asked if he has private service now. Mr. Lewis said he did not and he was not called. Mr. Ringler thanked Mr. Lewis.

Mr. Kevin Kosiba of Elsmere spoke next indicating he has private service. Basically, he said he was overall trying to interpret this issue. He said he has one question, indicating there was some sort of proposal for a waste incineration plant up by the Port of Albany, on the border line and asked how they stand on this. He asked if this was going to come through or not. He said he understands when you are looking at a problem with today's ecology and fines and things like this and a lot of medical waste that is the expense in getting rid of this type of contaminant and what kind of expense would have to be incurred to do such a thing in this Town but basically when people look to have a good Town government, they look for certain elements. He said they look for education, police force, adequate services, recreation, as well as, garbage and it seems to him that it is a small operation. He said some of the community oriented groups, with the seasonal, more people go to the dump in the warmer weather than they would in the colder weather, so when you get these funds for use and things that come in for seasonal employments that are filtered through certain programs and what have you, maybe some of these groups of youth could take part in this ecology program and sorting of the garbage and such. He said it seems to him that your basic government deficit accounting, this is a heck of a proposal to set up a whole garbage -- to increase rather than get rid of it to the private sector, to start a whole new -- create a few new jobs in the community and let some people retire in the community and such and he feels that eventually the budget is going to break and the aid to localities and such is going to pick up so that maybe you could create a new entity or get some appropriations and start for the garbage pick-up. He said his say is that the Town Board should increase the service rather than decrease the service. Supervisor Ringler thanked Mr. Kosiba.

Mr. John Hawkins next spoke in regard to three aspects of this situation. He said he had a memorandum which he would give to each Board member. He said the Town administration has proposed to alleviate the loss in State aid by eliminating the 36 year old weekly garbage pick-up service utilized by an estimated 20 percent of Town householders. He said the first thing talked about is the elimination of garbage, 20 percent of the Town householders and the figure he uses for Town householders is the one found in the library and he said he believes it is the 1989 figure. But, he believes it was one generated by the Town. He indicated the service, as he says, involves an estimated 20 percent of Town householders including many senior citizens and looking around he indicated he thought many were in attendance. He said these are the senior citizens whose taxes were used to build the high school, the basic water and sewage systems, and are about to be rewarded with property revaluation and increased taxation. He said there is a two way street on all of this stuff. He said in proposing this garbage elimination, the Town has suggested there are two alternatives -- one is to drive the garbage to Rupert Road and the other is to hire a commercial trash hauler. He stated some facts -- the highly efficient Town garbage service -- he indicated he has seen a number of figures thrown around as the total cost, like \$125,000, \$85,000., \$105,000. which he will use and he said he has also seen \$100,000. in the latest issue of the Spotlight. Supervisor Ringler said the Spotlight is not always accurate. Mr. Hawkins said the cost of the Town garbage service at present, based upon the \$105,000. base is \$1.26 per week. He said the cost of a weekly trip to Rupert Road would be \$9. per week because, he said do not forget that you not only have \$5. to get in there but what has to be paid is in the order of \$.20 per mile. He said this is about \$4. more. He said he does not know what the Town gets for private use of a car but he said he does know he saw in the paper the other day, the State lottery gets \$.24 per mile. He said this is not too far out of line. He said this makes a total of \$9. for a weekly trip.

Mr. Hawkins said the other alternative is the commercial hauler where the latest rate is \$4.10 per week and that is \$213. per year and

this figure, he said he has been told, has already gone up. He said the actual garbage cost per pick-up versus costs of \$1.26 versus the minimum, which is the commercial hauler cost, of \$4.10 hardly seems a good trade off from this 20 percent of householders. Mr. Hawkins said there is another aspect he would like to mention because he said he thinks there has to be an equity in all of this too. He said this is a question of the estimated 20 percent of householders who have sink disposal units dumping annually an estimated 520 tons of raw sewage in the sewage disposal system. He said he used the same 10 pounds of garbage per week that the garbage collector picks up -- figures he got from the garbage man. He said he was picking up on the average 10 pounds per week and he used the same 10 pound per week figure. Now, Mr. Hawkins said over the years he has asked the following question -- to what extent has this operation advanced the necessity for a \$3,000,000. bond issue in 1991, which in its first year would have an interest charge at 7 percent of over \$200,000. He said here is another 20 percent group that he thinks needs to be recognized if the Town is going to recognize the 20 percent group which involves garbage disposal.

Mr. Hawkins said the third concern has to do with the current cost to the private collector. This cost, of course, he said, is sort of a hidden cost. He said the homeowner pays this out of his pocket. He said it is a cost that needs to be added to the Town tax cost in order to come up with a total cost of the householder. He said in this case, of course, there is talk of a combination of garbage and miscellaneous waste use. He said the Town, as you are well aware, and he said he has watched the activity for many years, has a very splendid procedure of collecting garbage and yard waste. He said they move right along, it is very active. He said he happens to notice as he takes a walk daily, every day at different households he sees different garbage pails or waste pails outside the house. He said this means one thing, that, he believes, there are seven different collectors in this Town. He said what he is seeing is a collector every day using this mileage going over the same route because they are duplicating routes. He said obviously this is much more expensive than going over the same route once a week. He said there is definitely an economy in pursuing a more economic course. He said under the current Town concept whereby an estimated 80 percent of the householders would pay commercial haulers, he comes up with the same figure of \$1,746,000. He said perhaps his figure was used or the figure reached was about the same thing but he indicated his hearing is not too good and said he may have missed some of the things said. He said if the Town can collect garbage at \$1.26 per pick-up and you can well imagine that instead of having this big travel time between pots of garbage, if they were closer together, obviously there is greater economies achieved for this sort of an operation. Also, Mr. Hawkins said, the Town does have the experience of picking up waste which is also a factor that could be considered. But the important thing, Mr. Hawkins said, is that it certainly should be examined very closely as to whether the Town cannot pick-up the total garbage and save the total amount that the householder pays per year for a combination of tax and pick-up service. He said right off the bat, out of this \$1,700,000., there is over \$100,000. for sales tax. He said there is no sales tax when the Town picks it up. He said there is \$100,000. you start off with and, of course, that is not tax deductible either. The Town tax is tax deductible, according to Mr. Hawkins, indicating this is another factor.

Mr. Hawkins said in responding to several things Mr. Secor said -- and as he said he does not hear too well -- he rather got the impression that you had included in the cost from Feura Bush to Syracuse. He said he was not sure he did or not because that is a duplicating cost. He said he does raise a point that has to do with charging whether the commercial interests in this Town should pay for a portion of any pick-up service if it is a Town tax. He said he asks if this is any different than the commercial portion of the community paying for this \$3,000,000. bond issue or the \$200,000. tax issue associated with that alone because commercial interests always have participated in the various Town costs, no matter what they are. He said one reason they can do this, is that they have a way of disbursing the cost over their product, whether it is electricity or telephone or their products. No householder has this same privilege, according to Mr. Hawkins. He said this is why he thinks the legitimate approach to an -- he believed Mr. Secor came up with a definite saving, that this

will be a factor in it. He asked Mr. Secor if he was correct in this. He said he put all these to the Board's attention and asked that they be given consideration. He thanked the Board.

Supervisor Ringler thanked Mr. Hawkins. Ms. Shirley Dearstyne indicated she lives on the South Road out of Feura Bush. She said there is a dozen houses right around her and of those dozen there are only 2 that use commercial pick-up that she knows of. She said the garbage pick-up is one of the few services that they do have over there and most of them really appreciate it. She said most of them would be willing to pay a dollar or two a week and they would rather pay it to the Town than to some commercial hauler. She said they do not mind taking the regular stuff down to the dump, indicating that if they did they would have gotten a commercial hauler long ago. She said she knows her neighbors feel the same way.

Supervisor Ringler thanked Ms. Dearstyne. Mr. Joe Gardner said he lives on Carson Road and indicated he would like to speak for the silent majority. He said there is some good news on this subject of garbage, if the point could be gotten across that most of the people that have private haulers, including himself, and those people who like to put out their wet garbage, all they have to do is put it out once when the regular collector, private hauler comes around. He said this is sort of getting used to things like getting used to recycling which there is a very good job being done on this. He said, in fact, the help is changing the way of thinking.

Mr. Gardner said the second thought is that in walking around the neighborhood, indicating he is a senior citizen too, and there is only about a cubic foot or maybe two cubic feet of set garbage, indicating this is not much. He said he knows each one of the residents, whether a senior citizen, a baby in the cradle or whatever, are all creating a lot of trash and that trash has to get somewhere and if it is going to be a week or two late, if it is commingled it is not going to be any more dangerous or any more damaging to being stored a few weeks to get it where it goes. He said this is because it has to go somewhere. He said some people just carry it across the road and put it with someone else's.

Mr. Gardner said the third and most important point is that he resents subsidizing this cheap Town wet garbage pick-up. He said all the residents are subsidizing it and that is why it is so cheap but they do not get the service. He said he is a little facetious but every once in a while he thinks -- hey, how about a class action suit for the folks who are subsidizing a service they do not benefit from. He asked that the Town Board maybe look at it from the standpoint of maybe a very small minority of people being in a tight bind in this situation. Well, he said, it is like certain people that need the senior citizen van to get around. He said this is worked out, indicating the Town Board members are tremendous in doing a job for people that really need the special effort. He said these three points are something he hoped they would give serious thought to. He said he knows Mr. Secor and the rest are doing a terrific job of doing just that. He thanked the Board.

Supervisor Ringler thanked Mr. Gardner. Mr. Sid Kaplan of Slingerlands next spoke stating he is probably not a typical resident inasmuch as he goes to the landfill three times a year, possibly four if he throws a party. Supervisor Ringler asked if he meant three times a month or a year. Mr. Kaplan said three times a year. He said there are two of them -- when the original recycling plan came out, dutifully and happily concurred and he separated his recyclables and trash. He said he goes to the landfill. He said it took him two hours, indicating he even chatted with his friend, Mr. Palmer, the custodian and he said it was really quite a trip. He said when he was a boy, his mother told him to take the garbage out, now he is married and his wife tells him to take the garbage out and it kind of amused him to see the local sheet saying table scraps -- he said his point is, in the summer the garbage smells, it attracts flies, maggots, a stray dog, occasionally they would spread it up and down the street -- his point is that garbage is a health hazard, it must be removed weekly. He said someone mentioned before that it was removed twice a week, it is a necessary evil, it has to be done. He said his point is if Mr. Secor convinces the inhabitants of the Town of Bethlehem that it is a

necessary evil, inasmuch as the money is concerned, has to be considered -- he proposed as an alternative, he is perfectly willing, inasmuch as he likes to go up and chat with Mr. Palmer -- he is perfectly willing to pay a nominal fee for just his garbage removal by the private hauler. If this can be arranged, Mr. Kaplan said possibly this would be a way of eliminating the controversy and the extreme cost of \$200. a year for people who really cannot afford it and really do not use the service that much.

Supervisor Ringler thanked Mr. Kaplan. Mr. John LaForte said he would like to start off by asking a question -- what do you do with the two people that operate the system, do you lay them off or do you use them somewhere else. Supervisor Ringler indicated they most likely will have to be laid off at this point in time. Mr. LaForte said the potential savings is a real savings he gathered. He said he would like to address wet garbage pick-up by itself but it is impossible to because you have to take waste management in its entirety. Mr. LaForte commended Mr. Hawkins for his analysis and Mr. Secor did too. He said he did not know how Mr. Secor could glibly take \$600,000. and add it onto Mr. Hawkins' numbers but he was sure he had a basis for doing that. He further said the point made by Mr. Hawkins and others is that if you charge \$5. a trip to Rupert Road, whether you bring 1 bag or 6, if you try to get rid of your trash on a weekly basis, it costs you more to do it that way than it does to hire a hauler or at least it is an even split there. He asked what the agenda is then, is it to force or compel the residents of the Town to hire a private hauler to do the pick-up because if that is what it is, let's bite the bullet and go to mandatory trash pick-up. Mr. LaForte said by mandatory trash pick-up -- indicating the Board may have their own definition -- he means that everybody's trash gets picked up. He said the Town either hires or puts out for bid trash pick-ups by district. The Town, according to Mr. LaForte, charges each residence by virtue of the tax or by a fee to make the pick-up. He said now there is no garbage and trash out for 5 days out of a week because as someone pointed out, there are 6 to 7 trash haulers in Town, each with their own schedule. He said sometimes one may pick up on the same street twice, once for recyclables and another time for trash. He said if you add to that the Town picking up the yard waste and their spring clean up, there is a steady stream of trucks up and down the streets and the streets look like hell. Mr. LaForte said if it is the intention to get out of providing a municipal service and to compel people then to hire a trash hauler, then let's go to mandatory pick-up. Because, Mr. LaForte said, if you want to save money -- he asked the Board to take a poll at the meeting and ask how many would rather spend \$40,000. on a traffic study for LUMAC or would they rather have Town pick-up of wet garbage. He asked what the Board thought the answer might be. He said there are a lot of places to save money but he is concerned about the constant erosion of services that may be taken away from the citizens. He said garbage pick-up or trash pick-up, waste management or however it should be worded, is as necessary as sewage disposal, as providing water to the Town residents -- it is a necessity of life, it has to be solved one way or the other. He said the citizens look to the Town to solve it with or for them. He thanked the Board.

Supervisor Ringler thanked Mr. LaForte. Mrs. Jane Felgentreff next spoke, indicating she lives on Hudson Avenue and she like Mr. VanRyn is on a fixed income. She said no one contacted them in regard to their garbage or anything like this. She said her suggestion possibly may be if the Town does not want to send a truck around to pick up the garbage, how about setting a truck up in the parking lot like they did on October 4 when everyone's garbage and stuff was in ruins. She said maybe one day a week the truck could be set there. She said this was a suggestion. She said living on Hudson Avenue, there used to be a dump there many, many years ago and she thinks people still think there is a dump there. She said Mr. Sagendorph has spoke with her and placed a sign up on Hudson Avenue. She said she does not mind picking up McDonald's things, she does not want to live by the dump any more. She said she grew up with one and that was fine but she tries to keep it neat and clean. She said they have from McDonald's to every bag, concrete blocks and everything else. She said she is not ready to pick up people's garbage and she would like to be able to get rid of her own. She said they do recycle, by the time you have all the bags of glass, cans, paper, etc., you have less papers in your general rubbish. She said she is not going to go to Rupert Road

until she has six bags being on a limited income. She said she does not have enough money to go out and hire Wright, Cross or whoever else is around for maybe two brown bags. She said this does not add up. She said she does have a neighbor who waits until he gets about 50 or 60 bags -- now he is not going to get no garbage, the garbage is going to go there and the result will be rats the size of cats. She thanked the Board.

Supervisor Ringler thanked Mrs. Felgentreff. Mr. Morris Groves next spoke, indicating he lives at 4 Brockley Drive. He said he is opposed to the abolition of Town garbage pick-up. The estimated cost saving, according to Mr. Groves, varies from \$80,000. to \$105,000. to \$150,000. He said this estimated savings to the Town puts garbage disposal back on the householders to solve. He said one option for the householder is to install a garbage disposal unit at a cost from \$100. to \$150. plus water costs for 2,000 homes. Mr. Groves said he thought he might be off on the number of homes but anyway, the cost is \$200,000. to \$300,000. He said for unsewered areas, the householder must hire a service or carry garbage to Rupert Road dump at \$5. plus the car mileage. Mr. Groves stated Robert Wright's current household garbage and trash charge is \$17.92 a month, tax included. He said this charge is typical of various haulers. He said for the 2,000 homes, it would be cheaper to pay the \$80,000. yearly Town charge divided by 2,000 homes equals \$40.00 per year per home and have it added to the persons' taxes than to pay Wright \$215. per year. He said he feels that a resident in built-up areas can rightfully ask the Town for Police and fire protection, sewer and water supply, and garbage pick-up. He said it is likely that a substantial percentage of people to be affected by this proposed change are in the senior citizen class, since the service has been available since the early 1950s and these people all vote. He said the 1991 Town budget provides for a 5 percent salary increase for all employees plus longevity raises for 15, 20 and 25 years Town service. He further said starting with the appointed and elected Town officials, he recommends reducing the 5 percent salary increase to 3 percent and postponing the longevity raises until 1992. He said this certainly would more than pay for the garbage pick-up. He further asked the Board to look into this cost saving as one alternative to dropping the garbage service. Finally, Mr. Groves said, if the garbage pick-up is eliminated, will employees be laid off and trucks sold. He thanked the Board.

Supervisor Ringler thanked Mr. Groves. Mr. Kosiba inquired as to the answer to his question pertaining to the incinerator proposal. Mr. Ringler said he would answer this after the input on this item was complete. Mr. Gerry Wright next spoke, stating he lives in Slingerlands and is co-owner of Robert Wright Disposal. He said he would first like to speak as another resident of Bethlehem, which he is. He said it seems to be a misnomer around that all the younger people do not have things tough also. Typically, he said, a lot of the younger people do not use the garbage service because they have young families and they have a lot of trash so they use a service such as they provide or BFI or whoever's. He said these people have it tough just like some of the senior citizens do have it tough also, stating he understands this. He said you have to ask if it is fair to penalize the 70 or 80 percent of the people in Town who do not use this service with the cost of the service. He said this is the same comment as the gentleman on Carson Road made. He said this was the first thing he wanted to say.

Mr. Wright said the second thing is that he would like to make a comment which they use as a business philosophy, if you take a look around and look at the operation, whether it be as a business or as a Town or a community, and you see that you are doing everything completely different than everyone else in the area there is one of two things that is probably happening. First, he said, either you have an excellent idea and if you are in business you are going to make some money and if you are a Town you are doing something right. Or, he said, you are doing something completely wrong and chances are if you are doing something completely right, you are going to have a lot of people copying you very quickly. He said if you look around the Capital District or all of New York State, to his knowledge, the Town of Bethlehem is the only place in New York State that has a system such as is being talked about -- a separate pick-up of wet food scraps by a municipal government, as well as, a private hauler system. He said

there has to be something to say about this and what it tells him is that the Town is using a service that was set up for a specific reason 36 years ago and that reason no longer exists and it is time to move onward.

Mr. Wright said he also wished to make a couple comments about the costs. There was a comment about assessing the people who use the garbage pick-up, he said and commented that the latest numbers, as he understands it, are about 1400 people of which 72 percent have a hauler. He asked Mr. Secor if this was correct and Mr. Secor indicated it was. Mr. Wright further said if you take 28 percent of 1400, there is probably about 300 to 400 people and if that \$105,000. is spread over this 300 people -- what does this come out for a yearly cost, he asked. Supervisor Ringler said that was where he came up with the \$200. figure previously mentioned -- \$270. per household. Mr. Wright asked how many of the 1400 people that also have a hauler would continue to use this service. He said he did not think any of them would. He said then the question comes up as to how many people of the 300 would be willing to pay that much money.

Mr. Simon VanRyn objected to a private hauler testifying on a hearing of the public for the garbage pick-up indicating he has nothing to do with what the residents have to do. He said his is a separate, entirely separate operation and has nothing to do with the garbage pick-up. Supervisor Ringler said Mr. Wright is also a resident of the Town and has a right to speak to the Board. Mr. VanRyn said he has a right to speak on this subject, not as his business subject. Supervisor Ringler noted Mr. VanRyn's objection, however, stated Mr. Wright has a right to speak.

Mr. Wright said this was the one comment. He said the other thing that was raised is whether the hauler would raise the rate if the Town no longer took the garbage. He said this was not true because of the customers, the majority -- up to 80 or 90 percent -- of the people they serve do not separate their garbage. He said it is just a few people who have not caught on or for some reason they have been doing this. He further stated they have had several calls this week -- people calling up to ask what they were going to do if the Town stops picking up garbage. He said the first question is whether or not they are a customer and all of them have been. He said they have been told to do as they have been, set the garbage pail next to the trash can or mix it in or whatever. He said the tonnage is really negligible, as Mr. Secor said the tipping fees are \$2,000. per month or less and if this is spread out over 7 haulers, it is almost nothing. He said a rainy month could do the same thing to the cost because when it rains the trash gets heavier and the tipping fees go up. So as far as that goes, there would be no effect, according to Mr. Wright and indicated he had just two more comments. He said one comment is that if the Town were to get into trash pick-up, one thing that the private haulers do do -- and typically this is what happens when there is competition -- there are a lot of different services available to the people. He said there is a curb service for the people who want curb service; there is a rental of some of the larger trash cans -- some people take advantage of that. He further said there is service pick-up in front of the garage for people who want that type of service and there are other mixtures of services also offered. Mr. Wright continued, if the Town were to take it over I doubt very much if there would be anything else but curb service offered. He said he did not know if this has ever been talked about, but maybe Mr. Secor might have a comment on that, as to whether it is a true statement. Just like the grass pick-up and everything else, it is all at the curb. Supervisor Ringler commented that the Town has never studied how it would operate it if this were done. Mr. Ringler said it would be unfair to answer that, but indicated Mr. Wright was probably right. The Supervisor further said the tailored services would probably not be available. It would have to be one system throughout the entire Town, Supervisor Ringler said. Mr. Wright continued that the only last comment he had to make was about the number of haulers. If you look around the Town there are a lot of different people and a lot of different businesses indicating this is the American way -- it is called competition. He said this concluded his comments.

Supervisor Ringler asked if anyone else wished to speak that had not spoken and indicated those who had spoke will be given a second chance to comment.

The next speaker was Sharon Fisher, Town Recycling Coordinator. She indicated she did not want to give any comments about how she really felt but wanted to give some statistics. She said she had the results of the telephone survey that she completed and stated she attempted to contact well over 400 people in a short amount of time. She acknowledged the fact that if anyone would like to look at the information they were welcome to. She said everyone reached was asked only two questions -- if they took the Town garbage pick-up and the second question was if they had a private trash hauler. She indicated the answers were yes and no on all the questions. She referred to a list of all the names given to her by the pick-up men. She took at first every tenth name and then went back and ended up getting about every fifth name. Mrs. Fisher said she tried to contact a lot of people in the short period of time. One other comment Mrs. Fisher made was that according to her calculations there is approximately 27,500 population in the Town of Bethlehem and if the high figure is used of 2,000 people using the garbage pick-up, this makes only 7 percent of people in the Town of Bethlehem, she believes, using this service. Supervisor Ringler indicated this was households as opposed to people.

Attorney Kaplowitz next made a point, neither pro nor con, but one he believed should be considered along with all the other things mentioned. He said he sat with a lot of prior Town Boards over the last 12 or 14 years and several people eluded at this meeting to the possibility of dividing the Town up into districts and perhaps it could be done cheaper. Mr. Kaplowitz said this is not something new, it has come up over the last 12 or 14 years at least 3 or 4 times that he could recall and the fact that Town Boards have considered this problem. He further said there has been a tremendous reluctance on the part of the Town Boards -- and he has watched them agonize over this problem -- because what they have always been afraid of is that if this is done, a few of the nationwide, very large haulers will come in, bid on those districts and before long -- at a rate that the local people could not compete with anyway, they can low ball the figures and a year or two later when the local person has sold his truck, gotten out of the business, everyone is completely at the mercy of these haulers when there is one or two of them left serving the whole Town. He said again, he does not know how you resolve this but he knows it has been a real problem that past Town Boards have tried to resolve and have not found a great way. He further indicated there may be a savings, initially, by dividing the Town up into districts and having bidding done and that sort of thing. He said when you reach the point where there is only one person left out there who is still in business and is going to pick-up the trash, you may have a real problem because the price goes up. Attorney Kaplowitz said this has happened in other places in the country. He said he thinks it is one more consideration that everyone should be thinking about. He said again it is not pro or con. He said he did know if a satisfactory answer has ever been found to this problem.

Supervisor Ringler asked if anyone else would like to speak. Mr. Kevin Kosiba asked the Supervisor for an answer to his earlier question. Mr. Ringler said the incinerator project had been before the Board of Appeals for a Variance, however, this application has been withdrawn at this time. He said the applicant is proceeding with an environmental review with the Department of Environmental Conservation.

Mr. Thomas Lewis indicated the number 1400 was mentioned of people who use the service and it costs \$200. a family, why... Supervisor Ringler interrupted to clarify that based upon what Mrs. Fisher found 70 percent of the 1400 already have another hauler and they could put the wet garbage with the other hauler. He said in this case, it leaves approximately 300 households that do not have an alternative and if they elected to pay an additional amount of money and they were the only ones using it, hypothetically, it would come out to approximately \$200. per year. Mr. Lewis thanked Mr. Ringler.

Mr. Sy VanRyn indicated he felt bad about disrupting the meeting and he apologized for this. He said he felt, personally, that the

private hauler had no business here testifying at this hearing for the garbage pick-up for the people that use the service. He thanked the Town Board. Supervisor Ringler thanked Mr. VanRyn.

Mr. Longabaugh said he did not anticipate the dividend of having a private hauler and asked if he could address a question to him. Supervisor Ringler indicated this was fine, if he would like to answer. Mr. Longabaugh indicated Mr. Wright was taking his trash at this time and said he understood he could not make him a guarantee -- no one knows what is going to happen tomorrow or next month, as far as tipping fees and things like this. He asked Mr. Wright if he was telling him that if he takes out his garbage can and sets it next to the trash can he will not pay anything more for trash pick-up. Mr. Wright indicated this was correct. He said there a lot of people in attendance that do that. Mr. Longabaugh asked if everyone in Town does it, he is not thinking there is more to haul. Mr. Wright said almost all of the customers are doing it now. It was indicated Mr. Longabaugh was in the minority. He said he would agree he is a bit unusual but he wanted to just hear this. He thanked the Board and Mr. Wright.

Mr. Jack Selig next spoke, indicating he lives on Hunter Road. He said most of his questions have been answered. He said one of the main ones was the \$105,000. cost -- is it truly a saving if we get rid of the garbage. He said most of the time what happens, is those people are used elsewhere and the \$68,000. which is the most of the cost, is still in the budget. Supervisor Ringler stated the Town has to reduce the expenditures. He also indicated cash is not coming in, the Town does not have it to spend. Mr. Selig said okay, indicating the other thing he is concerned with and he knows eventually this is going to happen and he does use a private hauler and up until tonight he also used the Town garbage collection. He said when he first moved here, the pick-up was 3 times a week, it was one of the Town's services. He said it is down to 1 time and now we are going to get rid of it. He said he has been led to believe the snowplowing is going to be cut down considerably. Supervisor Ringler said he did not know where he got that from. Mr. Selig said he has been told by several people, the snow is going to get deeper before they get out because the overtime is going down. Supervisor Ringler stated there has not been any decisions made regarding the plowing or overtime. He said the Town intends to maintain the services the best we can. Mr. Selig said this was okay. Supervisor Ringler indicated the State of New York has reduced the hours in which they plow but the Town of Bethlehem has not done this. He said the plows are out there when they are needed. Mr. Selig indicated this was good to hear. He said he had one other comment and this was in regard to recycling. He said Mrs. Fisher apparently is doing a great job because this morning's paper said we had recycled almost 2,000,000 tons. He said that is 100,000 truck loads and said he hoped this was a misprint. Mrs. Fisher said it was a misprint. Mr. Selig thanked the Board.

Supervisor Ringler said the media is always making mistakes. He asked if anyone else would like to speak on this issue. Mr. John LaForte said just one more time. He said there have been several statements made about subsidizing this service. He said he wished we would not get into this type of debate because he does not have any children in the high school anymore and if we stop subsidizing the different services that were provided we would not need to pay school taxes once the kids are out of school. He said there are many people who do not use the swimming pool and he is sure they subsidize those services. He said it is idiotic to really indict someone for subsidization.

Mr. LaForte said the other point he wanted to make, directing this to Attorney Kaplowitz, was that perhaps the previous boards may not have addressed the possibility of simply subcontracting pick-up to the various districts rather than opening it up to competition if they wanted to ease in that direction. The other issue that Mr. LaForte pointed out -- a number of people talked about putting wet garbage with the other trash once a week -- that with all the attempts to reduce cholesterol, you know, the people eat a lot of fish and chicken now and they are two of the most odorous items that you could put in your trash. He said he would not be surprised if some of the people that use wet garbage pick-up, as well as trash put their wet garbage out twice, once in the trash and another time separately. He said finally

there is another issue that has not been addressed at this meeting, because it does not fall in the classification of wet garbage but it does fall into the category of problems with trash pick-up and this is what do you do with the brick or the patio block that is split or that muffler that dropped off and these kinds of items that your trash hauler does not pick-up or rejects. He asked if this has to be taken to Rupert Road or you pay somebody to pick it up special or you call the trash hauler and plead with him to pick it up. He said as he understands, we are going to cut or curtail the number of things that are going to be picked up in the spring clean-up and he is anxious to hear what those things are. He said he just asks the Board to think before you start cutting back those services. He said there are other lucrative areas that you can cut without reducing those services.

Mr. Hawkins asked if he could ask one question. Supervisor Ringler said sure. He asked why the Board does not delay the \$3,000,000. bond issue for a year thereby saving the interest on some of the principal. Supervisor Ringler said one thing that everyone must understand is, the \$3,000,000. bond issue comes out of the sewer fund. He said there is no interrelationship between the different funds. Mr. Hawkins asked if the money can be transferred. Supervisor Ringler said you cannot. He said, in other words, we are losing \$340,000. out of the general fund in revenue aid plus another \$67,000, he thinks, out of the highway fund under the CHIPS program. He said these are two different funds and the Town cannot go back and forth in these funds.

Supervisor Ringler thanked everyone for attending the meeting. He said there is a lot of information received and therefore, he would like to reserve decision in order to look at the minutes and information. He asked if the Town Board members felt the same way. The Board Members were in agreement.

On a motion made by Mr. Webster and seconded by Mr. Gunner, the wet garbage pick-up decision to cancel the service was tabled until the next Town Board meeting. 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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Supervisor Ringler indicated the next item was a presentation for Building Project Approval for the proposed Southgate Shopping Plaza on Route 9W in Glenmont. He encouraged anyone who would like to stay for the presentation to please stay. Supervisor Ringler said he would ask Mr. Gary Martin of Center Point Development Corporation of Albany, NY to make the presentation. First he explained the process for this item. This particular project is located in an area zoned Planned Commercial District, according to Supervisor Ringler, which allows the type of use that is proposed. He indicated they are not talking about a zone change. He said they are basically coming in for the site plan approval that is required for such a project. In this particular case the Town Board is the approval Board, however, the Planning Board has to review this for the Board and make a recommendation, Mr. Ringler stated. He also indicated this is the first time this proposal has been before the Town Board and normally what happens after this presentation is that the Board refers it to the Planning Board for an in-depth review. He said at this meeting it will be just the general overview as to what this project is all about. Supervisor Ringler asked Mr. Martin to make the presentation.

Presentation  
Request for  
Building Pro.  
Approval -  
Southgate  
Shopping Plaza  
Route 9W &  
Bender Lane

Mr. Gary Martin thanked Supervisor Ringler and stated he is President of Center Point Development Corporation, located in Guilderland, New York. He said he is a resident of Bethlehem. He said there are several drawings displayed detailing what they have in mind. He said the engineer and the traffic engineer were in attendance that will speak to different portions of the overall development plan. He said first of all he did a lot of research in selecting the location here in the Town of Bethlehem. He said he has personally been responsible for approximately 35 major shopping centers, mostly in the south. He presently has 3 K-Marts centers approved in the New York area, one in Amsterdam, one in Brunswick and this one here. He said he currently has in committed tenants a 64,000 square foot Hannaford Shop 'n' Save, a 91,000 square foot K-Mart, and an 8-plex theater. He said

he has several other major tenants that are outlined on the drawings that have very, very strong interest and they are in the process of negotiating leases with them. He said basically he would give a little outline of what they have in mind here.

Mr. Martin indicated on the drawings displayed the overall layout of the shopping center and the extension of Bender Lane that they are proposing for the Town. He said the shopping center site itself was very well located but has mediocre access as far as the tenants were concerned. He said what is being proposed is a connection road between Route 32 and Route 9W, bypassing the existing Bender Lane meandering road that goes up through and connects up. He said they are proposing a total of about 570,000 square feet. He further said they are proposing the Bender Lane connection at the developer's cost. Mr. Martin said the property is currently zoned commercial, it has the services and he thinks based on most of the -- he said he has met with several Town people, once with the homeowners coalition and once just at an open meeting -- and based on what he heard, most of the people were very receptive and very excited about the possibility of getting a Hannaford Shop 'n' Save in the Town to compete against the Grand Union stores.

Mr. Martin introduced first, to give some idea of the overall scope of the engineering, Charlie Sableski with Smith and Mahoney, who will go through the overall project. He thanked the Board.

Mr. Sableski thanked Mr. Martin, stating he would like to give an overview of the shopping center taking the Board through the existing conditions, the proposed conditions and utilities that are intended to be put in. He said the frontage site as is seen is approximately 133 acres and it is outlined in red. He said the total red area with the exclusion of a Niagara Mohawk right-of-way is approximately 133 acres. He said of the 133 acres, the area as shown from the gray line to Route 9W represents about 60 acres which is the developed portion of the project. He further said the remaining portion of the project at this time is remaining as green space. He said the map exhibited represents a scale of 1"=100 feet in order for the Board to get some idea as to the scale of the drawing. He said the approximate frontage of this development along Route 9W will be about 3,000 feet. He said Route 9W is on the bottom of the map exhibited, the Route 32 bypass is on the right and Bender Lane is on the left. He indicated the location of the shopping plaza. The project site right now as it exists, according to Mr. Sableski, has a mostly flat plateau in the area intended for construction. He said as you go back into the site back toward Route 32, the contours represent a slope down into a valley. He said this area, again, will not be built on except for the access road from Bender Lane out to Route 32. He said the most buildable portion of the site is where they intend to build and they are avoiding areas that are sensitive to grade change and, of course, an existing brook that runs through the site.

Mr. Sableski indicated on another exhibited map the development of the shopping center with a scale of 1"=100 feet. He said the center is located on the plateau and by the shape of the shopping center, it follows the level terrain of the plateau. Everything beyond the plateau, according to Mr. Sableski, and down toward Route 32 is, again, undeveloped. He said the brown areas on the map indicate buildings -- the major buildings being the Shop 'n' Save, K-Mart and a home center. He said there will be various retail stores in between. He said there is also a theater indicated, an 8 screen theater. He said there are also 7 out parcels, smaller buildings that can stand by themselves as far as retail sales. Associated with the development which is, as Mr. Martin has said, approximately 570,000 square feet is parking to handle the people who will visit the shopping center, he said. The parking as shown now, exceeds basically the Town's limit so there is sufficient parking to service the shopping center. The main access point, as Mr. Martin has described, will be off Route 9W, according to Mr. Sableski. He said this plan shows two access points on Route 9W, one access point on Bender Lane and then there is another access coming in from the new proposed connector road that goes out to Route 32, down past the theater and into the shopping center. He said this could be seen better on the 1"=200 feet scale with the new connector road coming in, past the theater and into the shopping center. He said this as the traffic consultant will explain -- improves the traffic situation as it

now exists and will create a much better traffic flow. In conjunction with the shopping center, Mr. Sableski said, there is a full study of the utilities -- the water, sewer, storm drainage. He said he did not know how well the Board members would be able to follow this but he indicated again the shopping center on a black and white display. He pointed out the retail stores, K-Mart, and the home center. He said one of the systems they designed is the storm water system. He indicated the storm water system will pick-up all the storm water drainage that falls on the parking lots, the roof drains and any other drainage entering the site. He said what they have done is pipe all of this into an internal storm drainage system which will bring it down to two retention ponds which will discharge at the proper flow into the existing brook at the bottom. Mr. Sableski said all of the storm drainage from all the improvements on the proposed shopping center parcel have been taken care of. He said the storm drainage associated with the highway has been taken care of. He said Route 9W, as will be explained by the traffic consultant, has been improved to 4 and 5 lanes depending on the turning movements either into the entrances or into Bender Lane. Any storm drainage associated with that system has also been taken care of, according to Mr. Sableski and piped through the site. The sanitary sewer system basically picks up all the out parcels, comes through behind the shopping center, picks up all the new buildings, comes down to Bender Lane and discharges down to the existing pump station, he said. The water system will be connected into an existing 10" main out on Route 9W to service all the out parcels and service all the new stores, he stated. Mr. Sableski said they are served with adequate facilities in the area, as far as water and sewer and have designed in the storm drainage to handle the situation as designed. Mr. Sableski said with this, he would turn over the presentation to Charles Manning, the traffic consultant.

Mr. Charles Manning stated he is President of Roger Creighton Associates and indicated they did the traffic study for this particular project. He relocated the one drawing forward because it was the best one indicating the area to be considered. Actually, because of the size of the development, Mr. Manning said they considered this to be a sub-area or a sub-regional study as opposed to the simple traffic impact study. He said they looked at what might be considered a wider area than what might be looked at for a smaller project. He said just to give an idea of the area, they went along Route 9W to the intersection of Feura Bush Road; going to the north on Route 9W to where it currently intercepts with Route 32; going along Route 32 to where it intercepts with Elsmere Avenue; and then along Elsmere both north and south; south to Feura Bush Road; and north to Kenwood Avenue. He said they encompassed a wide area because they felt it was necessary to look at the traffic impacts in that size of an area. Mr. Manning stated as with all the traffic studies they do, the first thing they do is measure the existing traffic in the area at all of the intersections and determine what the levels of service were and what problems currently exist in the area. Not to surprise anyone from the Town, according to Mr. Manning, what they found was that there were existing problems. He stated specifically at the intersection of Elsmere Avenue and Feura Bush Road -- many of the Board members were familiar with this intersection -- and it is difficult during the evening peak hour to make movements from Elsmere Avenue down onto Feura Bush Road. He said this was one location where they came up with a problem and another problem was located in regard to existing traffic at the intersection of Feura Bush Road and Route 9W. He said, again, this is hardly any big surprise to anyone. At that location, what they recommended was that turning lanes are actually necessary, just to solve the problems of existing traffic and that would alleviate the problems that are there. He said at Feura Bush and Elsmere -- if a signal was installed at this location, it would relieve the problems that are located there now. Once the existing problems were looked at, according to Mr. Manning, the next step was to consider the traffic that would be generated in the future and as part of that, what was considered was not only the traffic from this development but they also included the traffic from the full development of the Meadows project up on Bender Lane, as well as the full occupancy of the Glenmont center -- because, as everyone knows, that center is not fully occupied at the moment. In addition, he said they included the Glenmont center, they assumed that the access which is currently available to Glenmont center would be changed to the proposed access in the original traffic study with the entrance off and onto Route 9W.

Mr. Manning said given this as the traffic generating developments that they looked at, they considered where the traffic would be coming to and from this particular proposed development where it would be coming from. He said essentially what was determined, based on a look at the population of the area, was that roughly 40 percent of the traffic would be coming from the north on Route 9W, 23 percent would be coming from the Delmar/Elsmere area, 18 percent coming out Route 32 from the Slingerlands area or something like that, probably about 14 percent from the south on Route 9W and 5 percent from Feura Bush Road. Mr. Manning indicated they assigned all the traffic to the network and really looked at 4 different cases when they were looking at the future in terms of what the traffic would be at this particular location. He said the first thing they looked at was what would happen if there was no new connector road built. He said in other words, if instead of having this new connector road or some variation of this, if that road was not there, where would the traffic come and go to and from this center and those other new developments. He said what they found effectively, if this was the case, was that there was going to be significant problems developing along Feura Bush Road because the traffic there would increase dramatically. He said there would be significant traffic problems on other roads in the area coming down along Elsmere to reach Feura Bush Road and also along Route 32 because of the difficulty in making a return route, if you imagine you were heading back into Delmar or Slingerlands area from the center. Mr. Manning said if you did not have the connector road, what happens is that you are forced to either go down to the intersection of Route 9W and Feura Bush Road, make a right turn and another right turn at Elsmere. He said alternatively you could go north on Route 9W and make that strange loop maneuver where they have installed a traffic light but it is still a strange maneuver.

Mr. Manning said looking at all the traffic and where it was going to have to go, talking to Mr. Martin and so on, they decided what was needed was some form of connector that would be a direct connection between Route 9W and Route 32. He said they looked at 3 different alternatives for doing this and the most obvious one would be to connect this directly into Kenwood Avenue. He said this is the shortest distance, if Kenwood Avenue was, in fact, a pure arterial street able to handle large volumes of traffic, did not have a lot of houses on it and so on. He said that would have been the ideal place to put the connector. Unfortunately, Mr. Manning said being in the real world, there are significant problems with bringing all of the traffic onto Kenwood. He said what was decided was to remove the connector road further to the west and this enabled them to split up the traffic that is heading back up to the Elsmere area, the Delmar area, so that some of it will in fact, use Kenwood Avenue, some will use Route 32 and some of it will go over to Elsmere and so on to get back into these areas. He said looking at this solution, what this allowed them to do is to remove significant volumes of traffic from the Feura Bush Road, Elsmere Avenue area south of Route 32 and make a great deal of sense in terms of traffic. He said they went ahead and made this proposal in terms of the final recommendation for this project.

Mr. Manning said in terms of the process at this point, what they are doing is they have prepared a traffic report and submitted the report not only to the Planning Board and Town Board but also have submitted it and it will be reviewed by the Department of Transportation. They will have to review all recommendations for Route 9W, according to Mr. Manning, as well as the recommendation for a new break and access on Route 32. He said any of the proposals that come out of this project also have to be reviewed by DOT. He said with that he would turn the presentation back to Mr. Martin.

Mr. Martin said this was about it. He said he was certainly willing to consider questions or anything anyone would like to ask about the project. Supervisor Ringler asked if the Board had any questions at this time. Councilwoman Galvin said both in the material presented and in the presentation there has been a reference to the 132 base acres with 60 being considered for current development, with -- and she believed the words that have been used -- the remaining acreage being treated at this time as green space. She asked if the plan encompasses any future development for the remainder of that land or is the topography of the area mitigating against that. Mr. Martin said they also control approximately 40 or 50 acres in the area, indicating

on the map, stating it is level and flat. He said the map exhibited, shows the top portion of that land. He said all the ravine area which is more than the 130 acres because they have a total approximately 200 acres, have a lot of ravine areas that are outside this area. This happens to be the purchase of two tracts of land, according to Mr. Martin, the orange and yellow tract indicated on the map. He said these are two different land owners. Ms. Galvin said in the material provided, there was a referral to 5 land parcels. She asked if this included the 5 land parcels or do the 5 land parcels extend beyond the 132 acre parcel which is marked off. Mr. Martin said there is one parcel on the north that is under contract. He further said there is a single owner but two distinct tracts broken up by the power line. He said this tract is divided into two tracts on the tax maps but it is owned by one party. The total developable land, according to Mr. Martin, out of about 200 acres will be somewhere in the neighborhood -- the commercial tract will be about 68 acres and then there is an additional 40 acre tract that is currently zoned residential that they have no plans for at this point but they had to buy it. He said they would have preferred not to buy it but they had to buy it to gain access over to Route 32.

Councilwoman Galvin inquired if it was correct then that at this time, Center Point Development, either owns or is under contract for the entire length of your proposed connector road. Mr. Martin said this is true. Councilman Webster asked Mr. Martin if he had stated at the neighborhood meeting that that land would remain forever wild if that was the choice of the Board. Mr. Martin indicated he had said the ravine area would remain forever wild. Mr. Webster asked if this included the flat area that is being talked about in the left hand plain. Mr. Martin said it did not. Mr. Webster asked if this land was currently owned by Mr. Martin. Mr. Martin said there is about a 40 or 50 acre tract of good level land setting up on top as you drive along Route 32. Mr. Webster asked if this was west of the arterial road. Mr. Martin said this would be basically to the north of the arterial road. Mr. Webster indicated he was referring to the new access road. Mr. Manning said it was west of the access road. Mr. Webster asked if everything east of the access road would remain forever wild or whatever. Mr. Martin said basically the ravine area would. He said they do not intend to develop or try to develop the ravine area. He said there are approximately 100 acres in the ravine area and he said they have considered to potentially either donate it to forever wild or nature conservancy or if the Town had some avenue.

Councilwoman Galvin asked if within the commercially zoned area they have any other development plans other than what has been set forth at this meeting. Mr. Martin indicated he did not.

Councilman Burns indicated he had a couple of questions. He directed these to Mr. Manning. He said he believed the report was done for the developer in November. Mr. Manning said he thought this was correct. Mr. Burns further said the Town Planner had a memorandum that was provided in the packet that was written in December and he asked if any or all of the conclusions and recommendations were prepared after Mr. Lipnicky's memorandum. If not, Mr. Burns addressed the fact that he raises a great deal of issues about, perhaps, some underestimating of traffic volume, the impact of an additional signal on Route 32 to control traffic flow and a variety of other questions -- if it is not included in the packet, Mr. Burns asked if he has any initial feelings or any responses to Mr. Lipnicky's comments. Mr. Manning said he had looked at Mr. Lipnicky's comments and talked with him a couple of times about them. He said he found them interesting and some of them have been given some serious consideration. He said what he has done is prepare a letter in response to Mr. Lipnicky and transmitted that to him. He further indicated it would probably be a good idea if either the developer or Mr. Lipnicky provide a copy of the letter to the Board as well. He said in terms of the basic recommendations in the study, he said it did not change anything but it did bring up a number of points which should be included as well.

Councilman Burns had one other comment. He said he like many other Town residents look forward to seeing how this pans out and the idea of a competitive shopping center -- grocery shopping is certainly a luring idea. He asked Mr. Martin to be an economist for just a moment, indicating many people are looking at the Glenmont Town Squire

slowly emptying out and becoming a potential eyesore. He asked if he could give, what he would imagine is his optimistic view on why you think this will work, how it will work in light of the economic situation, stating he wondered why he felt he would make a shopping plaza work where perhaps the Town Squire has not been as successful as their owners had hoped. Mr. Martin said the Town Squire was built back, he thought, in the early '70s with inadequate parking, very poor access to the Delmar area -- he said he means you have to go around the horn to get to it. He said it never drew any people from the north, from the Albany area. He said it was poorly located for the access routes that are currently in place. He said one of the reasons -- when he first looked at this site, is that it is a great site. He said you cannot get to it or get away from it. He said as a shopping center developer, one of the key factors in looking at a shopping center is the ability to get into it and get out of it with ease. He further said this particular piece of property was well located -- is close to the south side of Albany, is adjacent to the south side of Delmar and has a major bypass 4 lane road to the north of it. He said basically, it had poor access. He said this is one of the reasons they started looking at being able to bring people in easily by putting in a bypass. He said the fact that this center because of its size, will create some draw to the north and pull more people from the south side of Albany to the center. He said it will have more synergistic effect because of its size and will also because of the better access be a much stronger shopping center.

Councilman Webster asked what the approximate parking ratio is. He said the Town Squire is something less than 2 spaces per 1,000 square feet. Mr. Martin said this is 5 per thousand. He said the minimum standard today for parking requirements are 5 per thousand. He said he thought the Town is somewhat less than this but the reality with these tenants today is that they know that if the people cannot conveniently park in front of the stores and cannot conveniently find a parking space, they will stop coming. He said basically, the national criteria for retail is 5 parking spaces per thousand square feet.

Supervisor Ringler asked if there were any other questions at this point in time. Councilman Burns asked if Supervisor Ringler was going to explain whatever the SEQR process will be as this goes forward. Supervisor Ringler said the next item on the agenda goes into this, it is a recommendation that will be discussed on all Planned Residential/Commercial Districts. He said as Mr. Burns knows from the past, the Planning Board would review this, make a recommendation and really not get involved in any SEQR review and it would come back to the Town Board and then the SEQR process would start at that point in time. Supervisor Ringler said he had some discussions with the Chairman of the Planning Board and he always felt this to be an improper way of viewing this. He said the Planning Board did not have the information the Town Board did when they made their recommendation. He said this is being looked at for a way to work SEQR process with the Planning Board involved in the entire SEQR process and have it an ongoing process as opposed to them having the public hearing, and coming back with the recommendation, as was done with Delmar Village. Supervisor Ringler said then the Town Board almost started the whole process all over again with the SEQR review. He indicated there is an agreement in here, a memorandum of understanding between the two Boards on how this would work. Supervisor Ringler said this would be ideal, that throughout the process even while the Planning Board is reviewing it, they will be fully involved in SEQR along with the Town Board as the approving agency.

Councilman Burns asked if the next item is approved, if this project would come under that understanding. Supervisor Ringler said it would be and asked if there were any other questions. He noted for the audience that this application will be subject to a public hearing before the Planning Board so the public will have an opportunity to comment on this. He said normally any item on the agenda, if anybody has a couple quick questions, maybe 5 minutes or so, the Board will entertain them at this point. He also stated there will be a lot of time for review and comment.

Mr. Kevin Kosiba said he noticed some of the other shopping malls that have been built in the area over the last number of years, actually have exits on bypasses -- citing Crossgates Mall, Rotterdam

Square Mall -- he noted 32 is running right along there and he said he mentioned something about Town Squire did not bring a lot of business from the Albany area -- that nose point that is mentioned which is the nose point of where 32 and 9W cross, if there were to be -- maybe he might direct this to Mr. Manning -- a traffic accident right there, where would all the people from the north be coming to. He said they would have to go all the way in along 32 and back around Bender Lane -- people that are unfamiliar with the area, all the way back into Bender Lane and then turn around. And then, he said, the persons who are coming over from Slingerlands, are they not going to be coming right through a two lane residential area where children are playing in the street and cutting right across 32 over into Bender Lane over into the Delmar portion of Town and cutting across through the Kenwood Avenue way and across that way. His comment, he said, is if there is a problem with the street that is being put in for your proposed access road, that that nose point there -- he said if you look at both sides of the Washington Avenue Extension in the County, there are access roads that run right along next to them. He said in other words, maybe 32 might have an access road running the same way. He said he just wanted to bring out that he sees a problem right there at that nose point with the northern bound traffic coming in. He said if that traffic blocks up, you are going to have a lot of unfamiliar shoppers driving around in the neighborhoods.

Supervisor Ringler asked if there was anyone else wishing to make a quick comment or question. Mr. Bill Cunningham said he had a question -- what is the current volume of traffic on Route 9W in the study and what would the projected volume be once this is in place. Mr. Martin said he knows the current is about 15,000 cars a day, that is on a daily count, 24 hours a day. He said he did not know what the projected figures are. Mr. Charles Manning said in front of the center, itself, the projected volume -- they have been working primarily in peak hours but if you were to convert it to a daily traffic -- would probably be in the range of 22 or 24,000 a day.

Supervisor Ringler thanked everyone. On a motion made by Ms. Galvin and seconded by Mr. Gunner, the application for Building Project Approval for the Proposed Southgate Commons Shopping Plaza was referred to the Planning Board for their review and recommendation. 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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Supervisor Ringler indicated the following item on the agenda was a discussion regarding the Memorandum of Understanding between the Town of Bethlehem Town Board and the Planning Board for Planned Development Districts. He explained the Planning Board Chairman, Martin Barr and Counsel to the Planning Board, Robert Alessi were in attendance at the meeting. He said Mr. Alessi drafted this agreement. As he commented to Mr. Burns' original question, Supervisor Ringler said when the Town Code was put together regarding Planned Development Districts, there was no such thing as the State Environmental Quality Review Act. He said this does, on occasion, create some complications when you have two boards involved with one process. He further explained in this particular case, on Planned Development Districts the Town Board is the approval Board and the Planning Board acts in an advisory capacity. He said up until this discussion, it has always been the case that the Planning Board would make their recommendation to the Town Board and then from that point the SEQR process would start. Supervisor Ringler indicated when he was Chairman of the Planning Board, it bothered him that the Town Board at that time was reviewing Delmar Village -- the Planning Board had already made a recommendation but never had the benefit of the SEQR process or the information garnered through the SEQR process. He said it does not make any sense to him that it is a two step process. He said it should be a process that is worked together.

Adoption  
Memorandum of  
Understanding  
Town Board &  
Planning  
Board regardin  
Planned Dev.  
Dists.

Supervisor Ringler said Mr. Alessi, Counsel to the Planning Board, drafted up a proposal as to how this would work. He said it is not the easiest thing to work with, however, as you go through it, he believes it makes sense. He further said the Planning Board will have the

benefit of this information but the Town Board will be involved with the decision making process throughout the SEQR review. He asked if anyone had any questions regarding this proposed Memorandum of Understanding. Councilman Burns asked if Mr. Alessi was going to take the Town Board through this. Supervisor Ringler asked if Mr. Burns would like him to. Mr. Burns said he thought he was going to in some summary fashion.

Attorney Alessi indicated he agreed with Supervisor Ringler and said the form it is written in is for another purpose, it is not for understanding. He said it is for a document to have on file and what he did was create something that is a lot shorter that may help. He said in the last two pages there are bullets so that it is easy to take a quick glance at so it will move this along quicker. Councilman Webster asked if it would be, somewhere along the line for simplicity sake for people who do come in with an application that perhaps somewhere along the line the Town Board develop some kind of a flow chart which could be handed to someone indicating this could be easily understood and they could follow very quickly and know what the process was. Attorney Alessi said this is an excellent idea. He said he did not have time to do this today but he did a quasi flow chart in the back -- 1, 2, 3, 4, which could be translated into a flow chart on the last two pages, 1 through 9 which basically is a linear flow chart. He said basically what he did on the first two pages is go through and established why there is a need to integrate SEQR between the Town Board and the Planning Board. He said the points are established there and he thought if he took two minutes to tell why there is a need, they would understand the process a little better.

Attorney Alessi stated SEQR says there is a requirement (1) that you have to invoke it at the earliest possible time and the earliest possible time when you look at the Town Code is when -- and there was a good example at this meeting, the shopping center -- SEQR would be invoked would be the first time that a project is actually formulated and proposed, indicating this is Al.a. He said this is when SEQR starts according to law, if you do it correctly. He further said the second thing that needs to be done is that there has to be a lead agency and this usually is a decision that is made based upon the code and what is provided for jurisdiction to approve. He said to be a lead agency, you have to be an involved agency and this is the SEQR parlance. He said he would keep this at the minimum so everyone can understand the difference between the Town Board and the Planning Board. He said to be an involved agency you have to have jurisdiction to approve. He further said it is somewhat of an anomaly in the code -- the Planning Board has approval authority for PDDs -- the fact that the Planning Board shall approve, disapprove, or approve with modifications. He said the problem being that the Planning Board does not have independent approval authority. Attorney Alessi said they can make a recommendation -- they approve but then it can be overturned by the Town Board. He said the reason he mentions this is that it is important in determining who the lead agency is in these projects because SEQR requires that the agency which has principle decision making authority is the lead agency -- he indicated that is the Town Board and that there is no doubt about that. He further said the biggest problem occurs with regard to some recent case law that came down with SEQR that said the lead agency cannot delegate its decision making authority to another Board or to staff. He said the Town Board is a decision maker for a certain purpose in the statute and they say you have to make the ultimate decision under SEQR.

Attorney Alessi said this is the problem because what you have is the Town Board is the decision maker but the code requires you to refer it to the Planning Board -- it says you shall refer. He said there are two boards that have to be involved but only one can make the decisions under SEQR. He said it gets a little complicated because the Planning Board really -- he thought most people would admit -- has the expertise in the SEQR areas when you take a look at issues such as traffic, effect of certain developments -- this is really the business of the Planning Board. He said the Town Board is the decision maker. He said this basically is the problem in essence and the Town Board cannot delegate this to the Planning Board and have them make all the SEQR decisions that need to be made. What SEQR does allow, according to Attorney Alessi, however, and what the courts have allowed is for the Planning Board to serve as the Town Board's staff. He said they can

serve as an agent, such that they can do the SEQR review and make recommendations at each stage and the actual decision points along the way the Town Board makes. He said the Town Board in this way gets informed by the Planning Board. He said he would basically stop there, indicating this is the essence, the reason why there is a need for a memorandum of understanding. He said this is because (1) the way the code is written and (2) what the State law requires.

Attorney Alessi said he would go on then to exactly what the proposed memorandum of understanding would do. He said what would happen is as what was at this meeting tonight, number 1 on page 3 goes and sets forth what would be done the first night it is proposed and this is to expedite the process. He said Supervisor Ringler brought up the problem of this bouncing back and forth and although if you read the memorandum of understanding, one could not imagine more bouncing back and forth and what that seems to provide, it is ultimately in his judgement much more efficient than what was done in Delmar Village. He said he thinks once the Board sees what needs to be done at the Town Board level, everyone will realize that the bouncing back will be more efficient. He said (1) the Board gets the application and figures out what it is under SEQR. He said this is classified, etc. and invokes the assistance of planning staff to help in this process. He said the application is sent in and the action is classified, notifies the Planning Board of the project and then the Town Board also -- and this is somewhat of a key point, according to Attorney Alessi -- if there are other agencies that are involved that have jurisdiction to approve (stating an example of one item this evening, the Department of Transportation has to make an approval on Route 32) -- the Town Board would have to notify the DOT office that the Town Board wants to be lead agent. He said there is a 30 day period in which the Town Board must wait for concurrence from DOT or for them to do nothing and then the Town Board would automatically be lead agent. He said following this, the Planning Board gets the referral and you can go through and see on 3 and 4 -- he will not go through it in any detail, he will stop at this point. He said if anyone has any questions, he would be happy to answer them. He said it is pretty well set forth when you get through 2 through 6. He said he would flag the Board to decision points. He said this is the basis for coming back to the Town Board. He said the determination of significance is usually the biggest decision point on a project because if you say that it is going to be no significant impact on the environment, the Board issues a negative declaration and that is the end of the process. Still, the referral to the Planning Board has to be done right away, according to Attorney Alessi, so they will look at it and make a recommendation. He said assuming hypothetically they make a negative declaration, make that recommendation. He said if the Town Board concurs with this, the memorandum of understanding is done, SEQR is done and the memorandum can be set aside. Mr. Alessi further stated, if a positive determination is recommended by the Planning Board, then the rest of the decision points are invoked on 2 through 9. He said he would stop there, indicating the bullets speak for themselves. He said to go any further would require too much elaboration on what SEQR requires. He said he would certainly answer any questions.

Councilwoman Galvin asked under the recent decisions if the authority or duty of the Board that is acting as the lead agency to delegate -- in terms of delegating to staff which would be the equivalent of what the Board is doing if they were sending it to Planning Board -- she asked if this includes the authority to delegate the actual holding of the public hearings or would the Town Board still have to hold the public hearings. She said she is referring to -- under the bullets in 6 it appears that you have allowed for either the Planning Board or the Town Board to hold the public hearings and she was not clear under those decisions as to whether or not they would have to still have those public hearings or if it was a delegable item. Attorney Alessi stated this was a good question. He said the likely answer is that it is not delegable, it is mute with regard to establishing a district because in the code the Town Board has to hold the public hearing. So, in this regard, according to Mr. Alessi, the Town Board would not get the issue. Where the issue arises is in the case where there is already an established district -- this one here -- and then the Planning Board is the only one required to have a hearing, according to Mr. Alessi. His recommendation would be that a joint hearing be considered with the Planning Board -- because as he

understands it, efficiency is an issue -- rather than having two public hearings, the Town Board and the Planning Board. He said he thinks this is something that has to be worked on further. He said it is probably not delegable under the case law.

Councilwoman Galvin said this was her only problem in reading the whole memorandum of understanding, was that it appeared from this memorandum that, in fact, the Planning Board could be attempting to hold those hearings on the Town Board's behalf. Attorney Alessi said he would be a lawyer and say that the decision came down after he wrote the memorandum of understanding.

Supervisor Ringler asked if there was anything else. Councilman Burns asked Mr. Alessi to address the issue of scoping for a moment. He said he believed the memorandum of understanding would have the decision relative to scoping left with the Planning Board, pretty much exclusively. He asked if he would summarize the SEQR law as it relates to optional scoping -- at what point, how much discretion would the Planning Board have as to whether to determine the extent of the scoping process and also, he remembered from Delmar Village a great deal of the time was spent on scoping. He said he believed there was a public hearing -- Councilman Webster might recall -- held on the scope of the DEIS itself. He asked Mr. Alessi to explain why it is best, in his opinion, that the Planning Board do the determination on scoping and talk a little bit about when it is discretionary and so on. Attorney Alessi said under SEQR scoping is always discretionary, it is never mandatory. He said this is the first answer and the second answer is that the memorandum of understanding is written because there had to be some decisions made with regard to who would do what. He said the memorandum of understanding is in draft, that is an area where the decision he made he put it in there and it was put in there to try and figure out what issues are appropriate for the EIS. The Planning Board, according to Mr. Alessi, is usually going to be the most appropriate body to identify the issues, the nitty gritty for the EIS. He said it does not preclude the Town Board from performing scoping, if the Town Board so desires, indicating this is something that can be altered if it is the Town Board's choosing. He said he thinks (1) it would make it a little more complicated but it certainly is legally possible and (2) any Town Board member certainly can participate in the scoping process but the final decision because the Town Board is the lead agency, could override any scope of issues that are decided ultimately, according to Attorney Alessi. He said there is no magic for having the Planning Board do it. In scoping it is generally where the issues are decided as to how much elaboration they get in the EIS, he noted. He said it depends upon the projects as to how important it is. He said it should not last long, indicating if the scoping is done right the applicant meets with -- and it is provided in the regulations -- the lead agency or to meet with the groups, the neighborhood organizations that may be formed for the project such that the process should not consume the Board's time. He said the scoping really should be done independent of the Board and when there is a problem with the issues, this is usually when scoping comes before the lead agency.

Councilman Burns asked if the development is so sensitive or complex that the Town Board as lead agency requires or really would like to see the scoping process done carefully, under this memorandum the Board could direct the agent, so to speak, as it is referred to, the Planning Board, to conduct the scoping process -- asking if this is accurate or if it was completely out of the hands of the Town Board under this agreement. Counsel Alessi said there is nothing that could be out of the hands of the Town Board because the Board is the principle decision maker. As the memorandum is now written, Mr. Alessi stated, the Planning Board would perform the scoping. He further said to the extent any part of the memorandum of understanding has to be altered to reflect where the decision making points get made, it can be but as written it is in the Planning Board right now.

Councilman Burns said his other question may be more a question of wording. He said where the determination of completeness is made, if they are trying to clean this up and make it clear to a developer and to the public, who makes the determinations, who makes the recommendations. It is a little confusing at a first reading, according to Mr. Burns, the Planning Board shall determine completeness of the DEIS. He said one paragraph below it says the Town Board shall

determine completeness of the DEIS. He said technically though the Planning Board is giving their judgement, their feeling as to whether the document is complete or not and then the same for the final EIS. He said the wording is exactly the same that both Boards are determining completeness. He said he could remember that phrase, that term being very important. He said he thought it might just be a semantic argument but it seems a little confusing. Attorney Alessi indicated all decision points have to be made by the Town Board and that wording can be changed to clarify this. All the Planning Board can do, according to Mr. Alessi, by law is make a recommendation relative to a decision point but the Town Board has to be the ultimate decision maker.

Councilman Webster asked if it did not say that the Planning Board would determine the completeness and then send it to the Town Board for approval. Attorney Alessi said it would be sent to the Town Board to determine whether they concur in that recommendation, that it is, in fact, complete. Supervisor Ringler read the portion of the memorandum of understanding pertaining to this issue. He said it was taking in the consideration of the recommendation of the Planning Board. Attorney Alessi said the language of the DEIS should probably conform to the FEIS to make it clear. Supervisor Ringler said the wording should be the same due to them being the same process. Attorney Alessi agreed.

Councilman Burns indicated he agreed with Councilwoman Galvin that there was some confusion on the public hearing. He said he realized that was modified after the report or so, but how -- if the Board is going to vote this evening -- how would that be resolved. Supervisor Ringler asked what the exact wording was in there at this time. Ms. Galvin said it was on page 7, letter h. She said the last sentence could be modified very easily. She said the wording "may" could be changed -- at its discretion may preside over the public hearing, just make it the Town Board "shall" preside over the public hearing. Mr. Burns said it now reads that the Planning Board shall receive comments and conduct a public hearing. It goes on to further say the Town Board may want to as well, according to Mr. Burns. Supervisor Ringler said the last sentence seems to supersede the previous sentence, reading the wording. Ms. Galvin said the Town Board certainly can preside over it and hold a joint meeting with the Planning Board and accomplish the same thing. Attorney Alessi indicated to avoid two public hearings on the same project, the Town Board may want to do a joint hearing because the Planning Board under the code is required to conduct a public hearing for established districts for building project approval. Supervisor Ringler asked Ms. Galvin if she saw a need for a change to the wording. Ms. Galvin said she did because under the current case law, there would be a problem if it gives the Board its discretion. Supervisor Ringler said it should read, "the Town Board shall". Attorney Alessi said there are some courts that say that the public hearing must be performed by the lead agency. He said there are some varying interpretations about what performance consists of. He said some lead agencies have said the mere presence of 4 Town Board members in the audience at a public hearing is enough to perform a public hearing but he said this issue could be eliminated by Ms. Galvin's suggestion. Supervisor Ringler said this modification can be made without any problem.

Supervisor Ringler asked if there was anything else. He said these two issues, if the Board is in concurrence, can be changed -- change the paragraph and have the wording on the DEIS and FEIS be the same and change the word "may" to "shall". On a motion made by Ms. Galvin and seconded by Mr. Gunner the Town Board authorized the Supervisor to sign the Memorandum of Understanding with the corrections noted. The motion was passed by the following vote:

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

- - -

Supervisor Ringler thanked Attorney Alessi for the time and effort he put into this and the Planning Board for their efforts and so forth. Mr. Martin Barr, Planning Board Chairman, suggested since this was approved, that the Town Board take a second look at the action of

the Board in regard to the Southgate Shopping Plaza proposal. Supervisor Ringler said the paper work will have to be put together on a lead agency coordination and the staff will do that and bring it back to the agenda. Mr. Barr said under this agreement, the Town Board makes the determination of lead agency before you refer it to the Planning Board. Supervisor Ringler said this was correct. Mr. Barr said action was taken to refer the Southgate proposal to the Planning Board. Supervisor Ringler said that was done before the Board authorized the signing of the Memorandum of Understanding. He further indicated he would put that on the next agenda as soon as the paper work can be prepared and the staff recommendation on lead agency is completed. Councilman Burns said the Board would have needed to identify how that project is listed at the same time and he indicated there has not been any recommendation. Supervisor Ringler said this was correct. Mr. Barr said there is a time frame, when notices have to be sent out, further stating it cannot be done all at once. He said there are notifications to other involved agencies, which actually the next item on the agenda is part of the same process. Mr. Burns said this was as they notify the Town Board. Supervisor Ringler said he sees no problem with the Town Board doing this at the next meeting. He said the lead agency coordination used to be done after the Planning Board made their recommendations to the Town Board. He further said one meeting is not going to make a difference and this will be done.

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Supervisor Ringler said the next item on the agenda is a discussion of a lead agency coordination for a proposed Unocal truck stop at Route 144 and the following letter was received from Mr. Barr.

February 13, 1991

Mr. Kenneth J. Ringler, Jr.  
Supervisor, Town Board  
Town of Bethlehem  
445 Delaware Avenue  
Delmar, New York 12054

RE: Notice of Lead Agency Coordination  
Proposed Unocal Auto/Truck Stop  
Town of Bethlehem

Approval  
Lead Agency  
Status -  
Planning  
Board for  
Unocal  
Truck Stop  
on Route 144

Dear Supervisor Ringler:

Please be advised that the Town of Bethlehem Planning Board is in receipt of an Environmental Assessment Form and Site Plan Application for establishment of an auto/truck stop, including 372 parking spaces, on a 26.8 acre parcel of land located on NYS Route 144 at its intersection with the Thruway Exit 22 plaza road.

In accordance with the implementing regulations of the State Environmental Quality Review Act, found at 6 NYCRR Part 617, the Planning Board at its meeting of 5 February 1991 adopted a motion to consider this project a Type 1 action and to coordinate review of the action pursuant to 6 NYCRR 617.6.

The Planning Board has expressed its desire to act as Lead Agency in the environmental review of this proposal pursuant to the criteria for determining lead agency found at 6 NYCRR 617.6(e)(5).

Your Department has been identified as an involved agency. Please consider this notice that a lead agency must be designated within thirty (30) calendar days of this mailing. If you have any objection to the Town Planning Board's assumption of lead agency status, please respond within the above time period.

Very truly yours,  
/s/ Martin L/ Barr  
Chairman, Planning Board

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Supervisor Ringler indicated this has nothing to do with the previous agreement due to the fact that that was strictly Planned

Development Districts. He said this involved a project before the Planning Board for site plan review.

On a motion made by Ms. Galvin and seconded by Mr. Gunner, the Planning Board was authorized to be Lead Agent for the Proposed Unocal Auto/Truck Stop on Route 144 in the Town of Bethlehem. The motion was passed by the following vote:

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

-----  
Supervisor Ringler next acknowledged receipt of the 1990 Annual Reports of the Delmar Fire Department and the Elmwood Park Fire District.

Acknowledge  
Receipt 1990  
Annual Reports  
Delmar & Elmwood  
Park Fire Depts

-----  
Supervisor Ringler next acknowledged receipt of the Final Plat Approval for a 1 Lot Subdivision, Lands N/F of Trianni to be conveyed to John Connors, located on Weisheit Road from the Planning Board for informational purposes.

Acknowledge  
Final Plat  
Approval -  
Trianni

-----  
Supervisor Ringler next acknowledged receipt of Conditional Approval of Final Plat for Subdivision, Trianni, Weisheit Road from the Planning Board for informational purposes.

Acknowledge  
Cond. Appr.  
Final Plat -  
Trianni

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Supervisor Ringler said the next item was acknowledgement of receipt of a 1 lot subdivision, Lands of Becker to be conveyed to Rinaldi located on Delaware Turnpike from the Planning Board for informational purposes. Final Plat Approval.

Acknowledge  
Final Plat  
Approval -  
Becker

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Supervisor Ringler next acknowledged receipt of Conditional Approval of Final Plat for the Castlewoods Subdivision from the Planning Board for informational purposes.

Acknowledge  
Cond. Appr.  
Final Plat -  
Castlewoods

-----  
Supervisor Ringler next acknowledged receipt of Final Plat Approval for 1 lot subdivision, Lands of Fisher, located on Maple Avenue from the Planning Board for informational purposes.

Acknowledge  
Final Plat  
Appr. - Fisher

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Supervisor Ringler said the next item was to acknowledge receipt of Final Plat for the Brandow Subdivision located on South Albany Road from the Planning Board for informational purposes.

Acknowledge  
Final Plat -  
Brandow

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The Supervisor next acknowledge receipt of Conditional Approval of Final Plat for proposed subdivision Paula Estates, Ext. No. 2 located on John Street, Selkirk from the Planning Board for informational purposes.

Acknowledge  
Cond. Appr.  
Final Plat -  
Paula Estates

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The Supervisor acknowledged receipt of the Final Plat Approval for Paula Estates, Extension No. 2 from the Planning Board for informational purposes.

Acknowledge  
Final Plat  
Appr. -  
Paula Estates

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Supervisor Ringler next acknowledged receipt of Final Plat Approval for Somerset Woods Subdivision located on Wemple Road from the Planning Board for informational purposes.

Acknowledge  
Final Plat  
Appr. -  
Somerset Wood

Conference -  
Subdivision &  
SEQR review -  
Planning Dept.

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Supervisor Ringler indicated the next item on the agenda was a request from Jeffrey Lipnicky, Town Planner for permission for Ellen Kost to attend one day and Janine Saatman to attend the two day conference on Subdivision and SEQR review to be held at the Desmond Americana in Albany, NY with expenses paid. The Supervisor said this is a local conference and is in compliance with current procedures.

The motion was made by Mr. Burns and seconded by Mr. Webster that at the request of Jeffrey Lipnicky, Town Planner, Ellen Kost be approved to attend one day and Janine Saatman be approved to attend two days and they hereby are authorized to attend the conference on Subdivision and SEQR Review seminar to be held March 7 and 8, 1991 at the Desmond Americana, Albany, NY with expenses paid. The motion was passed by the following vote:

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

Appointment  
Seasonal Pers.  
Parks &  
Recreation  
Dept.

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The following item was a request from David Austin, Administrator, Parks & Recreation Department, for approval of appointment of Seasonal Personnel:

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

Darryn Fiske  
45 Longmeadow Drive  
Delmar, NY 12054

-----  
Recreation Instructor II at a rate of \$5.45 per hour.

Joseph Chetti  
60 Delaware Avenue  
Delmar, NY 12054

-----  
Recreation Instructor II at a rate of \$5.65 per hour.

Glenn Yelich  
1628 Union Street, Apt. B  
Schenectady, NY 12309

-----  
The motion was made by Mr. Webster and seconded by Ms. Galvin that the above-named Seasonal Personnel be and they hereby are appointed as recommended by David Austin, Administrator of Parks & Recreation Department, at the rates mentioned above to serve at the pleasure of the Town Board. The motion was passed by the following vote:

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

Request to  
go to bid  
for Police  
Uniforms  
1991

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Supervisor Ringler said the next item on the agenda was a request from Paul E. Currie, Sr., Chief of Police to go to bid for Police Uniforms for 1991.

The motion was made by Ms. Galvin and seconded by Mr. Burns that the Town Clerk advertise for bids in THE SPOTLIGHT issue of March 6, 1991 for Police Uniforms for 1991 and that bids be received for Police Uniforms for 1991 on March 19, 1991 at 2:00 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 indicated the next item was a request from Martin J. Cross, Superintendent of Highways to award the bid for 1991 Mid-Size Sedan Passenger Cars to Marshall's Garage of Ravena, NY.

A motion was made by Mr. Gunner and seconded by Mr. Burns to award the bid for 1991 Mid-Size Sedan Passenger Cars to Marshall's Garage, Ravena, New York. The motion was passed by the following vote:

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

Award of Bid  
1991 Mid-Size  
Sedan Passeng  
Cars

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Following was a request from Martin J. Cross, Superintendent of Highways, for approval to purchase two pick-up trucks from the 1991 State contract. Supervisor Ringler said this is in line with his plan.

A motion was made by Ms. Galvin and seconded by Mr. Gunner that Martin J. Cross, Superintendent of Highways, be and he hereby is authorized to purchase two (2) pick-up trucks from the 1991 State Contract. One vehicle will be a three-quarter ton pickup truck at a cost of \$10,293.00 and the second vehicle will be a one-half ton pickup truck at a cost of \$7,890.00. The motion was passed by the following vote:

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

Approval  
Purchase  
2 pick-up  
Trucks -  
Highway  
Dept.

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Next was a request from the Department of Public Works, Terrence Ritz, for assignment of house numbers for Clapper Road, Church Road, McGinty Drive, Heath Drive, Weisheit Road, Lincoln Drive, Bask Road, Retreat House Road, Simmons Road, Dinmore Road, Port Road South, Spawn Hollow Road, Miller Avenue, Neil Boulevard, Smultz Road, Anders Lane, Hoffman Street, Lyons Road, Hannay Lane, Frontage Road, Languish Place, Plank Road and Wildwood Lane.

The Supervisor asked if anyone had any questions as Mr. Ritz was in attendance at the meeting if anyone had any questions of him. Supervisor Ringler indicated he does not usually come down but he had some road name changes here as you can see.

Councilman Burns asked since name changes are a sensitive issue around here, as has been learned, if the road that you would propose changing from Heath Road or Old Clapper (apparently known by two names) to McGinty Drive, whether there were any other lots. Asking if there are any other family names other than Clapper and McGinty on that road, Mr. Burns further asked if there is any one who is going to be upset by it. Mr. Ritz responded that McGinty was the only resident homeowner on the street.

Councilman Burns asked about the other, saying he was curious that he would propose changing one road name from a Road to a Drive, asking if there is any significance from an engineering point of view changing from a Road to a Drive. Mr. Ritz indicated that according to a town approved standard -- and he has the list up in the office -- a drive is usually a short street, dead-end street on a through street and a road is normally a thoroughfare. He said he also has a list of what a Way is, what a Drive is and what a Street is, indicating they have all been approved through the Town.

Assignment  
House Nos.  
Clapper Rd.  
Church Rd.  
McGinty Dr.  
Heath Dr.,  
Weisheit Rd  
Lincoln Dr.  
Bask Rd.,  
Retreat Hou  
Rd., Simmons  
Rd., Dinmore  
Rd., Port Rd  
South, Spawn  
Hollow Rd.,  
Miller Ave.  
Neil Blvd.,  
Smultz Rd.,  
Anders Lane  
Hoffman St.  
Lyons Rd.,  
Hannay Lane,  
Frontage Rd  
Languish Pl  
Plank Rd., &  
Wildwood L-

Supervisor Ringler asked if there were any other questions.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the number and street names as recommended by the Department of Public Works, Engineering Division, be and they hereby are assigned to become effective six months from the date of adoption. The motion was passed by the following vote:

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

The Supervisor indicated that Mr. Ritz would like the maps returned.

## CLAPPER ROAD

<u>PROPERTY OWNER</u>	<u>PROPOSED NUMBER</u>
Leroy Minshell	14
Grace Kirby	18
Thomas and Marion Dragon	19
Keith Lezatte	22
Mary Walker	23
Keith Lezatte	24
Glenford and Adela Craft	31, (store) 27
Howard Vagele	32
Glenford Craft	39
Denis McCullough	45
Michael Duker	46
Edward and Bernard Mocker	47, 51
Micheal and Ann Hallenbeck	52
David and Linda Schact	90
Marie Koster	94
Myron and Vera Flagg	137
Meredith Clapper	145, 166
Milltowne Plaza	253
David Heath	266
Donald and Barbara Pickup	270
John and Theodore Hillman	276, 298, 304
Alfred and Grace Newkirk	323
Garrett and Eleanor VanAlstyne	327
Kathleen Newkirk	331
James and Shirley Pyle	339
James Haker	359
Albert and Carol Penk	387
Albert and Carol Penk	395
Anthony and Sharon Dibenedetto	470

## CHURCH ROAD

First Reformed Church of Beth.	30, (church) 38
Charles and Betty Emery	53

## MC GINTY DRIVE

Peter and Ann McGinty	25
Meredith Clapper	35

## HEATH DRIVE

Milltowne Plaza	28
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## WEISHEIT ROAD

William Weisheit	119, (shop) 123
Lee and Terri Beers	160
Frank and Elizabeth Scarcella	181
Emile and Patricia Therrien	185
Milltowne Plaza	201
Alexander and Nancy Howard	210
David and Jane Tucker	214

## LINCOLN DRIVE

Michael Cox	1
Leslie Pollicino	5
Richard and Florence Sickles	7
Patrick Mahoney	19
CHI Realty Corporation	32
John Keenan	46
Steven Riley	83
Giovenetti Ent.	128

## RETREAT HOUSE ROAD

Emmanuel Community	19, 31, 33, 35
Edward and Martha Brown	49
Edward and Mary Brown	71
Nicholas and Lillian Dinovo	79
Joseph and Helen Defranco	99
David Boyer	107, 109
Maereaver Griggs	115

## RETREAT HOUSE ROAD (continued)

<u>PROPERTY OWNER</u>	<u>PROPOSED NUMBER</u>
Richard and Mae Boyer	117
Richard and Mae Boyer	121
ABC Operating Corporation	130
Jeffrey and Margaret Beach	133

## SIMMONS ROAD

Susanne Babcock	10
(may be numbered on Route 144 (River Road))	
Robert and Esther Kornis	71
Richard and Margaret Law	106
Thomas Novotny	111

## DINMORE ROAD

Madonna Realty Inc.	70
Town of Bethlehem (Treatment plant)	98

## PORT ROAD SOUTH

Barker Steel	126
Agway Petroleum Corporation	184
Agway, Inc. Scarano Boats	194
Port Welding Service	198
Diehl Moving & Stor.	202

## SPAWN HOLLOW ROAD

Chester and Velma Snyder	61
Harold Houghtaling	65
Helen Walker	66
Dean and Shirleen Kreplin	76
Victor and Anne Weidman	80
Michael Snyder	84
Willie and Marion Buxton	88
Theresa Albright	97
Vincent and Marion Krzykowski	107

## MILLER AVENUE

Twenty Acres, Inc.	6
Twenty Acres, Inc.	7
Karl and Debra Parker	12
Donald Murphy	14
Robert and Diane Whiting	15
Robert and Frances Gunderson	17
Robert and Lydia Sutton	18
Paul and Sandra Demmer	21
Martin Cross	24
Charles and Bertha Merritt	30

## NEIL BOULEVARD

Constance and Parker Dickinson	3
Joseph and Patricia Pomakoy	9
Neil and Joann Sutton	14
Joan Shear	17
James and Helen Sutton	18
John and Elizabeth Horner	25
Brian Sutton	29
Roland and Doris Rose	35
Pauline and Francis John	36

## SMULTZ ROAD

Nils and Ann Aanonsen	61
William and Augusta Smultz	67
Albany Broadcasting (Q104)	105
Joseph Rappazzo	126

## ANDERS LANE

Mary Soule	5
Marie Anders	9
Daniel and Joanne Maier	11

## HOFFMAN STREET

<u>PROPERTY OWNER</u>	<u>PROPOSED NUMBER</u>
Benedict and Judy Ravida	11
Arthur and Elizabeth Smith	12
George Turner	16

## LYONS ROAD

Allen Lewanick	41
Leon Lussier	74
Town of Bethlehem	157

## HANNAY LANE

Imper Realty	17
Janmar Realty Associates	44
Malka and Janet Evan	62
Malka Evan (Hamilton News)	64
Danie and Tina McKay	66
William and Janet Beach	70
Theodore and Anna Hoke	84
Elizabeth Henze	85
U.S. Sprint	89

## FRONTAGE ROAD

Dale Miller	9
Murash, Inc. (Motel)	15
Miss Glenmont Diner	21
Dake Bros. (Stewarts)	33
Bisgrove Realty Associates	37
Peter and Karl Geist	43

## LANGUISH PLACE

William and Phyllis Languish	7
Robert and Roxanne Languish	11

## PLANK ROAD

Niagara Mohawk Power Corp.	14
The Cheese Joint, Inc.	26

## WILDWOOD LANE

Jehovah's Witnesses	11
May also be called 569 Elm Avenue	
Bruce and Mary Ann Wierks	35
George and Sandra Syrett	42
Henry and Sarah Covey	43
Joseph Crisafulli	49
Milton and Helen Olson	85
Robert and Ruth Miller	109
John and Jean Balint	135

Request to  
go to bid  
for  
Telecommunicators  
Uniforms  
1991

Next was a request from Paul E. Currie, Sr., Chief of Police, to go to bid for Telecommunicators Uniforms for 1991. The Supervisor indicated the bid could be advertised on March 6th and bids opened on March 19, 1991 at 2:15 p.m.

The motion was made by Ms. Galvin and seconded by Mr. Burns that the Town Clerk advertise for bids for Telecommunicator Uniforms for 1991 in THE SPOTLIGHT issue of March 6, 1991 and that bids be received and opened on March 19, 1991 at 2:15 p.m. at which time they will be opened and read aloud. The motion was passed by the following vote:

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

Agreement  
For  
Clarksville  
Playground

Next was a request from David Austin, Administrator of Parks & Recreation, to authorize the Supervisor to sign an Agreement for the Clarksville Playground, indicating this agreement is signed each year. He asked if anyone had any questions on that.

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

WHEREAS, the Town of New Scotland has requested the Town of Bethlehem, through its Parks and Recreation Department to furnish personnel, equipment and supplies for a children's 1991 summer playground program to be carried on at the Clarksville Elementary School.

NOW, THEREFORE, BE IT AGREED;

1. The Town of Bethlehem agrees to furnish personnel, equipment and supplies and furnish supervision for the maintenance of a regular children's summer playground program to be carried under the supervision of the Parks and Recreation Department at the Clarksville Elementary School in the Town of New Scotland for eight weeks during the normal times and periods set aside for such programs in 1991;

2. The Town of New Scotland, in consideration of the furnishing of supervision, equipment and supplies for such program by the Town of Bethlehem, will reimburse the said Town of Bethlehem in the amount of Two Thousand Dollars, four hundred and eight (\$2,408) as and for the costs of operation incurred by the said Town of Bethlehem in the maintenance of such a program. This amount takes into account funding from New York State Division for Youth in the amount of \$402.00. In the event this funding is eliminated, the Town of New Scotland agrees to reimburse the Town of Bethlehem in the amount of Two Thousand, eight hundred and ten dollars (\$2,810).

IN WITNESS WHEREOF, the parties hereto have caused their corporate seals to be hereto affixed and these presents to be signed by their duly authorized officers this 27th day of February 1991.

The resolution was adopted by the following vote:

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

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Supervisor Ringler indicated that he would next entertain a motion to conduct an Executive Session at the end of the meeting to discuss a personnel matter.

The motion was made by Mr. Gunner and seconded by Ms. Galvin that the Town Board meet in Executive Session following the close of the regular Town Board meeting to discuss a personnel matter. 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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The Supervisor asked if there was anything that anyone else would like to bring to the attention of the Town Board this evening. Hearing none, he entertained a motion to adjourn.

The motion was made by Ms. Galvin and seconded by Mr. Burns to adjourn the Town Board meeting at 9:50 p.m. The motion was passed by the following vote:

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

The Supervisor thanked everyone for attending.

  
Deputy Town Clerk

The following action was taken at the Executive Session.

Executive  
Session -  
Personnel  
Matter -  
Appt. Special  
Counsel -  
PERB hearing

On motion by Ms. Galvin and seconded by Mr. Burns, the Supervisor was authorized to hire a Special Counsel to represent the Town at the PERB hearing. The motion was passed by the following vote:

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