



Sworn to before me this  
 21st day of January, 1992.  
 /s/ Ruth H. Heere  
 Notary Public, Albany County

- - -

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 in 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 said first he would ask Mr. Lipnicky, the Town Planner, to give a very brief overview as to what this Local Law is and then anyone who wishes may ask any questions. He said following will be an opportunity for anyone to speak in favor or opposition. He said there is a microphone in the front of the room that basically can pick up the entire room. He asks, however, that anyone speaking stand and state their name for the record.

Mr. Jeffrey Lipnicky, Town Planner, said basically the proposal is to extend a Local Law which became effective in February of 1990 which limits subdivision approvals by the Planning Board, site plan approvals by the Planning Board and planned district approvals by the Town Board to a maximum of 25 building lots or 25 units of housing be in any given year. He said what would happen or what is happening currently under the law is that a developer would come in and apply to the Planning Board, for example, for subdivision approval, the law is written in such a way that the Planning Board can only grant approval to 25 lots. He said the developer -- if he is planning to build in the subdivision more than 25 lots, has to come back to the Planning Board for approval of further units at a later date. He said the later date would be a maximum, rather a minimum of one year at such time that 80 percent of the certificates of occupancy are issued on the single family dwellings in the subdivision. He said the same regulations would apply to site plans and PRDs.

Mr. Lipnicky said the draft that is before the Board, was discussed at a previous Town Board meeting, that there was some real concern that the developers because of the 80 percent certificate of occupancy requirement would have a significant amount of down time in the development between the time they got that CO for the 80th percent unit -- between that time, the time they applied for further units under either the subdivision regulations or the site plan regulations or the PRD regulations and then have to go through a further process, preliminary approval and then final approval, etc., etc. Mr. Lipnicky said this has been discussed and they feel a reduction of that requirement to 60 percent would allow them or give them a little bit more... not flexibility but rather extend that period for them so that the process would not take so long for them to get that second round approval. He said the original intent of the Local Law was essentially adopted as a stop gap measure not necessarily to slow development -- the economy has pretty much slowed development over the last couple of years -- but rather to put us in a position where that we do not have vested rights in various subdivision of 100 units or very large subdivisions so that right now, we are in the process of doing a master plan and when recommendations come out for zoning changes, that there would not be vested rights in those large development projects but rather that if the regulations change that there will be flexibility on the part of the Town to rezone certain parcels as the case may be and that those developments would then have to meet new regulations.

Mr. Lipnicky said the amended Local Law that is before the Board now, has that amendment in it that was discussed two weeks ago in regard to reducing the requirement from 80 percent to 60 percent of COs.

Supervisor Ringler asked if there were any questions. Hearing none, he asked if anyone wished to speak in favor of this proposal. He then asked if anyone would like to speak in opposition. Mr. Richard Tice, 17 Sussex Road, Slingerlands, NY said he works for Brewer Engineering and they represent Ross McKersie, who is presently the developer of Cedar Ridge. He said he believes the Board is in receipt of a letter from Ross which was supposedly delivered today and what they are hoping is that the Board will consider is that we feel the Local Law is a good law with certain revisions if they could be done. He said one of their problems is that presently the way he understands the Law is that you are not allowed to submit additional plans to the Planning Board for them to start to review the project until such time as 80 percent, now 60 percent, of the COs are issued. He said what this does, in order under present economic conditions, it causes a problem for a continual flow of operation of a business. Mr. Tice said what they need, if it is at all possible, is that we are allowed to submit the plans so that they can be in review. He said if you have ever had anything to do with the Planning Boards, not only Bethlehem but all over, agencies take quite a bit of time. Engineering firms make mistakes, according to Mr. Tice, it takes a year or two to get a project through. He said under certain conditions today, he cannot see any spec houses being built, very few. He said to achieve a 60 percent of a 25 lot development, may take 3 or 4 years. He said within that time, they could be processing plans through the various boards so that when they do reach the 80 percent, that at that time, the various boards could consider approval. He said they are not suggesting that the Planning Board approve another 25 units, but they could review them and not approve them until such time as 60 percent of the project is CO'd. He thanked the Board.

Supervisor Ringler thanked Mr. Tice. Mr. Ringler said the Board did receive another letter on this, for the record, from Mr. Edward Kleinke, who incidentally drafted this original ordinance, suggesting that the Board might want to look at that also. Mr. Ringler said Mr. Kleinke suggested that the Board allow the language be changed to state that no future section will be approved, as opposed to be considered. Supervisor Ringler said one of the things the Board has to look at and they will ask counsel to do that prior to a decision being made on this, is how that may conflict with State Town Law which requires action after hearings and so forth, to take place within so many days. He said this may be one conflict that may exist if something like that happened and the Board will explore that. Mr. Ringler said he hopes to have a report for the Board before any action is taken. Mr. Tice noted knowing engineering firms and developers, he is certain that they would waive the 45 days limit to be allowed to do that, he was sure. Supervisor Ringler said some might. Mr. Tice said if they do not, they are cutting their own throats.

Supervisor Ringler next acknowledged Mr. John LaForte. Mr. LaForte said it is hard to keep an old fire horse from running when he hears the bell. He said he heard the bell. Supervisor Ringler said he knows this is one of his favorite Local Laws. Mr. LaForte said he finds fault with the act for several reasons that he wanted to share with the Board. He said one is just considered a timing. He said they are talking about an extension of the act for one year as predicated on the possibility that LUMAC will have resolved all of its issues and will have drafted an ordinance regarding zoning, density, lot size or whatever have you and that it will have passed -- you would have had public hearings and then it would have passed and it can be resolved and incorporated in any of these subdivisions. He said, now, you look to face issues and we had a similar moratorium on the 9W corridor -- what was it, 5 years ago, he thought -- we haven't taken any action on that proposal, except to antagonize a lot of people and even today, as of today, someone can build a commercial building 15 feet from the right-of-way on the 9W. Mr. LaForte said what he is saying is it has been 5 years on the 9W, you really honestly, believe that within a year we will have revised the ordinance significantly to impact on these developments -- I don't not for a minute.

Mr. LaForte said the other issue -- take this as a typical case -- here is Dowerskill and there are some 302 dwelling units proposed for this large development. He said LUMAC says that the public be denied knowledge of what is going to occur in the rest of that development and this is what they will see essentially at the public hearing. He said the prospective purchaser when he comes in sees this 25 lots as

something and he does not know that he buys this parcel of land that this entire parcel in which he has built, might be a cluster development, with the cluster being right in his backyard and the rest of it being vacant land. Mr. LaForte said it is a deception, it is a de facto deception. He said when the developer comes in with a parcel such as this, he comes in and he is required to consider the environmental impact on the whole parcel. He will consider the utilities, the sewers, the gas lines, the water, etc. but he has to stop there, oh no, and he will show perhaps the roadway out but the roadway out will undoubtedly change if the ordinance changes and revises the requirements here. So, it denies the public at large from knowing what will occur in this region, it denies prospective residents of the area from knowing what will impact on him and it is an unnecessary restriction, according to Mr. LaForte. He said it is best... we are not really concerned about limiting the number of units that are built in a year because Jeff said because the market has taken care of that. He said what do we issue something like 60-70 permits for the last 2 years, so that is not our concern. Supervisor Ringler said he thought it was 91 this past year. Mr. Flanigan confirmed it was 92 for this year. Mr. LaForte said okay, so this is no large impact on the community or on the development and all we are talking about here is to stave off some sort of a structuring and he does not know what that is, until LUMAC says what that may be whether it is how you handle cluster development, high rise or whatever, but let the people know what is about to come in the development. Let them hear it at the hearing, Mr. LaForte said, and be done with it. He said that was about it.

Supervisor Ringler thanked Mr. LaForte. He asked if anyone else wished to speak in opposition. Ms. Donna Wardlaw next spoke and indicated she had met the Board before. She said she is here appearing for the Goldman Albany partners who have a project before the Board in the form of a PDD. She said the Terramere project across from the former Blue Cross/Blue Shield building. She said she had sent Supervisor Ringler a letter several weeks ago. Supervisor Ringler indicated the Board members have received a copy of the letter.

Ms. Wardlaw said the points that she really thinks are most important were made in that letter but since it is a public hearing, she wanted to review them. She said she thinks the potential Law you are extending here is likely to more significantly impact perhaps a project that you may want in a more severe way than if it was a far more dense project. And, while the goal is to have control of development, Ms. Wardlaw stated, to give the Board flexibility in the planning process, she thinks the Law that is being proposed will actually hurt those goals and keep the Board from attaining them. She said, as outlined in the letter, she thinks because if you have a project with larger lots, a less dense project, as for example the Terramere project is -- it is a mix use, a very low density project -- but imposing the limitations of this new act or the extended act on it, what you are doing is decreasing the developers ability to cut corners and to give you a low, less dense project. She said by delaying the time period for submission of a second phase, what you are really doing, in effect, is impairing the financial viability of an already very low dense project. She said if you have a fairly dense project where there is a higher mark-up for the developer and more profit for a developer in a higher density project, that developer has a little more elbow room than in a low density project where, frankly, there is not the amount of profit potential in it. She said by imposing the same type of limitation on a low density project as you are on a high density project, she thinks you are actually accomplishing the opposite of what you are achieving to do. She said she also would say that there should be some allowance, in her opinion, for a difference between what you do with a subdivision and what you do with a planned development district. She said the Goldman project is, for an example, a planned development district. She said when you have something before the Planning Board, by law you are required to give your Planning Board standards within which they must operate and so the ability to have flexibility in a subdivision is not really the same as it is in a PDD. She said in a PDD, you, the Town Board, approve it, it is a legislative decision and you have an enormous amount of flexibility that you really cannot delegate to a Planning Board in the same way. She said the Planning Board has standards they have to operate within. She said in a PDD you have a great deal more

flexibility. What they have suggested, according to Ms. Wardlaw, is to do something similar with this act to what you have done with the Interim Development Density Act. In that, she said, the Board chose to exclude PDDs. She said they think it would be appropriate to exclude PDDs from the Interim Development Limitations Act as well, because she does think it is still possible to achieve the legitimate goals the Board has which is to make sure that people do not have vested rights to a project so that they can come back and do something that will take you outside of where you would like to be with the project. Ms. Wardlaw said with the PDD, because you actually have the ability to prove the density -- for example, with the Terramere project -- because you will actually be setting an acceptable lot and a number of units yourself, you will have the right to control how they are built as well. She said the Board is not delegating that to anybody, the Board is reserving that for themselves. She said the Planning Board has the ability to recommend to the Board on the issues, they do not have the ability to decide for the Board. So, what they have suggested is that the law be amended to -- they think the best way to do it would be to eliminate PDDs entirely. However, if the Board feels they need to have some more control and some more direct input on it, they would suggest that the Board set the development time framework on a case by case basis for the PDD, since you have to have the project before you and approve it anyway. She said that does not happen, as the Board knows, with subdivisions, it happens with PDDs and she thinks because of this very important distinction, the Board might be better served in achieving the goals.

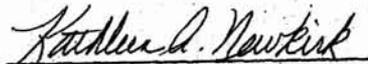
Supervisor Ringler thanked Ms. Wardlaw and asked if anybody else wished to speak. Mr. John LaForte said he wished to make a couple more points. He said there were one or two developments, for example, that came before the Planning Board that had something like 26 lots which meant that when the developer had to come in, he had to confine his subdivision to 25 lots, exclude the one lot, and then come back at a later date to get approval for the single lot. He said the other thing that occurs in this type of consideration is, as one night when they were working into the wee hours of the morning practicing paralysis by analysis, they faced the issue -- for example, of a wet land -- now, if we use the State criteria and not the Coast Guard or the Core of Engineers rather, and say that 12 acres of wet land constitutes the wet land, if one acre of that spilled over into the 25 units, then they were in a quandary as to whether or not you really have a wet land consideration -- but then he thinks they finally resolved it, yes you do as far as SEQR goes because the other 11 acres had to be considered when you looked at the whole development but then is it fair to consider the wet land issue when you are only confining to 25 lots. He said, the Board can see how you can go round and round on that discussion, which they did. He said the other think to be talked about is that there are other ways to accomplish what we want to do and that is to provide or get subdivision preliminary approval for the entire parcel, subdivide it -- require that it be subdivided in 25 lots per build off and actually state on the approval that final approval may require some modifications before the final approval is issued. So that if you decide to increase the lot size, Mr. LaForte said, for example, you can go back to the builder and say, look now you have to have 16,000 square feet and so layout your layout again but it won't allow traumatic changes, as he said before, where you might change the whole concept here to something like cluster development, high-rise, low cost housing -- you could go on into anything that you might conjecture that might come out of LUMAC's recommendations.

Supervisor Ringler thanked Mr. LaForte and asked if there was anyone else who would like to speak. Mr. John Flanigan, Building Inspector, he said he was sorry he could not be here in the beginning but he was at the Board of Appeals meeting. He said he just wants to make the point that he would be in favor of the change for the continuation of the act with the inclusion of the 60 percent rule as was discussed before because we felt it would give it a little more flexibility. He said there are no buildings, or there is no builder around and even in the good times, there was any builder who was building 25 lots a year or producing 25 houses a year even back in the good days in the middle of the '80s. He said it is really not that much of a restriction on them.

Mr. Flanigan said another point on the PDD that was addressed by Ms. Wardlaw, there are no lot size requirements in the PDD so that is up to the Town Board to set that restriction on there, that was just a point on that. He said he thinks that is why that was left out of there on the PDD and they left it in on the Interim. He just wanted to say that he was in favor of it, as Mr. Lipnicky probably related to the Board a few minutes ago when he spoke, that we pass it and leave it because it is only be passed for one more year. He said, hopefully LUMAC will have their recommendation done.

Supervisor Ringler thanked Mr. Flanigan. On the motion by Ms. Galvin and seconded Mr. Gunner, the public hearing was closed 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



Sworn to before me this  
21st day of January, 1992.  
/s/ Ruth H. Heere  
Notary Public, Albany County

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The motion was made by Mr. Webster and seconded by Ms. Galvin to indent the Notice of Public Hearing, Affidavit of Publication and Affidavit of Posting in 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.

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Supervisor Ringler explained this public hearing is a result of a recommendation from the Traffic Safety Committee who had received a petition from neighbors in the Delmar Place and Pineview Avenue area of the Town.

MEMORANDUM

DATE: December 19, 1992  
TO: Supervisor Kenneth Ringler and Members of the Town Board  
FROM: F.J. Holligan, Chairman, Traffic Safety Committee  
SUBJECT: Petition for Stop Signs at the Intersection of Pineview Place and Delmar Place, TSC-91-017

The Traffic Safety Committee has reviewed a petition, from residents of Delmar Place-Pineview Avenue neighborhood, for the placement of stop signs on Pineview Avenue at the intersection of Delmar Place. The residents cite several accidents in the past few years as a basis for their request.

After careful consideration, the committee has unanimously voted to recommend the placement of the stop signs per the request. Our recommendation is based on:

1. Measurements of the intersection which indicate the need for stop signs at that location.
2. Accident history at or near said intersection. There have been four (4) accidents in the past four years.
3. The placement of stop signs would make traffic control at this intersection consistent with the control at the other intersections along Delmar Place.

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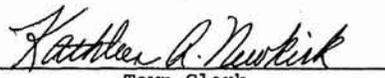
Supervisor Ringler said the Chairman of the Traffic Safety was in attendance, Mr. Wickham. He asked if anyone had any questions regarding this proposal. He asked if anyone wished to speak in favor of this proposal. Mrs. Pam Stewart said she would like to speak in favor. Supervisor Ringler indicated she was the number one name on the petition. She said she wanted the Board to know for their information that last Thursday there was yet another accident in her front yard at the corner because there was no stop sign on Pineview. She further said the car barely missed her home. She said she really is requesting the stop sign there, indicating there are a lot of young children in the neighborhood and fortunately, no one was outside and injured at the time, but it could happen she was sure.

Supervisor Ringler asked if anyone else wished to speak in favor. Mr. Hobart Shanley asked if he understood this correctly, that these, stop signs would be just on Pineview Avenue and not on Delmar Place. Supervisor Ringler said this was correct.

Supervisor Ringler asked if anyone else wished to speak in favor. There were none. He then asked if anyone wished to speak in opposition. There were none.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to close the public hearing 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.

  
Town Clerk

Supervisor Ringler reconvened the regular meeting following the public hearing and asked if the Board wished to take action on this amendment to the Traffic Ordinance.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to adopt the amendment to the Traffic Ordinance for Stop Intersection at Pineview Avenue and Delmar Place.

Councilman Gunner indicated he has no objection to the adoption of this amendment, however, he does not approve of voting on a public hearing on the same night the hearing is held. He also noted he had experienced things coming up later but noted in this case he did not see this being a problem. Councilwoman Galvin stated she concurs with Councilman Gunner in this regard.

Adopt  
Amendment  
To Traffic  
Ordinance  
Stop Sign  
Pineview  
Avenue  
and  
Delmar  
Place

At a regular meeting of the Town Board of the Town of Bethlehem, Albany County, NY held on the 22nd day of January of 1992 at the Town Hall, 445 Delaware Avenue, Delmar, NY

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

The Town Board of the Town of Bethlehem, Albany County, NY does hereby amend the Traffic Ordinance adopted on the 17th day of July, 1968 and last amended on the 23rd day of October, 1991 as follows:

I. Amend ARTICLE I, STOP INTERSECTION, by adding a new paragraph jjjj to read as follows:

(jjjj) The intersection of Pineview Avenue and Delmar Place is hereby designated as a Stop Intersection with Stop Signs to be erected on Pineview Avenue.

The foregoing amendment to the Traffic Ordinance will take effect ten (10) days after publication.

The foregoing amendment to the Traffic Ordinance was presented for adoption by Mrs. Fuller, was seconded by Mr. Webster and was duly adopted by the following vote:

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

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WHEREAS, the Town Board has adopted an amendment to the Traffic Ordinance of the Town of Bethlehem, and it is necessary that the said amendment be published according to law,

NOW, THEREFORE, BE IT RESOLVED, that the said amendment be published in THE SPOTLIGHT, a newspaper published in the County of Albany and having a circulation in the Town of Bethlehem on the 29th day of January 1992.

The foregoing resolution was presented for adoption by Mrs. Fuller, was seconded by Mr. Webster and was duly adopted by the following vote:

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

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Accept  
Resignation  
of Voting  
Machine  
Custodian

Supervisor Ringler noted the next item was to accept the resignation of Roger Griffiths as Voting Machine Custodian, noting Mr. Griffiths had done a fine job during the recent elections.

The motion was made by Mrs. Fuller and seconded by Ms. Galvin to accept with regret the resignation of Roger Griffiths as Voting Machine Custodian. The motion was passed by the following vote:

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

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Following, Supervisor Ringler said the next item on the agenda was withdrawn and the item was to advertise for bids for the Bethlehem Report. Mr. Ringler explained that the cost is such that it is not required to go through the formal bid process. He said quotes will be solicited as always, just that this does not require formal Board action to accomplish this.

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Supervisor Ringler said he has received a letter from Roger Fritts, resigning as Justice of the Town Court in order to take an opportunity as the County Public Defender.

Accept  
Resignation  
of Town  
Justice  
With  
Regret

The motion was made by Ms. Galvin and seconded by Mr. Webster to accept with deep regret the resignation of Roger Fritts as Town Justice, effective January 17, 1992. The motion was passed by the following vote:

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

- - -  
Councilwoman Galvin interrupted the Supervisor to note a discussion that was held and her question pertaining to whether there should be a meeting scheduled for the purpose of interviewing candidates -- the three candidates the selection committee arrives at. She noted this was so that nothing is held up and action can be taken. Supervisor Ringler noted he has asked for some recommendations and so forth, whether or not the Board wants to interview 3 people he did not know. He said if this is the consensus of the Board, it can be done. Supervisor Ringler noted this is an elective position and it is a little different than an appointment. Councilwoman Galvin noted she thought there was a policy to interview 3 candidates. Supervisor Ringler said this was on appointments. Councilman Gunner said he thought that they have been following the process of interviewing. Supervisor Ringler said this can be done and he will set this up as soon as he gets some candidates. Ms. Galvin asked if a meeting should be scheduled. Supervisor Ringler indicated he can do that ahead of time with 48 hours notice. Councilwoman Fuller asked if the committee was sending 3 to the Town Board. Mr. Gunner said he would think so. Mr. Ringler said that is where the candidates will be recommended from. Mrs. Fuller noted the Committee would be voting on Thursday night.

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Supervisor Ringler said the next item is a request from Chief Richard LaChappelle to go to bid for the Police and Telecommunicators Uniforms for 1992.

The motion was made by Mr. Webster and seconded by Ms. Galvin that the Town Clerk advertise for bids for Police and Telecommunicators Uniforms for 1992 in THE SPOTLIGHT issue of January 29, 1992 and that bids be received and opened on February 11, 1992 at 2:00 p.m. at which time they will be opened and read aloud. The motion was passed by the following vote:

Go To Bid  
Police  
and  
Telecomm-  
unicators'  
Uniforms

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

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Supervisor Ringler said the next item is a request from Richard J. LaChappelle, Chief of Police, for appointment of Detective John R. Cox to the position of Detective Supervisor.

Appoint  
Detective  
Supervisor

The motion was made by Mrs. Fuller and seconded by Ms. Galvin that John R. Cox, be and he hereby is appointed Detective Supervisor for the

Town of Bethlehem Police Department, effective January 25, 1992. The motion was passed by the following vote:

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

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Supervisor Ringer said the next item is a request from Chief of Police, Richard J. LaChappelle, for the appointment of Officer Timothy K. Beebe to the position of Sergeant.

Appoint  
Police  
Sergeant

The motion was made by Mr. Webster and seconded by Ms. Galvin that Timothy K. Beebe be and he hereby is appointed Sergeant for the Town of Bethlehem Police Department, effective February 1, 1992. The motion was passed by the following vote:

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

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Authorize  
Attendance  
At Conference  
Interview  
and  
Interrogation  
Police Dept.

Supervisor Ringler noted the next item on the agenda was a request from Chief Richard J. LaChappelle for authorization of Detective Joseph Mastriano to attend an Interview and Interrogation Seminar at the Schenectady Police Department.

The motion was made by Mrs. Fuller and seconded by Mr. Webster that Detective Joseph Mastriano, Bethlehem Police Department, be and he hereby is authorized to attend the Interview and Interrogation Seminar to be held in Schenectady, NY February 3-5, 1992, with expenses paid and approval of the use of a police vehicle. The motion was passed by the following vote:

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

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Appoint  
Clerk-  
Typist  
Assessor

Supervisor Ringler said the next item is a request from Brian Lastra, Assessor, for the approval and appointment of Jeanne Reilly to the position of Clerk-Typist. Mr. Ringler noted this item is in the Assessors' budget to be used when needed during the heavy work periods of the reevaluation.

The motion was made by Mr. Gunner and seconded by Ms. Galvin that Jeanne Reilly be and she hereby is appointed as Clerk-Typist, Assessor's Department for the Town of Bethlehem, as and when needed. The motion was passed by the following vote:

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

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Award Bid  
Fuel Oil

Supervisor Ringler noted the following item was a request from Gregg A. Sagendorph, Superintendent of Highways, for award of the bid for fuel oil.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that the bid for Fuel Oil requirements for 1992 be awarded to Main Brothers Oil Co., Albany, NY the lowest of the bids received and conforming with the specifications of the Town. The motion was passed by the following vote:

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

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The Supervisor said the following item was a request from Gregg A. Sagendorph, Highway Superintendent, for award of the bid for regular, mid-grade unleaded and premium unleaded gasoline.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to award the bid for Regular and Premium Unleaded Gasoline to Long Oil Heat, Albany, NY and the bid for Mid-Grade Unleaded Gasoline to Main Brothers Oil Co., Albany, NY, the lowest bids received and conforming with the specifications of the Town. The motion was passed by the following vote:

Award  
Bid  
Gasoline

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

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Supervisor Ringler said the next item was a request from Mr. Gregg Sagendorph, Highway Superintendent, for approval to purchase three (3) trucks from the 1992 State Contract.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that Gregg Sagendorph, Superintendent of Highways, be and he hereby is authorized to purchase two (2) 3/4 ton pickup trucks and one (1) four wheel drive one ton dump truck with plow unit from the 1992 State Contract at a total cost of \$37,878.00. The motion was passed by the following vote:

Approve  
Purchase  
of three  
Trucks  
Highway  
Dept.

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

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Following, according to the Supervisor, was a request from Gregg Sagendorph, Highway Superintendent, for award of the bid for mid-size sedan passenger cars.

The motion was made by Ms. Galvin and seconded by Mr. Webster to award the bid for Mid-Size Sedan Passenger Cars to Metro Ford Sales, Inc. of Schenectady, NY the lowest of the bids received and conforming with the specifications of the Town. The motion was passed by the following vote:

Award  
Bid  
Mid-size  
Passenger  
Cars

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

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The Supervisor said the next item was a request from David Austin, Administrator of Parks & Recreation, for the appointment of seasonal personnel.

Appoint  
Seasonal  
Personnel

The motion was made by Mrs. Fuller and seconded by Mr. Webster that the Seasonal Personnel as listed on the Memorandum dated January 22, 1992 from David Austin, Administrator of Parks & Recreation and on file in the Town Clerk's office, be and they hereby are appointed to serve at the pleasure of the Town Board and that they be compensated at the rates stated. The motion was passed by the following vote:

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

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Supervisor Ringler said the following item was a request from Chief of Police, Richard J. LaChappelle, for approval of Officer Michael F. McMillen to attend a DARE Mentor Officer Training in Springfield, Illinois. Mr. Ringler noted the expenses will be paid by Division of Criminal Justice Service, Bureau of Municipal Police.

Dare  
Conference  
Mentor  
Officer  
Training  
Police  
Dept.

The motion was made by Mr. Gunner and seconded by Ms. Galvin that Officer Michael F. McMillen be and he hereby is authorized to attend the DARE Mentor Officer Training, in Springfield, Illinois, February 3-7, 1992 with expenses paid by Division of Criminal Justice Service, Bureau of Municipal Police. The motion was passed by the following vote:

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

- - -

Councilman Webster noted that there were only four (4) officers from the entire State of New York chosen for attendance at this training. Supervisor Ringler noted he was at the DARE graduation at Ravena-Coeymans-Selkirk and Officer McMillen does one fine job. He said the rapport he developed with these kids during the 17 weeks is unbelievable. He said he becomes a real friend to them and they get a lot out of the program. He said the program is something to be proud of. Chief LaChappelle said he was very much impressed also.

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Acknowledge  
Certificate  
of Approval  
Stony Hill  
Farms  
Subdivision

Supervisor Ringler next acknowledged receipt of Certificate of Approval of Final Plat for Stony Hill Farms Subdivision located on Orchard Street for information purposes.

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Acknowledge  
Certificate  
of Final Plat  
Castlewood  
Subdivision

The Supervisor next acknowledged receipt of the Certificate of Approval of Final Plat for the Castlewoods Subdivision located in North Bethlehem, for information purposes.

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Approve  
Expansion  
Water Supply  
Facilities  
SEQR  
Approval  
Bond  
Resolution

Supervisor Ringler said the next item was a request from Bruce H. Secor, Commissioner of Public Works, for consideration of a negative declaration and resolution to approve the proposed expansion of water supply facilities, as well as, approval of bond resolutions. Supervisor Ringler asked if there were any questions. Councilwoman Galvin asked Mr. Secor in the SEQR material there is reference to impacts of short duration during the construction period, what is meant by a short duration. Mr. Secor commented it might be to dig a trench, put a pipe line in, cover it back up and plant the grass seed over it. He noted this is all that is referred to.

Supervisor Ringler said the first action would be a negative declaration in regard to SEQR.

The motion was made by Mr. Gunner, was seconded by Ms. Galvin to declare a negative declaration in regard to SEQR for the proposed Water Supply Facilities expansion and passed by the following vote:

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

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Supervisor Ringler said the second action to be taken is the resolution to approve the project.

A regular meeting of the Town Board of the Town of Bethlehem, in The County of Albany, New York, was held at the Town Hall, in said Town, on the 22nd day of January, 1992.

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

In the Matter of  
Increase and Improvement of Facilities of Water  
District No. 1, in the Town of Bethlehem,  
in the County of Albany, New York pursuant to  
Section 202-b of the Town Law.

RESOLUTION AND ORDER AFTER PUBLIC HEARING

WHEREAS, the Town Board of the Town of Bethlehem (herein called "Town") in the County of Albany, New York, has heretofore caused J. Kenneth Fraser and Associates, P.C., competent engineers duly licensed by the State of New York (herein called "Engineers"), to prepare a map and plan for the increase and improvement of facilities

of Water District No. 1 (herein called "District") in the Town, consisting of the expansion of water supply facilities and transmission mains, including construction of new infiltration wells, raw water pumping station and transmission main, and construction for a new water purification plant and finished water transmission main, and also including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, at the estimated total cost of \$10,700,000; and

WHEREAS, the Engineers completed said map and plan and filed same with the Town Board, the Town Board thereafter adopted an Order describing in general terms the proposed increase and improvement of the facilities, specifying the estimated cost thereof, and stating that the Town Board would meet to hear all persons interested in said increase and improvement of facilities on January 8, 1992, at 7:30 p.m. (Prevailing Time) at the Town Hall, 445 Delaware Avenue, Delmar, New York, in the Town; and

WHEREAS, copies of such Order, certified by the Town Clerk, were duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on the 8th day of January, 1992, at 7:30 p.m. (Prevailing Time) at the Town Hall, 445 Delaware Avenue, Delmar, New York, in the Town, and considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities;

Now, therefor, on the basis of the information given at such hearing, it is hereby

DETERMINED, that is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated total cost of \$10,700,000; and it is hereby

ORDERED, that the facilities of the District shall be so increase and improved at the said \$10,700,000 cost therefor, and the Engineers shall prepare definite plans and specifications and make a careful estimate of the expense, and with the assistance of the Town attorney or an attorney employed for that purpose prepare a proposed contract for the execution of the work, which definite plans, specifications, estimates and proposed contract shall be presented to the Town Board for approval as soon as they are completed; and it is hereby

ORDERED, that the Supervisor is authorized and directed to take all actions necessary to apply for and obtain an application for a water supply permit to the New York State Department of Environmental Conservation and any other permitting agencies; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities, shall be financed by the issuance of \$10,700,000. serial bonds of the Town, and the costs of said facilities including payment of the principal of and interest on said bonds shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District on an ad valorem basis, in the same manner and at the same time as other Town charges; and it is hereby

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Albany County within 10 days after adoption thereof.

DATED: January 22, 1992

TOWN BOARD OF THE TOWN OF BETHLEHEM  
Kenneth J. Ringler, Jr.

Supervisor

Frederick Webster

Councilman

Charles Gunner

Councilman

M. Sheila Galvin

Councilman

Sheila Fuller

Councilman

Members of the Town Board of the  
Town of Bethlehem, New York

EXTRACTS FROM MINUTES OF A MEETING  
OF THE TOWN BOARD OF  
THE TOWN OF BETHLEHEM, NEW YORK

A regular meeting of the Town Board of the Town Bethlehem, County of Albany, New York, was held on January 22, 1992, 7:30 o'clock P.M., at the Town Hall, 445 Delaware Avenue, Delmar, New York.

PRESENT: Kenneth J. Ringler, Jr.  
Frederick C. Webster  
Charles Gunner  
M. Sheila Galvin  
Sheila Fuller

ABSENT: None.

Also Present: Bruce Secor, Commissioner of Public Works

\* \* \* \* \*

Councilman Galvin moved that the following resolution be adopted. The resolution was adopted, the following members of the Town Board voting in favor of the resolution Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller, Ms. Galvin and the following members of the Town Board voting against the resolution none.

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Supervisor Ringler said the next item is the bond resolution.

BOND RESOLUTION, DATED JANUARY 22, 1992, AUTHORIZING THE ISSUANCE OF \$10,700,000 SERIAL BONDS OF THE TOWN OF BETHLEHEM, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE INCREASE AND IMPROVEMENT OF FACILITIES OF WATER DISTRICT NO. 1, WITHIN SAID TOWN, AND APPROPRIATING THE PROCEEDS TO SUCH PURPOSE.

Recital

WHEREAS, following preparation of a map and plan for the increase and improvement of facilities of Water District No. 1 (herein called "District"), in the Town of Bethlehem (herein called "Town"), in the County of Albany, New York, consisting of the expansion of water supply facilities and transmission mains, including construction of new infiltration wells, raw water pumping station and transmission main, and construction of a new water purification plant and finished water transmission main, and also including buildings, land or rights in land, original furnishings, equipment, machinery and apparatus required therefor, and after a public hearing duly called and held, the Town Board of the Town determined, that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be increased and improved at the estimated total cost of \$10,700,000;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Bethlehem in the County of Albany, New York (by the favorable vote of not less than two-thirds of all members of said Town Board), as follows:

Section 1. The Town of Bethlehem, in the County of Albany, State of New York, shall issue its serial bonds in the aggregate principal amount of \$10,700,000 pursuant to the Local Finance Law of New York, to finance the specific object or purpose hereinafter described.

Section 2. The specific object or purpose (hereinafter referred to as "purpose") to be financed by the issuance of such serial bonds is the increase and improvement of facilities of the District, consisting of the expansion of water supply facilities and transmission mains, including construction of new infiltration wells, raw water pumping station and transmission main, and construction of a new water purification plant and finished water transmission main, and also including buildings, land and rights in land, original furnishings, equipment, machinery and apparatus required therefor, all in accordance with the map and plan prepared by J. Kenneth Fraser and Associates, P.C., competent engineers duly licensed by the state of New York, on file in the office of the Town Clerk. The proceeds of such obligations are hereby appropriated to such purposes.

Section 3. It is hereby determined and stated that the estimated maximum cost of such purpose as heretofore determined by the Town Board is \$10,700,000 and that no money has heretofore been authorized to the payment of the cost of such purpose and the Town Board plans to finance the cost of such purpose entirely from funds raised by the issuance of the obligations authorized by this bond resolution. The payment of the principal of and interest on the obligations authorized by this resolution shall be paid by the assessment, levy and collection of

assessments upon the several lots and parcels of land within the District on an ad valorem basis, in the same manner and at the same time as other Town charges.

Section 4. It is hereby determined that the purpose described in Section 2 above is a purpose described in Subdivision 1 of Paragraph a. of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is forty (40) years; however, the period of probable usefulness of said \$10,700,000 serial bonds is hereby limited to twenty (20) years.

Section 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said serial bonds shall contain the recital of validity as prescribed by Section 52.00 of the Local Finance Law and said serial bonds and any notes issued in anticipation of said serial bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said serial bonds and any notes issued in anticipation of the sale of said serial bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the serial bonds and any notes in anticipation thereof to mature in such year, and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the terms and conditions of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00, inclusive, of the Local Finance Law the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewal of such notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell and deliver such serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds is hereby delegated to the Supervisor, the Chief Fiscal Officer of the Town. The Supervisor is hereby authorized to sign any serial bonds, and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of such Town to any such serial bonds or such bond anticipation notes and to attest such seal.

Section 7. This resolution shall be published in full by the Town Clerk of such Town together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law and such publication shall be in a newspaper having a general circulation in said Town and published in THE SPOTLIGHT, in the County of Albany and State of New York. The validity of such serial bonds may be contested only if such obligations are authorized for such purposes for which such Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 8. This resolution shall take effect immediately upon its adoption.

Councilman Galvin moved that the following resolution be adopted. The resolution was adopted, the following members of the Town Board voting in favor of the resolution Mr. Ringler, Mr. Webster, Mr. Gunner, Ms. Galvin, Mrs. Fuller and the following members of the Town Board voting against the resolution none.

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Supervisor Ringler thanked Commissioner Secor and Mr. Fraser.

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Supervisor Ringler said the next item was a request from Bruce H. Secor, Commissioner of Public Works, to award the bids for Materials and Chemicals for 1992 for the Water and Sewer Divisions.

Award Bids  
Materials  
and  
Chemicals

The motion was made by Mrs. Fuller and seconded by Ms. Galvin to award the bids for Materials and Chemicals as specified to the companies indicated on the memorandum from Bruce Secor, Commissioner of

Public Works, dated January 7, 1992 and on file in the Town Clerk's office. The motion was passed by the following vote:

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

Approve  
Emergency  
Purchase of  
Replacement  
Generator  
Public Works

Supervisor Ringler said the next item was a request from Bruce Secor, Commissioner of Public Works for approval of an emergency purchase of a replacement generator for the Rockefeller Road Pump Station.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to authorize Bruce Secor, Commissioner of Public Works, to make an emergency purchase of one replacement generator at a cost of \$23,300. from Southworth Milton Power Systems, Albany, NY. The motion was passed by the following vote:

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

Approve  
Minutes  
12/26/91  
1/2/92

The minutes of the meeting of December 26, 1991 and January 2, 1992 were approved on a motion made by Mr. Gunner, seconded by Mrs. Fuller and passed by the following vote:

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

Approve  
Attendance  
at Eastern  
States  
Building  
Officials  
Conference

Supervisor Ringler said the next item was a request from John Flanigan, Building Inspector, for approval of attendance of Kevin Shea and John Flanigan at the Eastern States Building Officials Conference.

The motion was made by Ms. Galvin and seconded by Mr. Webster that the registration fee and approval of use of a Town vehicle be authorized for John Flanigan and Kevin Shea to attend the Eastern State Building Officials Conference, March 4-6, 1992 at Kutsher's Hotel, Monticello, NY. The motion was passed by the following vote:

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

Acknowledge  
Annual Report  
Building  
Dept.

Supervisor Ringler next noted receipt of the 1991 Annual Report of the Building Department from John Flanigan, Building Inspector, for information purposes.

Appoint  
Deputy  
Registrar of  
Vital  
Statistics  
and Set  
Salary  
of Deputy  
Town Clerk

Supervisor Ringler said the next item was a request from Kathleen Newkirk, Town Clerk, to set the salary of the Deputy Town Clerk, Catherine Picarazzi for the year 1992 and appointment of Mrs. Picarazzi as the Deputy Registrar of Vital Statistics.

The motion was made by Mr. Webster and seconded by Mr. Gunner to approve the salary of Deputy Town Clerk, Catherine Picarazzi, at \$21,323.00 for the year 1992 and appoint Mrs. Picarazzi as Deputy Registrar of Vital Statistics, effective February 10, 1992. The motion was passed by the following vote:

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

The following item was a request by Supervisor Ringler to approve the appointment of Judith Kehoe, Delmar, NY to the position of Comptroller and Budget Director. The Supervisor noted the term of office for the Comptroller expires December 31, 1993.

The motion was made by Mr. Gunner and seconded by Ms. Galvin to approve the appointment of Judith Kehoe, Delmar, NY to the position of Comptroller and Budget Director, effective February 3, 1992 at a salary of \$44,560.00. The motion was passed by the following vote:

Appoint  
Comptroller

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

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The Supervisor indicated there was one item added to the agenda. He said it was a request from Bruce H. Secor, Commissioner of Public Works, for the acceptance of deeds and easements in the Krumkill Manor Subdivision.

Accept  
Deeds &  
Easements  
Krumkill  
Manor

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the deeds and easements for Krumkill Manor be accepted pending approval of the Town Attorney. The motion was passed by the following vote:

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

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Supervisor Ringler asked if there was anything else to be brought to the Board's attention. Mr. Sherwood Davies asked for a few minutes to address local property taxes. He commented on the "let the user pay" method of taxing the residents of the Town. He stated he thinks the rationale the Town is using for some of the taxes is unfair and inconsistent. He mentioned the fact that sewer property tax has decreased considerably, however, the front footage cost and the introduction of a water use surcharge has escalated costs to property owners. He noted the rise from \$127. per year in 1984 to \$232. in the year 1992. He said he thinks a better approach would be to let the beneficiary pay.

Discussion  
Local  
Property  
Taxes

Mr. Davies said an example would be the ad valorem sewer tax that should be used to provide all revenues for the bonded indebtedness and this would average about \$18.50 per thousand dollars, noting instead the average property tax for sewers is about \$6. to \$7. per thousand dollars. In effect, Mr. Davies feels let the user pay promotes them picking up substantial costs, a part of this bonded indebtedness. He also suggested that the front footage charge to be used for sewer collection and the water use surcharge be used to pay for costs for plant operation. He said he thinks if this were done the taxes and fees would be more equitable and more consistent. He thanked the Board.

Mr. Secor, Commissioner of Public Works, commented that what Mr. Davies is saying is that he wants to triple the tax rate. He said he does not think that this is the way the Town wants to go. He said he left one word out of the sentence in regard to let the user pay and that was not what the memo to the Board meant. Mr. Secor said the memo to the Board was let the user pay for what he uses. He further said, this probably would not work on the school tax basis, it may not be applicable. He said in the Sewer District, the more water that is used, the more you pay for the water to be treated at the Sewage Treatment Plant. Mr. Secor also noted that the amount a person pays for water should equate to the amount of water used. He said this is the basis of the system, it is a user charge system which has tried to be tied closely to what the user uses.

Mr. Secor also explained the ad valorem basis on the debt service. He said monies that have been received from the State and Federal Government, are not allowed to be co-mingled to pay off monies owed. The user charge system was submitted to the Federal Government for approval, according to Mr. Secor. He indicated this was done before he was with the Town and it was based on a front footage charge to pay off the debt services for the sewers that were built. He said he does not know what would be more fair than this system. Mr. Secor said the thing to remember is that there is no profit in the running of the Sewer District. Approval is received from the Town Board for the amount of money used to run the Sewer District, Mr. Secor stated.

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Supervisor Ringler asked if there was anything else to be brought before the Board. There was none. The Supervisor introduced Mrs. Picarazzi, the new Deputy Town Clerk.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to adjourn the Town Board meeting at 8:25 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