

TOWN BOARD
JANUARY 13, 1993

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

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

- - -

SUPERVISOR RINGLER: Good evening and welcome to a regular meeting of the Bethlehem Town Board. Congratulations to all of you who have made it this evening. When school is closed for snow, do you still have to come out for a night -- something like this Chris?

CHRIS: Yes.

SUPERVISOR RINGLER: What is it due tomorrow?

CHRIS: No, it is due... this is the last one this marking period.

SUPERVISOR RINGLER: Oh, I see. Well, I will be sure to tell Mr. Cleveland and Mr. Piechnick that you guys made it tonight. You ought to get extra credit for that. Okay, first item on the agenda is a public hearing to consider Local Law No. 1 of the year 1993, amending Chapter 111 Taxation - Article I Section 111.1 of the Code of the Town of Bethlehem permitting a partial real property tax exemption to persons who turn age 65 between March 1 and December 31 of a calendar year. I would ask the Town Clerk to read the call of the hearing.

NOTICE OF PUBLIC HEARING
TOWN OF BETHLEHEM
ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on January 13, 1993 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 1 of 1993, amending Chapter 111 Taxation - Article 1 Section 111.1 of the Code of the Town of Bethlehem permitting a partial real property tax exemption to persons who turn age 65 between March 1 and December 31 of a calendar year.

Public
Hearing
Local Law
No. 1, 1993
Senior Tax
Exemptions

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
Kathleen A. Newkirk
TOWN CLERK

Dated: December 9, 1992

- - -

STATE OF NEW YORK)
COUNTY OF ALBANY}

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 30 day of Dec. 1992.

/s/ Kathryn Olsen

Sworn to before me this 30
day of Dec. 1992.
/s/ Bruce A. Neyerlin
Notary Public, Albany County

- - -

SUPERVISOR RINGLER: Thank you, Kathy. Motion to indent.

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

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

- - -

SUPERVISOR RINGLER: The purpose of this legislation is to allow our senior citizens to have a tax exemption. The Town of Bethlehem can do this when the State of New York authorizes us to do it and up to this point in time, we have always taken advantage of the full amount that the State has allowed. What this new law does, it increases the income levels for a person to received a 50 percent exemption used to have to have earnings less than \$14,999. Now, you can earn up to \$16,500 for a 50 percent exemption and for a 10 percent exemption you can earn up to \$21,300 which is an increase from \$19,799. Does anyone have any questions regarding this? There were none. Anyone in the audience have a question regarding this? There were none.

Is there anyone who would like to speak in favor of this proposal? There were none. I do have one letter in favor as follows:

Dec. 17, 1992

Mr. Kenneth Ringler
Town of Bethlehem
445 Delaware Avenue
Delmar, New York 12054

Dear Sir:

Since we will be out of town and, therefore, unable to attend the January 11th hearing regarding a change in income ceilings, I hereby render the following:

It is our wish to have our income ceiling raised thereby resulting in a possible tax reduction.

Very truly yours,
/s/ Douglas A. Moore
57 Paxwood Rd.
Delmar, NY 12054

- - -

Is there anyone who would like to speak in opposition to this proposal? There were none. I will entertain a motion to close the public hearing.

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

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

Kathleen A. Newkirk
Town Clerk

SUPERVISOR RINGLER: Is the Board inclined to act on that tonight?

The motion was made by Mr. Gunner and seconded by Ms. Galvin to adopt Local Law No. 1 of 1993 permitting an amendment to Chapter 111 Taxation - Article I, Section 111.1 of the Code of the Town of Bethlehem permitting a partial real property tax exemption to persons who turn age 65 between March 1 and December 31 of a calendar year. The motion was passed by the following vote:

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

Adopt
Local Law
No. 1, 1993
Amending
Chapter 111
Taxation -
Article I,
Section 111.1
permitting
partial
real property
tax exemption
to persons
who turn
age 65
between
March 1 and
Dec. 31 of
a calendar
year
Approve dues
NY Planning
Federation

SUPERVISOR RINGLER: Our next public hearing doesn't start until 7:45, so we will start with the regular part of our agenda. First of all I have a request from Mr. Flanigan, Building Inspector, for approval of payment of dues, \$220. for the New York Planning Federation.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to approve the payment of dues in the amount of \$220. for the New York Planning Federation. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next a request from Richard Webster, Deputy Comptroller, for approval of appointment of Susan-Anne Thum to the position of Clerk I, part time, Planning Department at \$7.25 per hour. This was inadvertently left off of the Organizational meeting.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner that Susan-Anne Thum be and she hereby is appointed to the position of Clerk I, part time, Planning Department at the rate of \$7.25 per hour.

Approve
appointment
part-time
Clerk I
Planning
Dept.

COUNCILWOMAN GALVIN: I have a question as to what total that brings the Planning Department budget to now.

SUPERVISOR RINGLER: That is the same item, an existing item.

COUNCILWOMAN GALVIN: The item is still in there but, this is not a new item.

SUPERVISOR RINGLER: This is not a new item.

COUNCILWOMAN GALVIN: Okay.

SUPERVISOR RINGLER: It was just, the Organizational meeting it was a clerical error.

COUNCILWOMAN GALVIN: It is not a change.

SUPERVISOR RINGLER: No. All in favor.

The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next have a request from David Austin, Administrator, Parks & Recreation, for approval of seasonal personnel per the attached list.

The motion was made by Mr. Webster and seconded by Mrs. Fuller that the persons listed on the Memorandum from David Austin, Administrator

Approve
Seasonal
Personnel
Parks &
Rec. Dept.

of Parks & Recreation, dated January 13, 1993 be and they hereby are appointed. The motion was passed by the following vote:

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

Award Bid
Fuel Oil
To Long
Oil Heat
For year
1993

SUPERVISOR RINGLER: Next a recommendation from Mr. Sagendorph, Highway Superintendent, for award of bid for Fuel Oil for the year 1993 to Long Oil Heat, Inc.

On December 16, 1992 the Town advertised for bids to purchase fuel oil, (heating oil), for use by the various departments within the Town. On December 29, 1992 four bids were received from Agway Petroleum, Long Oil Heat, Main Brothers Oil Co., and Scharff's Oil and Trucking Co.

After careful review of all bids, I find that Long Oil Heat, Inc., the low bidder, meets or exceeds all specifications for fuel oil and burner service as required by the Town.

Therefore, I find it in the best interest of the Town of Bethlehem to award the contract for fuel oil and burner service to Long Oil Heat, Inc. of Albany, NY.

SUPERVISOR RINGLER: That motion.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to award the bid for Fuel Oil for the year 1993 to Long Oil Heat, Inc., Albany, New York at a price of \$.5985 per gallon and burner service at \$32.50 per hour regular hours and \$42.50 per hour overtime rate.

COUNCILWOMAN GALVIN: I have a question, has that been reviewed and approved by the Town Attorney since there is -- although Long Oil Heat is the low bidder clearly on the per gallon price, the heating... the Long Oil bid is significantly higher for the burner service and overtime rate.

ATTORNEY KAPLOWITZ: I don't normally see these, Sheila, but Ken asked me about it when I got here and I have been looking at it. Apparently the specs just ask for a price for number 2 grade fuel oil but it also provides that any successful bidder must have delivery vehicles within 10 miles, certain other guarantees including must provide 24 hour burner service. One seems to be in conjunction with the other or what have you. I am not sure why their prices are on here separately. I would assume -- and Gregg is around here somewhere, I saw him before -- probably no one is going to want to bid on the burner service if they are selling the oil. I would assume, that is why they probably put together like that.

SUPERVISOR RINGLER: I think that is only... well, we can ask Gregg but as I look through this, the amount of times we use that is minimal, maybe once a year to have them come in and check the oil burners. That is just informational.

COUNCILWOMAN GALVIN: Just didn't understand why we bid it then.

SUPERVISOR RINGLER: I am not so sure it has to be in there to be honest with you, Sheila.

ATTORNEY KAPLOWITZ: It looks like it might be surplusage or something.

SUPERVISOR RINGLER: Gregg, why do you put the fuel service in for the fuel oil?

ATTORNEY KAPLOWITZ: Fuel burner service along with the fuel oil. You have a bid, the specs call for number 2 grade fuel oil and...

MR. SAGENDORPH: It's heating oil.

ATTORNEY KAPLOWITZ: The proposals indicate a separate price per hour for service, burner service on the units and such.

MR. SAGENDORPH: It was included in last year's bid. I mean both years...

ATTORNEY KAPLOWITZ: It is fair to say that anyone who doesn't win the bid on the oil isn't going to be interested in the service?

MR. SAGENDORPH: Right.

ATTORNEY KAPLOWITZ: So, you lump them together.

SUPERVISOR RINGLER: But, the cost is the oil. You know, how much service do we use?

MR. SAGENDORPH: Not that much, it is only on an emergency basis.

COUNCILMAN GUNNER: Do you have a number, average times per year, do you think?

MR. SAGENDORPH: At the highway garage, once is the average. I don't know about the other facilities in Town.

SUPERVISOR RINGLER: Do we go ahead?

ATTORNEY KAPLOWITZ: I would think you can go ahead. What we bid was actually the fuel oil and they are the low bidder on the fuel oil.

SUPERVISOR RINGLER: Okay, if you say so.

MR. SAGENDORPH: Well, they are also the low bidder on the burner service.

SUPERVISOR RINGLER: No, they are not.

MR. SAGENDORPH: Yes, they are.

COUNCILMAN WEBSTER: Agway was.

COUNCILWOMAN GALVIN: Agway was \$19.50.

MR. SAGENDORPH: But, that is per 1/4 hour.

COUNCILWOMAN GALVIN: Okay, that is for 1/4 hour.

SUPERVISOR RINGLER: End of discussion.

COUNCILMAN WEBSTER: Okay.

ATTORNEY KAPLOWITZ: Good thing you came along to the meeting tonight.

COUNCILMAN WEBSTER: Very good.

SUPERVISOR RINGLER: All in favor.

The motion was passed by the following vote:

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

Noes: None.

SUPERVISOR RINGLER: Next a recommendation from Mr. Sagendorph, Highway Superintendent, for the award for gasoline and diesel fuel to Long Oil Heat, Inc., Albany.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to award the bid for Gasoline and Diesel Fuel for the year 1993 to Long Oil Heat, Inc., Albany, NY at a price of \$.6030 per gallon for Item 1A, Regular Unleaded gasoline; \$.6285 per gallon for Item 1B, Mid-grade Unleaded gasoline; \$.7325 per gallon for Premium Unleaded

Award Bid
Gasoline &
Diesel Fuel
To Long
Oil Heat
For 1993

gasoline and \$.6855 per gallon for Item 2, Diesel fuel. The motion was passed by the following vote:

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

Go To Bid
Washed
Crushed Stone,
Gravel,
Topsoil,
Rental of
Construction
Equipment
Motor Oil,
Guide Rails
and
Rental of
Track
Excavator

SUPERVISOR RINGLER: Next a request from Mr. Sagendorph, for approval to go to bid for Washed Crushed Stone, Gravel, Topsoil, Rental of Construction Equipment, Motor Oil, Guide Rails and Rental of Track Excavator.

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

WHEREAS, the Town desires to advertise for bids for Washed Crushed Stone, Gravel, Topsoil, Rental of Construction Equipment, Motor Oil, Guide Rails and Rental of Tract Excavator for the year 1993, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 20th day of January, 1993 and that bids be received up to 2:00, 2:15, 2:30 and 2:45 p.m. on the 2nd day of February, 1993 and at 2:00, 2:15, and 2:30 p.m. on the 3rd day of February, 1993 respectively at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Approve
Purchase of
One 4-wheel
drive
articulated
wheel loader
from State
Contract

SUPERVISOR RINGLER: Next a request from Mr. Sagendorph, Highway Superintendent, for approval to purchase one four-wheel drive articulated wheel loader from the State contract. What is an articulated wheel loader.

MR. SAGENDORPH: It just cleaned your parking lot.

SUPERVISOR RINGLER: Well, what do we need -- did you already buy it?

MR. SAGENDORPH: It's a front end loader. No. It is replacing a 1966.

SUPERVISOR RINGLER: This was in your budget?

MR. SAGENDORPH: Yes.

The motion was made by Mrs. Fuller and seconded by Ms. Galvin to approve the purchase of one four-wheel drive articulated wheel loader from State contract by the Highway Department. The motion was passed by the following motion:

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

Approve
Hourly rate
for part-
timers
Senior Office

SUPERVISOR RINGLER: Next a request from Karen Pellettier, Director of Senior Services, for approval of increase in the hourly rate for part timers in Senior Services to \$6.58 an hour, which basically is what we pay everybody else and it was not increased last year or this year. Karen was trying to save money.

COUNCILWOMAN GALVIN: Was that included in her budget request?

SUPERVISOR RINGLER: She has money in her budget to handle it.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to approve the increase to \$6.58 per hour for part time Senior Services part time personnel as per Mrs. Pellettier's request. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next I have a request from the Town Clerk to approve Town Board minutes of November 2, 10, 16 and 24 and December 9, 16, 23 and 31, 1992.

Approve
Minutes
Nov. 2, 10,
16, 24 and
Dec. 9, 16,
23, 31

The motion was made by Mr. Webster and seconded by Mr. Gunner to approve the minutes of November 2, 1992 as submitted. The motion was passed by the following vote:

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

The motion was made by Mr. Webster and seconded by Mr. Gunner to approve the minutes of November 10, 1992 as submitted. The motion was passed by the following vote:

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

The motion was made by Mr. Webster and seconded by Mr. Gunner to approve the minutes of November 16, November 24, 1992 and December 9, 1992 with one minor correction to December 9, 1992. The motion was passed by the following vote:

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

The motion was made by Mr. Webster and seconded by Mr. Gunner to approve the minutes of December 16, 1992 as submitted. The motion was passed by the following vote:

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

The motion was made by Mr. Webster and seconded by Mr. Gunner to approve the minutes of December 23, 1992 as submitted. The motion was passed by the following vote:

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

The motion was made by Mr. Webster and seconded by Mr. Gunner to approve the minutes of December 31, 1992 as submitted. The motion was passed by the following vote:

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

Approve
Hourly rate
for Board of
Appeals
Secretary

SUPERVISOR RINGLER: Next a request from John Flanigan, Building Inspector, for approval of payment of hourly rate for Board of Appeals for Lois Donovan at \$10.75 per hour.

The motion was made by Ms. Galvin and seconded by Mr. Webster that the hourly rate of \$10.75 be approved for Lois Donovan, Building Department, for Board of Appeals work. The motion was passed by the following vote:

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

Noes: None.

Request
from
Comptroller
for final
Transfers
For previous
Year

SUPERVISOR RINGLER: Next a request from Judith Kehoe for final transfers for the previous year.

The motion was made by Ms. Galvin and seconded by Mr. Webster to approve the transfers as submitted by Judith Kehoe, Comptroller, on Memorandum dated January 11, 1993 for the previous year. The motion was passed by the following vote:

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

Noes: None.

SUPERVISOR RINGLER: We have a couple of minutes before we can start our next hearing, is there anything anyone would like to bring to the attention of the Board in the audience tonight?

MR. DAVIES: I have a couple comments and a couple questions. Tomorrow night there is a solid waste workshop put on by DEC with regards to part 360 or rather major revision of their regulations. I commented on this before and have written to Ken. It will impact Bethlehem and many communities. Let me just quickly -- there is a rather detailed environmental impact statement. DEC indicates the cost estimate of solid waste disposal at about \$10. per ton. The Town of Bethlehem had a study, oh a year or so ago, and their average price was \$27. to \$51. per ton for solid waste disposal. There should be some questions asked of DEC. And, I think it is equally important is the matter of leachate collection and disposal. And, if you again, look at their study there are comments -- if you make a conservative estimate on their comments, for a 10 acre site, the cost of leachate collection and disposal could run \$300. per day or more. If any communities are going to be involved in solid waste disposal and collection of leachate, it would be of interest to them to make known their views if they can afford this.

I would like to comment also on the water shortage that we have had in a number of summers in the past limiting use of water. And, I am wondering if this is going to continue if the Hudson River infiltration gallery will be able to meet full needs of the community. Will they be able to meet the contract with Cogen for supplying water or will they have to buy more expensive water from the City of Albany? And, I am wondering if the Town should really limit further development in the Town until we can resolve the water supply situation. And, I am wondering if the Town Board has any policy that they have developed on providing water or sewer services outside the water or sewer district to outside residents.

SUPERVISOR RINGLER: Just on the first item, we all have concerns with DEC. There are other things going on out there right now and the Association of Towns is working on it, the Governor did a task force on it last year, looking at the cost of these new regulations and so forth and the impacts they are having on communities and I was just reading a report today, as a matter of fact, where the Governor, hopefully, a task force will be recommending that they look at some of these requirements and try to diminish them because of the cost and the fact that possibly they are not really needed. So, if they

are looking at this in both directions and we, as involved with our associations, are very much involved in looking at it.

I will comment and I see Bruce has arrived. I know he didn't hear your question, I don't think, on the water system. The fact of the matter is that the reason we don't... we have water restrictions in the summer time is not due to supply but due to the fact the system is not designed as an irrigation system -- I am using your speech, aren't I -- I am getting good at it. It is designed, not as an irrigation system but as a public water supply. In the summer time when everybody is watering their lawns at one time of the day, okay, and at dinner time when our other high usages are there and so forth, it is not the supply, it is the distribution system that becomes more difficult to process all the water. We have cut down watering in the day time because watering in the daytime basically just evaporates and is a waste of water. Whether or not the new hydraulics of the new system will allow more distribution and less restrictions, I will have to ask you about that.

MR. SECOR: You are always going to have distribution restrictions. My father-in-law lives out near Rochester, Monroe County, the Great Lakes are their water supply, they have watering restrictions every summer. It is just that none of these systems were designed as irrigation systems and as I have said to the Town Board before, if you wanted to design an irrigation system, we certainly can do that. We would double or triple the size of the pipes. Then you run into water quality problems because in the wintertime you have very low usages but it is something you can just always live with in a municipal system.

ATTORNEY KAPLOWITZ: Supply is something we have always, in recent years anyway, could increase any time by buying more from the City. We have certain minimums we have to buy but they would be thrilled to sell us more than we are buying. As I recall, when the Board first started with this, there was a feeling on the part of most Board members and I think Bruce, you joined in that, that it was time to send a message of conservation to the community. Just the fact that it is there, doesn't mean we ought to waste it. And, watering your lawn at noontime, the experts say is crazy. So, you have to find a happy medium, I suppose. But, supply itself has not been the problem in the last few years, the cost is more if we buy it from the City and that is certainly a consideration. But, it is there if we wanted it.

SUPERVISOR RINGLER: Okay, we are not at the magical hour of 7:45, actually 7:48. We have another public hearing scheduled for 7:45 p.m.

PUBLIC HEARING BEGAN: 7:48 p.m.

Public Hearing Local Law No. 2, 1993 Amending Local Law No. 4, 1989 which establishes An Interim Development Density Act and Local Law No. 7, 1991 which extends such act.

SUPERVISOR RINGLER: We have a public hearing scheduled to consider Local Law No. 2 of 1993, amending Local Law No. 4 of the year 1989 which establishes an Interim Development Density Act and Local Law No. 7 of the year 1991 which extends such act. I would ask the Town Clerk to read the call of the hearing, please.

TOWN CLERK NEWKIRK: NOTICE OF PUBLIC HEARING, TOWN OF BETHLEHEM, ALBANY COUNTY

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on January 13, 1993 at 7:45 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, NY to consider proposed Local Law No. 2 of 1993, amending Local Law No. 5 of the year 1989 which establishes an Interim Development Density Act and Local Law No. 7 of the year 1991 which extends such act.

All parties in interest and citizens will have an opportunity to be heard at the said hearing.

BY ORDER OF THE TOWN BOARD TOWN OF BETHLEHEM Kathleen A. Newkirk TOWN CLERK

Dated: December 9, 1992

STATE OF NEW YORK} COUNTY OF ALBANY}

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, k has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 30 day of Dec. 1992.

/s/ Kathryn Olsen

Sworn to before me this 30 day of Dec. 1992.

/s/ Bruce A. Neyerlin Notary Public, Albany County

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

KATHLEEN A. NEWKIRK, being duly sworn, deposes and says that she is the Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on December 30, 1992 a Notice of Public Hearing, a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Kathleen A. Newkirk

Sworn to before me this 8th day of January, 1993.

/s/ Catherine T. Picarazzi Notary Public

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

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

SUPERVISOR RINGLER: This Local Law extends the lot sizes that were established until completion of the land use management study and the implementation of anything that comes out of that study. It was done because our lot sizes, compared to other communities, were much

smaller and after a great deal of discussion, it was determined that we should make ours larger and eventually incorporate the larger lots into our Town Code. However, it is being done on an interim basis as the entire code will be redrawn and a lot of changes made as a result of LUMAC. What it basically does, in a "AAA" district, lot sizes are 35,000 square feet; in a "AA" they are 15,000 square feet; in an "A" and "AB" 12,000 square feet; 10,000 in an District "B"; and 9,000 in Commercial/Light Industrial. For 2 family dwellings they are 22,000 square feet in a residential "AB" and 19,500 in a residential "B", 25,500 in an "AR", and 9,000 in Light Industrial and so forth. Does anybody have any questions? There were none.

Anyone who would like to speak in favor of this proposal? There were none.

Anyone who would like to speak in opposition? There were none.

If not, I will entertain a motion to close the public hearing.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to close the public hearing at 7:50 p.m. The motion was passed by the following vote:

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

Noes: None.


Town Clerk

SUPERVISOR RINGLER: Is the Board inclined to take action on this one tonight?

COUNCILMAN WEBSTER: I move we go forward.

SUPERVISOR RINGLER: Okay, then we have to pass the SEQR resolution, the negative declaration.

The following resolution was presented for adoption by Mrs. Fuller and seconded by Mr. Webster:

EXTENSION TO THE INTERIM DEVELOPMENT DENSITY ACT
SEQR RESOLUTION

Adopt
SEQR
Resolution
Re: Extension
Interim Development
Density Act.

WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of a Law, entitled, "Subsequent Extension to the Interim Development Density Act", which would extend for a period of one (1) year the provisions contained in Local Law No. 5 of 1989; and,

WHEREAS, the purpose of Local Law No. 5 of 1989, known as the Interim Development Density Act, is to control the density of residential development while the Town's Land Use Management Advisory Committee prepares a Town Master Plan and revisions to the Zoning Code; and,

WHEREAS, the State Environmental Quality Review Act regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approval an action until it has complied with the requirements of SEQR; and,

WHEREAS, 6 NYCRR 617.5(a) requires that as soon as possible in an agency's formulation of an action it proposes to undertake it shall determine: (1) whether the action is subject to SEQR; (2) whether other agencies are involved; (3) the appropriate classification of the action; and, (4) whether a short or long environmental assessment form (EAF) is necessary; and,

WHEREAS, 6 NYCRR 617.6(a) indicates that when a single agency is involved that agency shall be the lead agency and determine the significance of the action; and,

WHEREAS, 6 NYCRR 617.6(g)(1) requires that a lead agency must determine the significance of an unlisted action in writing and in accordance with 6 NYCRR 617.6 and Part 617.11; and,

WHEREAS, the Town Board has received an environmental assessment form prepared by the Town Planning Department which addresses the proposed action and said document indicates that: (1) the proposed action is unlisted and subject to SEQR; (2) there are no other involved agencies; and (3) the proposed action is unlikely to have a significant impact on the environment; and,

WHEREAS: the Town Board has considered the potential environmental impacts of the Subsequent Extension to the Interim Development Density Act applying the criteria of effect found at 6 NYCRR 617.11;

NOW, THEREFORE, BE IT RESOLVED,

that the Town Board of the Town of Bethlehem hereby determines that the extension of the Interim Development Density Act is an unlisted action subject to SEQR and that there are no other involved agencies with respect to this action; and,

BE IT FURTHER RESOLVED,

that the Town Board hereby determines that it is lead agency with respect to this action and that a short environmental assessment form is sufficient for determining whether the proposed action will have a significant impact on the environment; and,

BE IT FURTHER RESOLVED,

that based upon its review of the hereto attached environmental assessment form which is hereby made part of this resolution, and comparison of the action with the Criteria for Determining Significance found at 6 NYCRR Part 617.11, the Town Board of the Town of Bethlehem hereby determines that extension of the Interim Development Density Act constitutes an action which will not have a significant impact on the environment and

therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED, that this determination shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and

BE IT FURTHER RESOLVED, that a copy of this determination shall be filed in the Office of the Town Clerk.

COUNCILWOMAN GALVIN: At this time I would like to indicate my basic problems with continuing this. I have voiced this in the past, in 1991, when we extended this. I thought it was a mistake to keep extending an interim act. We have been extending this since 1989, I think that LUMAC has had more than adequate time to perform their function. We are now extending what is supposed to be an interim proposal for another year. I do not agree with this method, I am not saying that I disagree with the concept of changing the lot size. But, I think it should be done correctly. I think it should be done in a fashion which is in accordance with the Laws of this State where we are not in jeopardy of taking people's property without due process and I will, therefore, be voting against this in its entirety.

SUPERVISOR RINGLER: Okay. Any other comments?

COUNCILMAN WEBSTER: I have a question. I am sure I asked it once before, I am not sure I got a definitive answer. Why are we, if we are going to be getting the LUMAC report in 2 months, why are we going to go for 12 months for an extension?

SUPERVISOR RINGLER: Because I don't know how long it is going to take as we, as a Board, to implement recommendations of LUMAC. If we do implement them prior to this, that can supersede this Law at that point in time. Correct?

ATTORNEY KAPLOWITZ: Sure.

SUPERVISOR RINGLER: We can put a law in that would... instead of just bringing you back in a few months though, just to me it makes more sense to just do it for the year. If we get done quicker, if we make these lot sizes permanent, we can supersede this law in the interim.

COUNCILMAN GUNNER: One other question for our Attorney. Bernie, Sheila did state that she was concerned about the legality of it.

COUNCILWOMAN GALVIN: That is correct.

COUNCILMAN GUNNER: Can you give me an opinion on that?

ATTORNEY KAPLOWITZ: Well, I don't think it... it is not a question of legality.

COUNCILMAN GUNNER: Any taking?

ATTORNEY KAPLOWITZ: I don't think you are talking about a taking. The more often you do this, the closer you get to that kind of thing but all we are talking about is extending the lot sizes. I would feel a lot stronger if we were extending the 25 lot subdivision or the 25 lot business as well. But, we are not, that is expiring as I understand it. Is that right?

MR. FLANIGAN: February.

ATTORNEY KAPLOWITZ: That is going to expire automatically next month. So, I still don't think we have reached a point where there is a taking but I can't guarantee anything. Any taking that anyone could claim would be minimal.

COUNCILMAN GUNNER: Would be what?

ATTORNEY KAPLOWITZ: Minimal. I mean, we are not... they can still go build a house, it just has to have a slightly larger lot. They haven't lost the total use of the lot or that sort of thing. They may have fewer lots -- if you own 10 acres you may have, you know, 20 lots, 15 lots or 20 lots or something. I think that you are still within the bounds of being reasonable.

SUPERVISOR RINGLER: Any further discussion? All in favor.

The resolution was adopted by the following vote:

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

- - -

Adopt
Local Law
No. 2, 1993
Ext. Interim
Development
Density Act.

SUPERVISOR RINGLER: Entertain a motion to pass Local Law No. 2 of 1993.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to adopt Local Law No. 2 of 1993 Amending Local Law No. 4 of the year 1989 which Establishes an Interim Development Density Act and Local Law No. 7 of the year 1991 which extends such act.

COUNCILWOMAN GALVIN: I would repeat my same objections to this.

SUPERVISOR RINGLER: Ditto.

COUNCILWOMAN GALVIN: Ditto, that is it.

The motion was passed by the following vote:

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

Executive
Session

SUPERVISOR RINGLER: I would entertain a motion to conduct an Executive Session at the end of this meeting to discuss land acquisition.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to meet in Executive Session following the close of the regular Town Board Meeting to discuss land acquisition. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Entertain a motion to adjourn.

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

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

Kathleen A. Newkirk
Town Clerk

THERE WAS NO FORMAL ACTION AT THE EXECUTIVE SESSION.