

TOWN BOARD  
JANUARY 24, 1996

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

PRESENT: Sheila Fuller, Supervisor  
Freeman T. Putney, Councilman  
George Lenhardt, Councilman  
Doris M. Davis, Councilman  
Robert C. Johnson, Councilman  
Bernard Kaplowitz, Esq., Town Attorney  
Kathleen A. Newkirk, Town Clerk

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SUPERVISOR FULLER: Good evening and welcome to a meeting of the Bethlehem Town Board. Our first item on tonight's agenda is a public hearing. I would ask the Clerk to read the call of the hearing.

TOWN CLERK NEWKIRK:

NOTICE OF PUBLIC HEARING

Public Hearing  
on Solid  
Waste Facility

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on Wednesday, January 24, 1996 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York to consider Variance request regarding permitting of solid waste facility from New Options on Waste located in the Port of Albany, Barker Steel Company building, Town of Bethlehem, County of Albany.

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

The Town of Bethlehem provides reasonable accommodations for the disabled. Disabled individuals who need assistance in order to participate should contact David Austin at 439-4131. Advanced notice is requested.

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

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State of New York)  
County of Albany )

MARY AHLSTROM of the Town of Bethlehem, being duly sworn, says that she is the Assistant Publisher 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 17th day of January 1996.

/s/ Mary A. Ahlstrom

Sworn to before me this 24th day of January 1996.

/s/ Kathleen A. Newkirk  
Notary Public, Albany County

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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 January 17, 1996, 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  
Town Clerk

Sworn to before me this  
24th day of January 1996.  
/s/ Catherine T. Picarazzi  
Notary Public

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The motion was made by Mr. Putney and seconded by Mr. Lenhardt 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: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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SUPERVISOR FULLER: As we begin the public hearing, we have Mr. Tim Welch who will do a video presentation to start with and then we will open it up to questions.

MR. WELCH: Thank you, Supervisor Fuller. My name is Tim Welch, and I have a communications firm, environmental communications firm and I have a history with New Options on Waste.

SUPERVISOR FULLER: We need you to use the microphone.

TOWN CLERK NEWKIRK: The silver one and just turn the black one around so it will record while you are speaking, please.

MR. WELCH: This one.

TOWN CLERK NEWKIRK: Yes, you can pick that up but by the middle. That's it.

MR. WELCH: My name is Tim Welch. I have an environmental public relations firm based in Saratoga Springs and for the past 5 years I have had a relationship with New Options on Waste. The principals of which I would like to introduce to you now. We are going to have a presentation here so that you will get a very good idea of what the nature of this organization is, the track record it has as a business in the Capital District and some of the people involved as we begin what, hopefully, will be a move to the Town of Bethlehem. First of all, all of these individuals will be available to you after the formal presentation to answer any questions that the Board might have. The President of New Options on Waste, Richard Dietz. The Attorney representing New Options on Waste, Jay Smith. Peter Gusto is a consultant to New Options on Waste and the engineer for our firm is Joe Bianchine. As I said, all of these individuals will be available to the Board after the formal presentation to answer any questions that you might ask specifically about our plans.

New Options on Waste, as I said, has a track record that goes back to 1992. This slide show and a brief video that will be in the center of it, will be an attempt to outline what they have done over the past several years and what they hope to do in the Town of Bethlehem as very aggressive recyclers. As you can see, New Options on Waste which is operating in a rather large facility only 1.7 miles down the road, has been in operation since 1992 and the move to the proposed Barker Steel plant in the Town of Bethlehem would be only a mile and a half away. New Options on Waste would be a Class II recycling facility. It will conduct all processing indoors and all waste entering the facility will be shipped to markets or disposal sites outside of the Town of Bethlehem.

A combination of hand and mechanical sorting achieves an average recycling rate of 73 percent of our waste stream and our hope is that we can achieve even a greater level of recycling as new technologies come on line in the future. In fact, NOW is considered by the Department of Environmental Conservation on the State level to be a pioneering recycling. Our facility was a pilot for many of those that are coming on line in other parts of the State and the country. Since 1992, New Options on Waste has proven itself to be a good

neighbor, profitable, privately owned and financed, an environmental leader and we solve problems for many communities, many ANSWERS communities, throughout the Capital District.

Waste coming into the New Options on Waste facility which is on South Pearl Street in the City of Albany, is inspected at least 4 different times. These checks include a visual check at the scale when the truck comes in to be weighed, during the tipping process -- that is to say as the truck begins to dump its load on the tipping floor -- and when it is on the floor there is another visual inspection to make certain that the waste being dumped is appropriate for our facility and during a lab analysis of our various end products, there is yet another check to see that we are taking, in fact, what our permit allows us to take. As a regional recycling facility, New Options on Waste, is able to serve a larger area, thereby achieving economies of scale necessary to turn the types of waste that we handle into valuable recyclable commodities. For instance, if you have unballed plastic, it has very little value on the open market, but if you bail a ton of plastic, you dramatically increase its value as much as 900 percent. So, the ability to achieve economies of scale is very important to our process without being able to have large volumes of the materials that we collect and separate and recycle, recycling cannot pay.

This is the Barker Steel plant, the proposed location for our new and expanded operation in the Town of Bethlehem. And, these are some of the benefits that we believe will accrue to the residents of the Town of Bethlehem if and when we become a part of your community. All processing of waste material will be accomplished inside of the Barker Steel building, since the proposed facility is nearly twice the capacity of our existing plant on South Pearl Street in Albany and since its physical layout is more conducive to our equipment because of the way in which it is laid out in a linear fashion. Processing efficiencies will be greatly enhanced.

Other benefits to the Town of Bethlehem include these: We will offer to provide all the cover material at cost and the closure plan to close the existing Town operated construction and demolition debris landfill. This will represent and does a significant savings to the Town. I am sure you have had some estimates on what it would cost to provide capping material and a closure plan. Other benefits to the Town of Bethlehem from the new Options on Waste operation and they will be expanding -- 55 manufacturing employees and their families -- that is our present payroll at New Options on Waste. Jobs will increase very likely with expanded products and expanded technologies that we will employ for these and other waste streams that we handle in the future. A tax paying industrial recycling facility, reductions on local trash costs which we will get to in a moment and a state of the art environmental facility. We are a very aggressive recycling company.

New Options on Waste also proposes as a benefit to the residents of the Town of Bethlehem a 10 percent reduction from present prices on the collection and disposal of garbage to all residents and all businesses in the Town of Bethlehem -- 10 percent reduction. Show us your bills, we will take 10 percent off of them in the future.

100 percent of the material entering our facility will exit the Town of Bethlehem after processing. It will leave the Town. As much as 90 percent of that material will be recycled. That is our goal and those... and what we mean by recycling is not simply separating it and storing it some where but indeed making it relive in the market place. There is no recycling unless you add value to the products that you separating and that's what New Options on Waste does.

Before we go into the specific items that we would like to discuss about some of the... since we have a certain kind of facility here and your solid waste statutes to some extent refer to other kinds of facilities -- we are somewhat of a novel facility in the State of New York and before we get to some of the relief that we would see, we would like very much to show you a 6 minute video that we prepared which is designed to show you, in action, exactly the kind of operation that New Options on Waste represents. What actually takes

place inside of our walls day in and day out and therefore, what you can expect within the Barker Steel building in the future. My apologies, we had a projection television set but I am not very technically astute and so we are not able to get it running. We have a very small screen tv here and with you indulgence, hopefully, you will be able to see New Options on Waste in action. How we make recycling pay.

Video presentation was shown: At New Options on Waste, we create retail recycling facilities with the right people and the right equipment, we can make recycling pay. Come on inside and let me show you what I mean. When one first enters New Options on Waste, one is struck by the sheer magnitude of the space occupied by an army of men and machines. In here every man and woman has a mission and each machine geometrically multiplies the productivity of each worker. It must be that way because recycling can only be profitable when great quantities of waste are handled in very efficient ways. The New Options on Waste operation works by 1. charging a competitive tipping fee for the disposal of targeted waste streams. 2. we can see the volume of the waste by identifying and sorting selected materials for reuse. and 3. disposing of the end products and residues in the least costly fashion. Our process begins with an initial examination of the waste by the operator of our scale. Then construction and demolition debris haulers are directed to the scene of the tipping area where they unload their trucks and where their material is inspected again. Similar inspections are made when loads of recyclable containers arrive at our facility. Unlike a transfer station where the waste exiting equals the waste coming in, the New Options retail recycling facility sends out less waste than it takes in. For instance, let's take a look at recyclable material. 100 percent of the glass, metal and plastic containers handled at our facility are recyclable by using a conveyor and a manual sorting system. Once the containers are separated by type, they are either bailed or crushed and transported to market. For plastics, our bailing operation requires general laborers to accomplish a quality sort, bail typing and machine monitoring. Our fork lift operator moves bails and sorts separated recyclables that emerge from the bailer into a storage area. We store bails by material type 2 tiers high ensuring a safe, space maximizing method of storage. This permits inside storage of truck load quantities of material. The recyclables waste stream provides New Options with several basic resource stream -- HTPE, PET, mixed plastics, flint colored glass, mixed glass, ferrous metals, by-metal and aluminum containers and milk cartons. New Options experience in marketing these resources ensures high returns and illustrates the efficiency of a regional recycling facility. New Options provides that efficiency and so makes recycling profitable, promising and economically sound. Let's focus on construction and demolition debris for a moment. To handle this waste stream a dedicated terminal and sorting line removes clean wood, metals and corrugated cardboard to achieve a recycling rate of as much as 73 percent by weight. Moreover this stream results in the manufacture of a daily cover material for landfills and any residue is landfilled itself. From the unloading area the materials pass over a 96 foot conveyor system and its sorting station. At the beginning of the conveyor a magnet sorts all ferrous items. Then at each station, a laborer picks a designated type of item from the stream and deposits it in a storage bin. When the bins become full, a front end loader transports the bins of plastic to our bailer. We ship the sorted glass and metal containers to their respective markets in roll off trailers. Currently modern, heavy equipment customized to the task is a central component in our efficient operation. New Options has invested over a million dollars in the innovative mechanism shipment of recycling system. Thus, New Options business concept is simple -- generate profits by capitalizing on the difference between what NOW earns from tipping fees and what NOW pays to dispose of a reduced waste stream. New Options on Waste began its operation in this 50,000 square foot building at the Port of Albany in 1991 with only 11 employees. Today, new more sophisticated equipment has been installed and more than 55 workers are employed full time. We have gone from handling 50 tons of material per day to processing more than 10 times that amount. The efficiency of the New Options separation process is such that each of our employees handles over 14 tons of material per day. Maximizing recycling is certainly important. But, of equal importance is the fact that we have created

a whole new industry and many new private sector jobs. And, this ecologically friendly business has been put in place by local owners using private capital. Of course, government does have a role. Government has a responsibility to make sure that trash is handled safely. New Options has a full Card 360 solid waste permit and is continually inspected by the New York State Department of Environmental Conservation. Government must also ensure that recycling and safe disposal are available for its constituents. Government created the opportunities for New Options on Waste to create a market for our services. IN the last 1980s in New York City, the Department of Environmental Conservation began to close unlined landfills. At remaining landfills disposal fees began to rise dramatically. To blunt the impact of these rising costs, municipalities set up mandatory recycling laws and if they operate a municipal landfills, banned recyclables from those landfills. Thus, waste haulers, whether public or private, had to separate wastes and make certain their loads were largely free of recyclables. Three specific changes came to the waste business at that time. 1. Commercial waste generators had to pay increased labor costs to separate their own waste streams. 2. Haulers had to charge their customers for the extra labor and equipment needed for collecting and monitoring. 3. Haulers also had to dispose of different kinds of waste at different locations. As it stands today, the private sector is best equipped to making a recycling facility a successful business. New Options on Waste will strongly take advantage of the market created by these changes. New Options targets 4 specific waste streams. 1. Commercial and industrial source separating commingled recyclables. 2. Municipal source separated commingled recyclables. 3. Construction and demolition debris and 4. segregated wastes. Source separated commingled recyclables means recyclable materials extracted from the waste stream at the source but not segregated by type. New Options service processing these recyclable wastes takes both the burden and the expense from generators and haulers. New Options operates as a merchant facility. We maintain no exclusive put or pay type contracts. Instead, we rely on competitive pricing and high quality customer service to ensure the continuous flow of materials into our facility. Our high standards and quality control earned us a reputation in the market as a quality generator of recycling products. By providing a one stop facility to handle the commingled household recyclables and C & D waste streams generated in any region, New Options on Waste encourages recycling, reduces cost for local contractors, meets a market need and perhaps, most importantly, generates private sector jobs. And, so for our customers and our employees, New Options on Waste has a mission. New Options on Waste makes recycling pay. New Options on Waste does, indeed, make recycling pay.

And, now we would like to make it pay for the Town of Bethlehem with your permission and we would like also some relief from some of the somewhat stringent rules and regulations in your Solid Waste Code. And, so, let me continue with the slide presentation. These are slides that refer to specific sections of the solid waste code A.97-11(A) under rules and regulations. New Options on Waste presently operates a regional recycling facility serving many communities and over 50 private hauling companies. It is both contrary to the purpose of the company's move from its present location to the Barker Steel location and contrary to the spirit of recycling in general to limit the geographic location, origin that is to say of the material to the Town of Bethlehem. Therefore, New Options on Waste requests a variance from the aforementioned sub part. And, we have a segment of our presentation later on which will demonstrate how we would ask that to happen in a larger agreement.

Number 2. Part B, 97-11(D) and (G), Rules and Regulations. The company has historically maintained computerized records for tracking customers, therefore, the Town's attempt to control legitimate haulers is accomplished. Customers using the facility and the materials delivered to the facility will be accounted for in all cases. And, again, we would be happy to answer specifics from the Board after this presentation.

Part C, 97-11(H), Rules and Regulations. Waste excavation material is often part of the construction and demolition debris process since

NOW does not, except for deposit such material, we require no variance. We do not accept waste excavation material.

Part D, 97-11(I), rules and regulations. New Options on Waste neither accepts nor stores hazardous wastes. However, NOW has developed procedures for the handling of unauthorized hazardous waste which may infrequently be a part of the waste stream. Since adequate procedures are already proven and required by DEC, established and in place for handling hazardous waste on an emergency basis, no adverse impact on the health, safety and welfare of the public will occur, therefore we need no variance. We do not accept hazardous waste.

Item E, 9713(A) and (B), requirements for permits. Those companies that individuals using our facility would find obtaining Town permits to be unnecessarily burdensome. Adequate records available for the Town's inspection are maintained by computer to assist the Town in tracking the use of our facility.

Item F, 97-14, fees for permits. Under the provision of the alternative fee structure, New Options on Waste will pay one fee to the Town based on quantities of material brought to the facility. The contemplated 11b contract arrangement -- which we will talk about later -- will obviate the need for customers of NOW to pay fees individually. Requiring direct fees be paid by customers of New Options on Waste to the Town of Bethlehem places an undue economic impractical hardship on both the customers and our company and will necessarily have a dulling effect on maximizing recycling activity.

Item G, 97-31(C)(3), siting standards. New Options on Waste contends that since all operations presently and in the future will occur within the physical structure, there is no need to impose a requirement of approximately 32 acres as a minimum site standard. Everything is done inside the building.

Item H, 97-32(A)(2), design standards. A variance is sought on the basis that there be no need to install an additional scale since the process includes trucks being weighed in prior to off loading material and then circling back to weigh in again using the same scale.

Item I, 97-32(C)(1), design standards. Set back variances sought as to the set back requirement of 2 times the height of the tallest structure. As the structure already exists, there is no practical means of accommodating the set back of Local Law 9732c1. The present use of the building as a steel manufacturing plant is similar in patterns of access and egress of large trucks to that which is proposed by New Options on Waste. In other words, the traffic pattern will not change from where it is now.

Item J, 97-32(C)(6), design standards. To make fire proof the existing building would require demolition of the existing structure. Since the building is of industrial steel construction, class 2B, as opposed to concrete Class 1, a variance will not have an adverse effect on the health, safety or welfare of the public.

Item K, 97-32(C)(7), design standards. A variance is sought for emergency purposes. In the case of storage of material outside the facility enclosure, it is expected that from time to time the necessity for segregating some materials will necessitate temporary storage on the grounds of the facility. In such cases, the stored material will be removed within 1 day. Exterior storage shall not exceed 800 tons at any given time. Without variance from the aforementioned sub part, operations would be halted thus forcing a shut down of all processing.

Item M, 97-32(C)(11), design standards. Variance is sought on the basis of existing patterns of access and egress which are adequate for expected traffic flows. The entrance to the facility is sufficiently wide to allow for concurrent traffic in both directions.

Item M, 97-32(C)(14). Variance is requested since the facility is within proximity of the Hudson River. One fire hydrant exists presently. In case of an emergency... a fire emergency, the Hudson

River will provide ample water supplies, installation of a second fire hydrant is not necessary given abundant water available from the Hudson.

Item N, 97-34(A)(1). Operation standards guarantees and insurance requirements. Variances sought since fees associated with facility usage are subject to market fluctuations. Furthermore, the vast majority of New Options on Waste's customers are sophisticated business entities with whom fee structures have been prenegotiated.

Item O, 97-34(A)(9). Operation standards guarantees and insurance requirements. New Options on Waste requests a variance only until the company is able to make renovations and repairs to the existing structure which it plans to do in its regular course of business.

Item P, 97-35 A(2)(C)(3)(A&B). Monitoring and testing standards. The requirement is not applicable since all processes are conducted within an enclosed structure and have no effect on ground or surface water. This is relating to testing of ground water.

You have in your packet a reference to the 11 B contract. I will let our attorney, Jay Smith, discuss that in some detail with you and answer any questions that you might have but on a closing note, let me say that New Options on Waste is truly an environmentally innovative firm. Richard Dietz, a man of vision, who started this 5 years ago... this existed no where in the State of New York. It has not only increased in terms of its volume but has become a showcase and continues to expand. It is an idea whose time has come.

When you have trash, you have trash, but when you separate it into its constituent parts you have treasure. You have commodities. The separation of those items in a waste stream into commodities and making money from the creation of those commodities is how New Options on Waste has made recycling pay. This is the standard component percentage in your average construction and demolition debris waste stream. As you can see, it is largely wood, rubble, some metal -- non-ferrous metal in most cases -- quite a bit of cardboard and some building materials. It is fairly innocuous material and indeed it becomes the classic case of recycling and reuseable materials.

Thank you very much for your attention to this presentation. Thank you for your interest in coming here tonight. I give it back to you Madam Supervisor and we are available for any questions. Thank you.

SUPERVISOR FULLER: Thank you. Okay, right now we will take questions from the Board. Do you have more of your presentation? They wanted to get into 97 (B), did they get into that yet?

MR. WELCH: Sorry about that, Joe Bianchine is the Engineer for New Options on Waste and we have a site plan.

MR. BIANCHINE: Is one of these on?

SUPERVISOR FULLER: Yes.

ATTORNEY KAPLOWITZ: One records your voice and the other projects it.

TOWN CLERK NEWKIRK: Yes, that one.

MR. BIANCHINE: My name is Joe Bianchine. I am with ADD Engineers and Surveyors and I am the Engineer for New Options on Waste and have been with New Options since they got their first permit from the Department of Environmental Conservation back in 1991. This is a site plan of the Barker Steel facility. Just to orient everybody, north towards the City of Albany is the top of the sheet; the boundary line between the City and the Town is right here, just above our property; north of us is the CIBRO Petroleum plant; to the east of us is the Hudson River; to the south of us is vacant land that's owned by CIBRO; and on the western side is the Port Road as you come down through here. Our access will be from the Port Road. The Port Road is a dead end road, it goes down -- there is only one other building... large building further down. The brown portion here is the Barker Steel building. When one comes into the site, the

existing access would be used. We would construct a gate at that location to secure the site so that only users... controlled line could come into the site. But, as the truck comes in, it will come in and stop here, there will be a scale at this location and a scale attendant right here. This is very important because this starts the whole process for New Options on Waste. At this location, the truck is inspected to make sure that it has the right material on the site, that there's no hazardous waste or nothing unacceptable waste are on coming in on that truck. It is also weighed in at that location and computer record is started at this location here. Once it passes the scale, then goes up here and there are 3 tipping floors that we are proposing. One for municipal solid waste, one for commingled recyclables and one for C & D. Municipal solid waste is stuff used basically from commercial lines, shopping centers or department stores, supermarkets and restaurants and that sort of thing where basically the waste is recyclable. But, it is called municipal waste and contains a large amount of cardboard and glass and plastics and so forth. But, the truck will come in here and it will back up to openings in the side of the building. Again, it is inspected before it is tipped at this location and then if it passes that inspection, the load is tipped on the tipping floor -- whatever is appropriate at that point. The truck then leaves and goes back to the scale. It is weighed in again and again the computer records are generated for how much came in, what type of material came from and so forth so that there is a source document for every load that comes into this facility.

The truck will leave out this gate.

Once it is on the tipping floor, material is again inspected on the tipping floor and if everything passes the inspection, then it is put into the processing system which includes a system of magnets and shakers and conveyors and its sorted and picked off at various stations and put into appropriate bins. The material then goes into your storage where it is bailed and stored. Most of it will be stored in the building in this area here. Some times some of the material would be stored outside, stuff that isn't affected by sunlight and deterioration by sunlight. Material is then put into trailers for loading for off site. These trailers would have been weighed in again at the scaling station so we know their weight empty and then when they go out and leave the site, they are again weighed in as they leave so every material is accounted for and it is all on a computer basis and those records as the report indicated... the presentation indicated are available both at the Town and DEC monitors the incoming and outgoing waste on a continuous basis. Materials then go out the exit to the site.

We have proposed a second exit down at this location here to meet the building codes. This would be here but it would not normally be used. It will be just used for emergency purposes to gain access to this side of the building. This white area here is all paved, existing as pavement. There will be no really other site improvements proposed at the site other than to put the scale in, the fence and the driveway and so forth. I will turn it back over to... I guess Jay is going to...

MR. SMITH: Thank you, Joe. Madam Supervisor, Members of the Board, Mr. Kaplowitz, for those of you who don't know me, my name is Jay Smith. I am a resident of the Town and at the request of NOW and Mr. Deitz have become relatively intimate with our Solid Waste statute, I am here to clarify one thing. As Mr. Welch did indicate and that is to point out to you is you consider our application that the mechanism that allows the Board to bypass the ban on import of waste into the Town is by virtue of the next paragraph 97-11 (B) which allows the Town Board to contract for the import of this waste into the Town under appropriate circumstances and again, under the guidelines of the Town Board with the special consideration of the Solid Waste statute.

And, again, a couple other things that I would like to point out with respect to our application and is basically to confirm certain withdrawals of variances that we thought that we needed but again, on further continuous and review, we find that we do not require of the Board with respect to their consideration. And, again, slides were identified per paragraph that relate directly to our variance

requests. As Tim mentioned, item C and D, 97-11 (H) and 97-11 (I), the waste excavation material which we don't accept, we withdraw our request for a variance along that... in that respect, as well as, the hazardous waste variance. We don't accept hazardous waste, we have a contingency that is annexed as exhibit B to our presentation to you with respect to the application that is in compliance with 97-30 (C) of the Town Law that allows for the contingency plan if hazardous waste comes onto the premises. We don't accept it. We don't then require this particular variance. So, we withdraw that from a required consideration.

Also, I point your attention to item K. in our request, exterior storage. Under 97-32 (7) (C), exterior storage of materials are all required to be... let me place it like this, materials are allowed to be stored outside if they are... have been recycled. If they have passed through the process. As we will not store any items that have not been recycled, that are not recyclables, we do not require a variance in this respect either. In other words, the only items that would be stored outside on our facility awaiting transport within the 24 hour period, that Mr. Welch described, would be recycled material.

And, finally, with respect item L., 97-32 (C) (11) requires a dual entrance. As Mr. Bianchine has explained, there... pursuant to the building code, we are required to have 2 entrances on our site plan. We will construct that second entrance, therefore we don't require a variance from item L. Similarly, fire hydrants, we have engaged and planned the installation of a second fire hydrant on the property, therefore conforming with this statute, as well as, the building code and we will withdraw our request for a required variance in that respect as well. And, at this juncture, I would request that any questions from the Town Board be addressed, as well as, from the public. And, thank you very much for allowing this presentation.

SUPERVISOR FULLER: Thank you. I would like questions from the Town Board first. Ted.

COUNCILMAN PUTNEY: Yes, question, I am a little confused about the percentage of the material that you handle that is actually recyclable. I see in the first paragraph of the letter to the Town Clerk back in November, it indicates that it exceeds 50 percent but sometimes approaches 73 percent. I saw in the slide that you had given us tonight, that your saying it is an average of 73 percent. So, I am a little bit confused as to what your record is about the recycling percentage.

MR. DEITZ: On the recyclables, we recycle 95 percent of the household recyclables. On the construction demolition material, we recycle as much as 73 percent. And, that's where the differences are that you are talking about. Do you understand what I am saying?

COUNCILMAN PUTNEY: Yes. As much as means what? Normally you recycle...

MR. DEITZ: Normally we recycle always above 50 percent and as much as 73 percent. It depends on how material comes in. Any given day you might have a lot more rock or you might get some bad load with a lot of sheet plastic and things like this that can't be recycled. So, it changes from day to day. But, over the year's average of last year, it averaged... I think it was 68 percent total on the C & D side. So, it is always between 50 and 73 percent. And, with the move, we hope to increase that to 90 percent.

COUNCILMAN PUTNEY: Yes. A couple other questions if I may. Have you ever had a fire at your facility?

MR. DEITZ: Yes, there was a fire back in... it was Friday, the 13th, and there was a fire down there, it was when the facility was closed. It was a case of arson. The firemen got there in time. We had a sprinkler system put in out. It was very minimal damage. There was no structure damage or anything like that except for 1 of the fireman hit the side wall with an excavator and put some dents in it.

COUNCILMAN PUTNEY: Have you ever had an explosion?

MR. DEITZ: No, no explosions. We have only had 2 instances of what we call, unacceptable waste. The first time was Waste Management brought in the gas that they put in the pipelines to give it the odor... mercaptan it is called... so this caused a big stink and we shut down. We did all the proper procedures. We have people trained to handle hazardous waste and what we do is we identify it, segregate it and then we bring in the real experts and have it taken away properly. And, the other instance was we got 400 cans of tear gas delivered to us and that was stopped. But, that is the only 2 instances we have had of any unacceptable waste.

COUNCILMAN PUTNEY: Yes. Thank you. Is there public sewage at the proposed site?

MR. BIANCHINE: No, there is not.

COUNCILMAN PUTNEY: So, would you have a lot of liquid that would need to be... either from your processing?

MR. BIANCHINE: There is not a lot of liquid that needs to be trucked away. At our present facility, we have two 2,000 gallon storage tanks there for any leachate or any liquid that comes in on a load that goes into... you know, gets dumped on the floor. I think in the 3 or 4 years we have been in operation, we have had to empty that tank, what once, twice?

MR. DEITZ: Once, we have emptied the tank once and now we have -- under DEC they want us to empty it monthly now. So, now we empty it monthly and the man hasn't been able to get a gallon out of there in the last 4 months. But, he came anyway.

COUNCILMAN PUTNEY: One more... my other question if I may, as far as inspection is concerned by State authorities. How often do they appear and what sort of inspections do they do?

MR. DEITZ: At our facility, you might get an inspection 3 times a month or you might get one once a month. They are in the Port area a lot, so you get a lot of surprise inspections. And, they do a lot of drive throughs at our facility.

COUNCILMAN PUTNEY: Thank you. That's all.

SUPERVISOR FULLER: Thank you.

COUNCILMAN JOHNSON: If I could ask just a question, please. The original material talked construction and demolition, I think that's what we are still talking but the word trash has come up a couple times and in the video, I saw the large number of the plastic bottles or something -- does that come from construction and demolition?

MR. DEITZ: No, we handle basically 3 streams. And, that is the household recyclables that you segregate at your household. We handle the construction/demolition material and we handle commercial waste which is something that we are trying to recycle more out of. Right now, we presently recycle about 17 percent of that and once we are able to run it over a line we think we can increase that to almost 50 percent.

COUNCILMAN JOHNSON: So, the proposal we are listening to is for all 3.

MR. DEITZ: Yes. The proposal is for all 3 types of waste.

COUNCILMAN JOHNSON: Thank you.

SUPERVISOR FULLER: In going down to your site this week, I wanted to experience what it looked like after the horrendous weather we had over the weekend. So, the question I have for you is, if you had something stored on the outside of the Barker Steel building, it would have been floating throughout...

MR. DEITZ: Exactly, but I think there was enough notice that we could get the materials inside the building.

SUPERVISOR FULLER: I don't believe that there would have been enough notice.

MR. DEITZ: And, that is a potential problem. Floods are a problem.

SUPERVISOR FULLER: Certainly, we don't plan on them happening very often but we do need to plan for it and assume that possibility is always present. At the present location you are at, there is some things outside that are not recycled and not bundled, just laying around in different piles of snow and I wondered what... where you are located right now.

MR. DEITZ: The only thing that we have outside would be the clear glass, that is in the back yard -- and then we have the piles of cover material that is outside.

SUPERVISOR FULLER: This is right up near your plant where your recyclables are...

MR. DEITZ: Oh, right up near the plant?

SUPERVISOR FULLER: Yes, I am not talking about out in back.

MR. DEITZ: Near the plant, we have a tire box where the tires that come in we put. And, then we have a metal box and that's the only thing we have directly behind the plant besides the truck that the waste goes right into from inside the plant. Those are all closed -- those are the yellow trucks.

SUPERVISOR FULLER: Yes.

MR. DEITZ: Other than the metal and the tires, I don't believe we have anything out there. I haven't looked today.

SUPERVISOR FULLER: Well, there was some metal, some woods and...

MR. DEITZ: Right.

SUPERVISOR FULLER: Some things just laying around the...

COUNCILMAN PUTNEY: Yes.

SUPERVISOR FULLER: Outside of the building.

COUNCILMAN PUTNEY: There were also 3 large piles of dirt with trash intermingled down by your scale. Is that part of your...

MR. DEITZ: That's the cover material that we produce inside. That is a 2 inch minus material of what comes out of the C&D. That goes to landfills, that's cover material or alternate grading material. And, all that material is tested monthly for DEC -- what is it called, I think it is a TCLP test. And, things like that and... so that we are sure there is nothing in it that would ever harm the environment.

COUNCILMAN PUTNEY: But, under your proposal would you be storing piles like that at the new facility?

MR. DEITZ: Under our proposal we could end up with some piles, maybe 1 pile of that but in this building here we are going to be able to move it right... see, right now, it comes into the building, it goes through the system and it is not able to go outside directly to the trucks. At the new building, it will go right out the wall into the waiting trucks, so we'll have a small pile but we will never have more than a day's pile there unless in the case of an emergency or something. Then we could end up with some storage.

COUNCILMAN PUTNEY: Thank you.

COUNCILWOMAN DAVIS: You repeatedly referred to the cumbersome and economic... undue economic burden regarding the stickers or permit which were part of our variance requirement. I am not certain I understand why that is such a cumbersome and economic burden to you and to your customers.

MR. DEITZ: Well, if a customer was to come to our facility without a permit, then we had to send them to the Town or something like that -- that is all we are thinking about there. That is why we propose to pay a fee and not have that. But, it really is not an economic hardship if you were to charge all the haulers a permit fee for their trucks -- is that what you are talking about? For a sticker?

COUNCILWOMAN DAVIS: I am not suggesting anything, I am just... I am just repeating what you had said in the material that we have received.

MR. DEITZ: Right, well, okay that might have been a little bit too much to ask for.

COUNCILWOMAN DAVIS: You indicated just now that you do not accept hazardous waste. That it is not accepted. Can you assure us of that? How do we know that? How do you know that inadvertently there is no hazardous material in what you are accepting?

MR. DEITZ: Okay. When the truck pulls on the scale, there is a camera that looks inside the truck. Most of these C&D trucks are open, all right. So we have them remove the tarp, the camera spots it, so the people at the scale spot. Then it comes up to the building, when the man opens the door, he looks to see if there is anything there. Then once it hits the floor, he surveys the load to see if there is anything in there that shouldn't belong in there.

COUNCILWOMAN DAVIS: What if it hits the floor and it is in there?

MR. DEITZ: Well, then we take care of it. Then we have the response team that takes care of it. Hazardous waste is paint, if you have more than an inch in a can. So, we can rarely get a large amount of material here. But, anything like asbestos, we shut the door down and we segregate it before anything... before it goes any where.

COUNCILWOMAN DAVIS: How often would you say that type of situation occurs in your business?

MR. DEITZ: We have had only 2 instances of anything serious and that was the 2 I mentioned earlier.

COUNCILWOMAN DAVIS: I made some notes, so if you will bear with me. Again, I am not certain why you feel that the additional scale is not necessary even though it is in the code.

MR. DEITZ: I don't know what the additional scale would do. Our truck traffic is 100 trucks a day. So, therefore, right now, we have handled as much as 170 trucks a day with the one scale. It is about another expense of \$50,000 and we will probably add a scale in the future just for times when the one scale is broke because we don't have anyone next to us like...

COUNCILWOMAN DAVIS: That was my question, what happens if you have a problem?

MR. DEITZ: Right, right now, where we are now we use Kruger. They have a scale right next door to us. The Port has a scale facility there that they charge by the truck that would handle it in them times. Or, we may just estimate loads and charge a yardage fee.

COUNCILWOMAN DAVIS: What is the pumping system that you intend to use for emergency circumstances using the Hudson River? You have one fire hydrant and you said that you would be using the river.

MR. DEITZ: Well, that was, we withdrew that because we added a fire hydrant now.

COUNCILWOMAN DAVIS: And, how long will the renovations and repairs that you said that you are planning to do to get things up to speed take?

MR. DEITZ: We are looking at about 3 months worth of work in there in order to get the facility ready for our occupancy. And, then from

there, it will be an ever ongoing thing. We expect to expand in the facility and so things will be changing.

COUNCILWOMAN DAVIS: Have you ever been cited by DEC for any violation?

MR. DEITZ: Yes, we have been cited back in... when we had the trouble with the Albany contract. We were using Albany trailers up to our doors to load waste, so once Albany had the trailers taken away, we had to load the waste outside. We were fined \$10,000 from DEC for loading waste outside.

COUNCILWOMAN DAVIS: That is the only time you have been cited?

MR. DEITZ: Yes, ma'am.

COUNCILWOMAN DAVIS: And, how long ago was that?

MR. DEITZ: That was probably 18 months ago.

COUNCILWOMAN DAVIS: Where does your C & D waste... where do you send that?

MR. DEITZ: We use Rotterdam landfill for a small portion of it and right now we are in the permitting stages in Rotterdam to build a landfill, 28 acre landfill. That will be the primary one in the future. But, right now we also go to Seneca Meadows out past Syracuse with most of the waste. We ship everything within New York State.

COUNCILWOMAN DAVIS: And, how do you... what precautions do you take to be certain that any trucks that leave your facility are securely covered?

MR. DEITZ: All our trucks that leave our facility except for the cover material, are enclosed trucks. They are not open transfer trailers. The cover material goes in open trucks and then they are tarped to cover them.

COUNCILWOMAN DAVIS: How... what process do you have to be certain that they are tarped securely? I have seen tarped trucks on 787 for example that are not securely tarped and, you know, it is a hazard, a serious hazard.

MR. DEITZ: Right.

COUNCILWOMAN DAVIS: How do you...?

MR. DEITZ: With our cover material, now that doesn't fill the size trucks we have. The weight would be excessive for the roads. So, the tarps on those trucks has to go in the truck and lay across it. Let's say they are half full. So, the tarp goes down into the truck and across so it's not over the top where stuff is blowing out, if that's what you mean. We have never had a truck cited for no tarp.

COUNCILWOMAN DAVIS: I may have some more questions. I will reserve my right to ask them later. But, thank you.

MR. DEITZ: Okay, no, fire away. Anyone else.

COUNCILMAN LENHARDT: You have answered most of my questions. I just have one. What do you do with material when the market slumps for recyclable material? How do you deal with that?

MR. DEITZ: Well, in the case of cardboard, that went from \$300 a ton to we had to pay \$20 a ton to get rid of it. That is what you do. That's why our business is not based on the sales of those recyclables. It is based on the reduction of waste. If we take in 10 tons and we recycle 6 tons, that is where the savings is.

COUNCILMAN LENHARDT: You paid to get rid of the cardboard material.

MR. DEITZ: Yes.

COUNCILMAN LENHARDT: How did you get rid of it? I mean, whoever you paid get rid of it?

MR. DEITZ: It went to a mill. It is a commodities game. You know, the bigger the mill, the more they hold you up and it is like going to junk yard and they are going to give you 30 cents for your copper and he is going to get \$3.00 for it. It is a changing market.

COUNCILMAN LENHARDT: So, he eventually processes it.

MR. DEITZ: Right, oh yes, it all ends up being processed, yes. By the time we recycle it, to throw it back in the landfill would be a total turn around about 200 percent to us. There is a lot of cost in segregating that waste. So, as long as it is always cheaper to go to a market than it is to a landfill.

ATTORNEY KAPLOWITZ: Can someone elaborate on the surrounding... the neighborhood surrounding your site? For instance, how far is the nearest residence... are the nearest residences?

MR. BIANCHINE: Yes, there are no nearby residences at all here at this facility. The only thing that is near us is really the CIBRO Petroleum plant, just to the north. There is one further building way down which is an old Agway building. It is probably another half, 3/4 of a mile south of us.

ATTORNEY KAPLOWITZ: Okay, I realize you are inside but what kind of noise is generated? Is something heard beyond the limits of your property?

MR. BIANCHINE: I don't think so.

MR. DEITZ: You might hear a truck alarm backing up. I don't know. How far away, a quarter mile maybe. That is the loudest thing we would have.

ATTORNEY KAPLOWITZ: What kind of volume of truck traffic are we talking about?

MR. DEITZ: We are talking about 100 trucks a day.

ATTORNEY KAPLOWITZ: In and out, total?

MR. DEITZ: In and out.

ATTORNEY KAPLOWITZ: Total?

MR. DEITZ: Well, no, 100 in -- 100 out, so it would be 200 trucks a day. It would be the same traffic on South Pearl that we have now.

COUNCILWOMAN DAVIS: Because you are using the same route?

MR. DEITZ: Yes, they are using the same roads that they are now.

COUNCILWOMAN DAVIS: And, you are really just a stone's throw away from your current facility.

MR. DEITZ: Yes and why we are here is because just over the City line. It is the first building in Bethlehem.

COUNCILWOMAN DAVIS: I have been there but I am not very good at distances. Can you tell me how far you are from the river bank? How many feet is that from the back of your building, that back entrance where that back door is for example, to the actual river?

MR. DEITZ: Must be around 50 feet I would say. It is not far from the river bank.

COUNCILWOMAN DAVIS: It is very close.

MR. DEITZ: Yes, it is close to the river, yes.

ATTORNEY KAPLOWITZ: You won't be putting anything into the river?

MR. DEITZ: No.

ATTORNEY KAPLOWITZ: Nothing whatsoever?

MR. DEITZ: No, we have no need for the river in our facility.

COUNCILWOMAN DAVIS: Do you have any kind of flushing system or any kind of cleansing system or process that would cause water to leach into the river during that process?

MR. DEITZ: No.

COUNCILWOMAN DAVIS: Considering how close you are to the river.

MR. DEITZ: No, and what we have designed for the facility is, we are putting drainage in front of all the doors and then we are pumping that into tanks in case of any... you know, if the sprinklers go off or any spillage out of the trucks.

COUNCILWOMAN DAVIS: That's part of your improvement project?

MR. DEITZ: That's part of the improvements. Yes, we have right now as Mr. Bianchine said, we have 2 tanks in our present facility. And, we have to add them over there too.

SUPERVISOR FULLER: I believe there is residence there on -- is it 144?

MR. LIPNICKY: The closest you get is at the bottom of Corning Hill Road, and that is where it intersects with 144.

MR. FLANIGAN: But, you have to remember that the noise rises. We have had many complaints from CIBRO.

SUPERVISOR FULLER: I think we have had this concern before about the noise level.

MR. FLANIGAN: Banging trucks and things because the noise rises and goes up into the Glenmont Road area and that noise is very heavy up there. Certain times of the year we get many complaints from CIBRO. CIBRO isn't operational now as much as it was.

COUNCILMAN PUTNEY: Yes. Well regarding CIBRO.

MR. FLANIGAN: Regarding CIBRO, right. But, if it was noise, we used to go down there and check and see what was going on. But, that was a continual thing, especially during the summer when people were outside. They do get the trucks in. He spoke of the backup alarms, you can probably hear those backup alarms.

COUNCILMAN PUTNEY: I do have one other question, if I may. Under your proposed... you proposed a 10 percent reduction from present prices on the collection/disposal of garbage to all residents and businesses in Town, now, most people here pay private trash haulers.

MR. DEITZ: I look at this 2 ways...

COUNCILMAN PUTNEY: And, I was wondering...

MR. DEITZ: We are offering the 10 percent discount and I am sure if you call any of your private haulers, and you tell them New Options on Waste is going to do it 10 percent cheaper -- they are going to give you the same deal. So, you are going to end up with the same deal.

COUNCILMAN PUTNEY: Okay, so it is to the haulers that come to you, then.

MR. DEITZ: No, no it is not to the haulers. It is to the residents and the businesses directly. We will come there and pick it up if they won't do it for 10 percent less. That's about \$600,000 a year to the residents of Bethlehem and the businesses. \$6,000,000 business in Bethlehem, the trash pick up.

COUNCILMAN PUTNEY: Thank you.

SUPERVISOR FULLER: Any other questions from the Board?

MR. SMITH: If, I could just add one more thing if you have a moment, unless there are any other questions. Mrs. Davis brought up an excellent point, 3 of our first 6 variance requests involve sticker/permits, permits and permit fees, etc., our goal is not to avoid these restrictions or requirements, it is part and parcel of our ultimate and plan negotiation under the contract allowed for under 11 B to deal with these items in a bulk type of a manner so that the record keeping necessities of the Town are satisfied and the revenue generation anticipated under those particular items are also satisfied with respect to the Town just in the form that is acceptable and more administratively palatable for both parties. We don't seek a variance to avoid, we seek a variance to move it to another form, namely the 11 B contract that we hopefully will have an opportunity to negotiate. Thank you.

SUPERVISOR FULLER: Thank you. Is there anyone in the audience who would like to ask questions before we open it up to those wishing to speak in favor or in opposition? At this time, it is for questions only.

MR. SINUC: Adam Sinuc. I was just wondering what outlets you have that you can guarantee the 24 hour outdoor storage policy? Are you guaranteeing that or...

MR. DEITZ: Well, yes. It is a continuous process.

MR. SINUC: But, I mean, if situations do arise, how can you guarantee that they will be gone?

MR. DEITZ: Well, you know, the situations are if we have a big storm and the trucks can't move -- you know, it is going to take an extra day to get it out of there. We have more redundant equipment than we started with in...

MR. SINUC: I mean, what's going to happen in a 5 day storm that trucks can't move? I mean, I don't know...

MR. DEITZ: Well, if the trucks aren't moving, that means material is not coming in. So, therefore, we are not generating more material. So, it is a 5 day lapse. It will take us 5 days, if there is 5 days work out there.

MR. SINUC: Thank you.

MR. SMITH: And, another point along that line, the only material that can be stored outside pursuant to Town Law is already recycled material.

MR. SINUC: Is recycled. Oh, okay.

MR. DEITZ: There will never be waste outside.

MRS. FISHER: We know that you are not supposed to accept hazardous waste and commercial hazardous is definitely hazardous. So, do you now have a company that you have contracted with or whatever who will take care of something if it shows up on the property?

MR. DEITZ: Well, yes. We have to have those contracts in order for the State. That is part of our permit. We have to supply that.

MRS. FISHER: Do you have a specific company that you use?

MR. DEITZ: It depends on the type of waste. Clean Harbors is probably the biggest one that would handle more materials than others.

MRS. FISHER: Have you applied for any permit from the DEC, like any Part 360 permit yet?

MR. DEITZ: Yes, we have put our application just the other day.

MRS. FISHER: The other day.

MR. DEITZ: Yes.

MRS. FISHER: And, okay, the waste that you have left over -- do you have any plans in the future of perhaps using the railroad that is there or the Hudson River, a boat, and not just truck traffic?

MR. DEITZ: No, we have no plans of ever using the Hudson River for any shipping of any type of waste.

MRS. FISHER: What about the railroad?

MR. DEITZ: The railroad, you know, 10 years in the future I don't know. But, right now, it is not economical. Our main landfill we are going to own in Rotterdam, so I don't think we would be doing any shipping of that material by railroad. We might do some... the cardboard and stuff to go to a mill in Canada or something. It might be an idea to ship it by rail.

MRS. FISHER: And, just one last question. You are saying, the Barker Steel building is twice the size of what you are using right now, what if Kruger Recycling were to move out of the other side -- would that building be a sufficient size to use?

MR. DEITZ: No, because the building... we only have access from 1 side. If you have been down there, all the doors are on the back side. So, therefore, the traffic has to come in and go out the same doors and that's where our problems are and that's why we are not as efficient as we could be or as neat as we could be. We would like to be a little neater than we are and we can't do it with this amount of waste that we handle.

MRS. FISHER: Okay, thank you.

MR. BERT: Listening to your video presentation, it said that you started with 50 tons a day, it has grown 10 fold, so that gives you about 500 tons a day -- is that roughly what you are passing through your business?

MR. DEITZ: We've passed as much as 800 tons a day through there during peak of the year.

MR. BERT: Okay, so you expect to recycle 1200 tons, so that is like a 2 and a bit or 2 and a half times capacity. My concern is the trucks that need to transport this to and fro, you are saying that 100 trucks a day maximum 170, even with 100 trucks a day that is going to be at least 200 trucks a day to and fro along the roads. Is that correct? Approximately?

MR. DEITZ: Well, it could be if everything went according to that but the reason for the 1200 tons a day kick-up is because our permit now says an aggregate amount -- so that means of all types of materials 600 tons a day. The new permits are being issued now with each section is going to have its own limit. So, therefore, we have to put in -- if I want to handle 300 tons a day of C & D, I have to have a permit for 500 or 600 tons because the day I am not handle the other type waste, I have to make it up somewhere else.

MR. BERT: But, how do you control the traffic coming in to your facility? I mean, they don't know whether you have met your quota or am I misunderstanding what you are saying?

MR. DEITZ: Well, the State gets a monthly report from us.

MR. BERT: No, but I mean from a day to day basis, I mean I have visions of these trucks coming in from different locations because they are not... you don't want them to be permitted through the Town, how would you control how they come in? How do you call up and say don't come today, Joe, because I am full or I have...

MR. DEITZ: Oh, well, that's exactly what we do, we call them up.

MR. BERT: Yes. Okay. Okay, thank you.

SUPERVISOR FULLER: Excuse me, may I have your name please and if you would please give it into the microphone.

MR. BERT: My name is Anthony Bert.

MRS. MC COY: Hi, my name is Liz McCoy and I have a couple of questions. And, I have to put my glasses back on. You talked about the pie chart of a typical facility, could you just go over what the distribution of those components are currently for now as opposed to a typical facility?

MR. DEITZ: Those are not currently from the site.

MRS. MC COY: It says a typical, it doesn't say the NOW facility.

MR. WELCH: It was taken from a national survey, not necessarily reflected day to day for New Options on Waste.

MR. DEITZ: I can supply you with that information tomorrow. But, right now, from memory, I can tell you... yes, this is the aggregate... The wood is the biggest component of the C & D and that is about 40 percent. Then after that, we have the 2 inch minus material of rock and dirt and bricks like that, that's another one, around 18-19 percent. And, then after that, we have about 12 percent of cardboard in C & D, and then it kind of gets broken up. Sheet rock is less than 2 percent or it was less than 1 percent last year. The year before it was almost 2 percent. And, that is one of our concerns, is the sheet rock because we try to keep that out of our landfill cover material and stuff. But, now things are shaping up out there and there are some recycling of that sheet rock that is going on. And, with the new facility, we will have the room to remove it in order to send it to the recyclers.

MRS. MC COY: Okay, well I would like to see what the current distribution is for now as opposed to that national chart.

MR. DEITZ: Okay, I can supply you with that tomorrow.

MRS. MC COY: Yup, that's fine. And, I am just making that request. The other question I would have is what you would tell me would indicate what the current distribution is. You are looking to expand this facility substantially, so I would also like to see what you are anticipating is the proposed component of the waste stream also. So, I would be looking for 2 charts, assuming you have some idea of what parts are growing and what parts aren't going to grow. I realize you don't have that information right now. The permit that you have for DEC right now, is it a single permit for all of these uses?

MR. DEITZ: It's a single permit with 3 sections -- 360 part 11; part 12; and part 16. When we originally opened, they only had part 12.

MRS. MC COY: And, the permit application that you said you just filed, is it similar going to be for a single permit or?

MR. DEITZ: It is a single permit for a combined facility.

MRS. MC COY: What do you mean by combined facility?

MR. DEITZ: Well, we have to have a recycling and handling permit. We have to have a transfer permit. We have to have a C & D processing permit.

MRS. MC COY: Okay, thanks. Let me just... The building that you currently occupy, is that one that you own or lease?

MR. DEITZ: We lease the building there.

MRS. MC COY: Okay. If I can just flip through my notes here... there is a reference that you maintain computerized records for tracking customers, are those records currently available?

MR. DEITZ: Sure.

MRS. MC COY: Or, do you file them with DEC?

MR. DEITZ: We file them with DEC, yes.

MRS. MC COY: Okay. And, you indicated that you serve certain communities and private haulers, including some of the ANSWERS facility... in the ANSWERS group. Do you have a list of those current communities and haulers that you currently serve and also the ones that you intend to serve at this site?

MR. DEITZ: Sure, yes.

MRS. MC COY: Is that something that we could get?

MR. DEITZ: Yes.

MRS. MC COY: I don't know if the Town has an interest in this but if not, I will just take it for my own interest.

MR. DEITZ: I will give you my customer base.

MRS. MC COY: Okay. I am not getting into this business.

MR. DEITZ: You are welcome into it.

MRS. MC COY: I am getting to the end here. The person that signed the request for the variance on part of the Barker Steel company was an individual's name who I can't read. Is this person the owner of Barker Steel?

MR. DEITZ: It's the son of the owner who is a lawyer.

MRS. MC COY: And, what's his... I can't read...

COUNCILMAN PUTNEY: General Counsel is the title that is used.

MRS. MC COY: Is he an employee of Barker Steel?

COUNCILWOMAN DAVIS: It is a William Bruce, is that the name?

COUNCILMAN PUTNEY: Yes.

MRS. MC COY: Is it... Is an officer, the same as an employee? In this case, does he act as an employee?

MR. KEMPER: I don't know. Can I see it?

MRS. MC COY: This is the application for the variance.

COUNCILMAN PUTNEY: Presently?

MR. KEMPER: That is Bill Brack, the son of Bob Brack. Bob Brack is the owner of Barker Steel. Bill is one of the officers of the corporation. I am Dan Kemper, real estate broker, Kemper and Gallagher.

TOWN CLERK NEWKIRK: Thank you.

MRS. MC COY: Okay. Just a couple more, on the benefit list, it references that you are a tax paying... that you propose to be a tax paying -- do you currently pay local property taxes to the City of Albany?

MR. DEITZ: Yes.

MRS. MC COY: And, do you intend to pay local property taxes in the Town of Bethlehem?

MR. DEITZ: Yes.

MRS. MC COY: Okay. Was there a full SEQR process in the permit application process that you went through previously?

MR. DEITZ: There was a full SEQR process for the location, yes.

MRS. MC COY: And, would there be a full SEQR process for this?

MR. DEITZ: What do they call this?

MR. BIANCHINE: Well, it has been submitted and it will be determined by the Department of Environmental Conservation.

MRS. MC COY: Okay. I have a question for the Town at some point, but it is not specifically to these gentlemen. Is there going to be another opportunity to ask some questions?

SUPERVISOR FULLER: Ask them now.

MRS. MC COY: Ask them now?

SUPERVISOR FULLER: Now, this is the time.

MRS. MC COY: I... I was involved as a member of the Solid Waste Task Force for several years and worked with the development of these procedures and I don't know that we actually developed a process for receiving a request for a variance. I counted I think 18 variances that were requested. I have heard tonight that there are some changes to the number that are being requested. But, I am trying to get a handle on... is this a multi-staged process? Are there written procedures that the Town is following and having accepted this application for the variance and if so, where would I find this?

ATTORNEY KAPLOWITZ: It is all in the Town's Solid Waste Law. They submitted a written application, labeling or listing what they felt were all the variances requested. Tonight is the first time I heard that they feel some of them aren't necessary and that may be true. But, the procedure to be followed is also in there. One of which is a public hearing, which is what we are doing now.

SUPERVISOR FULLER: Which is what we are going now.

MRS. MC COY: Okay, so, is this public hearing then separate from the decision making by the Town Board? Are you planning to make a decision tonight on this application?

ATTORNEY KAPLOWITZ: Oh, I don't know but I can't imagine it.

SUPERVISOR FULLER: I wouldn't anticipate a decision tonight since the opportunity... the public hearing is for the public to be able to speak and ask their questions and for the Board to have some questions. The public hearing is now. The Board will probably vote... next meeting is at least 3 weeks away.

ATTORNEY KAPLOWITZ: Without looking it up, Liz, I think it says we have to decide within 30 days of the time the minutes of this hearing are accepted by the Board. So, you are talking probably 30 to 60 days or something like that, I would think.

MRS. MC COY: Okay. That is helpful, thank you. I guess I will save my last issue in the comment part and not the questions. Thanks very much.

SUPERVISOR FULLER: Okay, thank you. You will send us the same materials that you are forwarding. In fact, send them here and we will get them out to Liz.

MR. DEITZ: Sure.

SUPERVISOR FULLER: Thank you.

MRS. LYONS: Hi, my name is Betsy Lyons. What kind of hours would you be accepting and shipping out waste? Would it be 7 days a week? Hours, early morning?

MR. DEITZ: Right now, we are operating 5 days a week, 6 to 10.

MRS. LYONS: Yes and when you are accepting commercial waste as one of your streams and you are taking things from restaurants and supermarkets and things -- so, does that waste stream include just basic food wastes? And, is that why you need a transfer station permit?

MR. DEITZ: No. We need a transfer station permit.. in times of break downs, we take material and we just transfer it. Let's say the trammel screen breaks down, we have certain rules -- you have to have so much material in the building and so much has to move all the time. So, then we have to load this material and take it out without recycling it and that is the reason for the transfer station permit started with. So now with the commercial waste, by the time we recycle out of it, the rest of it gets transferred to a landfill. And, that is what the transfer station permit is for.

MRS. LYONS: But, are you taking in anything that a commercial hauler picks up, including ketrusable waste?

MR. DEITZ: He is not supposed to pick up households.

MRS. LYONS: No, from commercial entities, going to a business you would be picking up food waste from businesses and taking it to your facility.

MR. DEITZ: That is right.

MRS. LYONS: Okay. And, I guess again, I was a little confused about the truck traffic, since it sounds like your move would be roughly doubling the volume of materials you would be handling and you keep saying the truck traffic would be no different from what it is now.

MR. DEITZ: Well, I don't anticipate hitting those numbers that we are putting a permit in for. What we are trying to do is posture ourselves because DEC -- when you get a permit from DEC, you have to do exactly what it says in that permit. You can't do anything different. Like we loaded trucks outside, cost us \$10,000. Now, there is nothing wrong to the environment and we didn't harm anything like that. It was just it was not a permit. It wasn't in the permit, so you can't do it. So, the idea of the 1200 tons is so that we can put enough material in there and get this aggregate average. We don't expect to go over our 800 tons a day.

MRS. LYONS: It just seems like that is an increase from what you are presently doing at your current facility.

MR. DEITZ: Yes, the permit size is an increase, yes.

MRS. LYONS: It looks like you're moving to a much larger space. If you don't anticipate growth, it just seems a little...

MR. DEITZ: No, we are moving to a larger space so that we can have a more efficient operation. We can move into the secondary processes. Right now, we don't handle much of paper. Paper is a very heavy item. Okay, so now you are talking about a couple hundred tons a day of paper coming in and that would be considered commercial waste. So, that is why we have to move the number up.

MRS. LYONS: My other question was, would you make available -- you, I guess part of your reporting requirements to DEC are your recycling reports and your recycling rates and tonages and things -- would those monthly reports be available?

MR. DEITZ: That's no problem at all. I wanted to advertise them in the newspaper.

MRS. LYONS: Thank you.

ATTORNEY KAPLOWITZ: Can you tell us a little more about this fine? You said that was about a year and half ago roughly.

MR. DEITZ: Yes, I think it was June of... what year we in now?

ATTORNEY KAPLOWITZ: Who is it was charged -- the company?

MR. DEITZ: The company was charged for...

ATTORNEY KAPLOWITZ: No individual?

MR. DEITZ: No, no individual.

ATTORNEY KAPLOWITZ: Violation of what law, do you know?

MR. DEITZ: Of our permit. No law, of our permit.

ATTORNEY KAPLOWITZ: DEC permit?

MR. DEITZ: Yes, it was a permit violation.

ATTORNEY KAPLOWITZ: Did you plead guilty? Was there some kind of hearing involved?

MR. DEITZ: Well, you can appreciate this. I went to my lawyers and they told me it would cost me \$60,000 to bring this to a hearing and win it. We did nothing wrong and so I took that to the board and the board said if you can settle it for \$10,000., that would be wrong. I voted against it. I can prove. I can get those records for you.

ATTORNEY KAPLOWITZ: Some of that's not my business. I just wanted to know.

MR. DEITZ: I am just telling you why we paid the fine. Because it was easier to pay the fine.

ATTORNEY KAPLOWITZ: You did pay the fine and plead guilty to violating the permit.

MR. DEITZ: That is right. I call it extortion.

ATTORNEY KAPLOWITZ: And, it was the company, not an individual.

MR. DEITZ: No, that was the company, yes.

ATTORNEY KAPLOWITZ: Thank you.

SUPERVISOR FULLER: Are there any other questions?

MS. BUTT: Carol Butt, you mentioned that you have somebody in house who can identify and isolate the hazardous waste should some accidentally come in. What are the qualifications for the person who would be doing that in house?

MR. DEITZ: They have to take an 80 hour hazardous waste course -- where they wear the suits and set up and everything like that. We have 2 people.

MS. BUTT: Can you tell me what their education might be? Other than that, that is a brief training.

MR. DEITZ: Other than the hazardous... well, one was an accountant.

MS. BUTT: Do these people have any kind of chemistry or...?

MR. DEITZ: No. The one is a fireman, so he probably has more training than the average hazardous waste guy.

MS. BUTT: Okay, so that's a pretty cursory judgement if something comes in.

MR. DEITZ: Well, these guys are trained to identify it and then just segregate it. Then we bring in the experts if it is ever needed to remove it. So, it is just a... the first initial contact is what they are trained to handle.

MS. BUTT: I don't think that's a lot of training for that but...

MR. GARFINKLE: Miles Garfinkle, resident of Delmar. Were you handling the recyclables from the City of Albany?

MR. DEITZ: Yes, we were.

MR. GARFINKLE: Okay. Are you still doing that?

MR. DEITZ: No, we are not.

MR. GARFINKLE: Okay, why has that policy or that receiving of recyclables ended?

MR. DEITZ: I sued the City of Albany for 5 million dollars.

MR. GARFINKLE: Excuse me?

MR. DEITZ: I sued the City of Albany for 5 million dollars. Do you think they want to do business with me?

MR. GARFINKLE: You had a contract with them?

MR. DEITZ: Yes.

MR. GARFINKLE: Thank you.

SUPERVISOR FULLER: Buyer beware.

TOWN CLERK NEWKIRK: I think Mr. Flanigan would like your attention on this side.

SUPERVISOR FULLER: Yes.

MR. FLANIGAN: My I ask a few questions?

SUPERVISOR FULLER: Sure.

MR. FLANIGAN: I am John Flanigan, the Building Inspector. As the Enforcement Officer that is going to be enforcing this down there, I have a couple questions I would like in the record so that we could get some clarification on it. Do you own the property today?

MR. DEITZ: What we have now is a contract to purchase.

MR. FLANIGAN: To purchase it, but you don't own it.

MR. DEITZ: No.

MR. FLANIGAN: Okay, that is one thing. For the Board's information, this is in a designated Federal flood plain. There is no question about it, if any of you have taken a trip down there in the last couple days you can see where it was there. That's why I would have great concerns about outside storage because anything that was outside the other day, would have been down the river some place. It would have been in the New York harbor. No question about that.

There was heavy water, it wasn't just a little bit of water. And, I would make the comment to you that on the corner of this building, right here next to the Port Road, the water was probably some 30 to 36 inches deep right here in the corner of this building. If you went around back here there were some trailers sitting in there and the water was half way -- and, I am talking big trailers with big tires on them -- it was better than half way up those trailer wheels. You could see, when I was in there on Monday, that -- and I took some pictures of it -- that that's where the ice line was. So, anything that was in there... that was out probably would have gone right down the river. So, I just want to bring that, so you know we are in a flood plain and we have got a change in use here.

We are using it from a steel company that is there to a recycling class II facility and that brings up quite a few building code problems in there because that building does not meet the building code in many aspects of it. We have been working with their engineers, Kevin Shea from my office has been working on this for probably 2 months now, trying to get it in compliance. But, as you can see, that is an old building. It is not like a new building. We are talking about the fire proofing. It will probably end up having to be sprinklered. The extra hydrant lines have been put in there. The extra entrance was put in there for some things to try and meet the building code. But, there are many problems in there, building code and I just want the Board to be aware of that -- that those would have to be met before they could be operational down there.

Mr. Putney already talked about the problem on the noise that would be up on the Glenmont hill and the noise -- the banging of the trucks and things like that. That goes on from time to time.

You stated in your presentation of the trash haulers, do any of the existing trash haulers in the Town of Bethlehem use your facility today?

MR. DEITZ: I believe so. I think Robert Wright is a trash hauler in Bethlehem.

MR. FLANIGAN: Yes, he is.

MR. DEITZ: Okay.

MR. FLANIGAN: Because you mention the 10 percent and I am sure that is going to come up more. I just want to clarify it a little more because we hear questions on that continually on... if you are going to offer 10 percent and they don't give the 10 percent where are we?

COUNCILMAN PUTNEY: That is why I asked the question.

MR. FLANIGAN: That is a very good point. That's why...

MR. DEITZ: Who won't give it?

MR. FLANIGAN: Those are the types of things. But, I just wanted to raise these points to the Board and I would suggest that the Board go and look at the existing facility. Take a ride around back and take a look at the existing facility. What you see in that picture there is not what you see on that site, outside.

SUPERVISOR FULLER: Thank you, John.

MR. DEITZ: If you are saying that we doctored this picture up...

MR. FLANIGAN: No, no, you didn't doctor it. You didn't doctor it.

MR. DEITZ: Okay.

MR. FLANIGAN: It is just... what you are showing there outside in that video tape is not what is there today, outside.

SUPERVISOR FULLER: Not at all.

ATTORNEY KAPLOWITZ: Because of the flooding.

MR. FLANIGAN: No, no, no. This is on their existing site. Just take a ride around back and look.

MR. DEITZ: Well, when that video was made, is when we were open -- what about a year -- this has not been produced for this, this was produced before that.

MR. FLANIGAN: That is correct.

MR. DEITZ: And, our business has picked up and that is the reason we are looking to move. And, another thing about that noise on Glenmont hill, I think our location right now is closer to Glenmont hill than the Barker Steel facility.

COUNCILMAN PUTNEY: That is true.

SUPERVISOR FULLER: You are.

MR. LIPNICKY: I just had a... my name is Jeff Lipnicky. I just had 2 questions, I guess. One John eluded to and that is the FEMA flood plains and the flood plain regulations that the Town has in effect and I was just curious -- perhaps your attorney or your engineer could answer this question -- and that is to what extent do you see FEMA requirements regarding construction in a flood plain, flood proofing, raising structures to above the flood level, etc. as applicable, if at all, to this application.

MR. BIANCHINE: We don't anticipate raising the finished floor elevation of the building or adjusting the grade. We have asked for a variance as part of the Part 360 permit because we are located in the flood plain. I have done some research on the flood, so far to my knowledge this is... since the building was constructed over 30 years ago, this is the first time that a flood has reached this site. Since the Sacondaga reservoir has been constructed back in the 30s, there has only been one other flood that has been of the same magnitude. The flood plain elevation there was established based on a flood that was set back in 1850 something prior to a lot of things happening. So, we will be going through that with DEC and FEMA as part of the process.

MR. LIPNICKY: Do you know off hand, because I... this is the first I have seen this proposal but do you know off hand what the FEMA flood... the 100 flood stage is at that?

MR. BIANCHINE: The 100 year flood stage is 19.9 or almost 20.

MR. LIPNICKY: And, what is the floor elevation of the building.

MR. BIANCHINE: The floor elevation of the building is 13.8, I think it is, something like that.

MR. LIPNICKY: So we have about a 6 foot differential between the 2.

MR. BIANCHINE: It is 5. something feet I think it is.

MR. LIPNICKY: In terms of normal storm water management at the site, are any DEC speedies permits for treatment of storm water from this facility required or is a storm water discharge permit required?

MR. BIANCHINE: No. There were no permits at the other facility for storm water discharge or anything like that.

MR. LIPNICKY: How do you intend to handle storm water on the site?

MR. BIANCHINE: The way it is handled now.

MR. LIPNICKY: Which is?

MR. BIANCHINE: It runs off.

MR. LIPNICKY: It runs off straight into the river.

MR. BIANCHINE: Correct.

COUNCILMAN PUTNEY: A number of residents along the Hudson have told me that March 19, 1977 was the last time a flood of a similar nature was... occurred. Which means about..

MR. BIANCHINE: I am not aware that it flooded the building in 1977. People told me that that building has not been flooded. It may have flooded at that point but it might not have reached the floor elevation.

COUNCILMAN PUTNEY: Thank you.

COUNCILWOMAN DAVIS: Who are your major competitors?

MR. DEITZ: BFI, Waste Management.

COUNCILWOMAN DAVIS: That's it?

MR. DEITZ: Yes.

COUNCILWOMAN DAVIS: In this area.

MR. DEITZ: Those are the major competitors.

COUNCILWOMAN DAVIS: Thank you.

MR. KEMP: My name is Dan Kemp. I am with Kemp and Gallagher in Albany and I represent Barker Steel. Just for the record, I have

been trying to sell the building for 2 and 1/2 years and Mr. Deitz has a mortgage commitment from Fleet Bank. So, if anybody is apprehensive, if the lender is willing to give him money -- then everybody should be happy about it because they are a lot stricter than everybody else. We have an option on a property in Menands that expires at the end of this month, so we desperately need you to pass this. Thank you.

SUPERVISOR FULLER: Mr. Kemp, may I have your first name again, please.

MR. KEMP: Dan.

SUPERVISOR FULLER: Thank you. And, you are with Kemp and Gallagher.

MR. KEMP: Yes.

SUPERVISOR FULLER: At this time I would like to ask those wishing to speak in favor of this proposal to come forward. Anyone wishing to speak in favor? There were none. Those wishing to speak in opposition.

MRS. MC COY: I won't really put this in a... if I have to choose between a favor and an opposition, I will do this in opposition and it rests specifically on the representation that this proposal is consistent with the current Town laws and that all that is necessary is that the Town of Bethlehem enter into a contract with New Options on Waste and that's how the local law prohibiting the importation of trash will be circumvented. This is one of the issues that I had raised repeatedly in the discussions over the enactment of these provisions. It is one that I still believe is violated by the enactment of the provisions. In... apparently the previous Supervisor Ringler was also unaware that this was an option because he wrote in December 12, 1990 to American Refuel and said as you are aware of this local law which is the original version of 97 prohibits the importation into the Town waste generated outside the Town. Article 2, section 97-11 (A). This prohibition would appear to constitute a major and critical obstacle to your proposed waste-to-energy facility intended for a site in Bethlehem. Since your variance application indicates that you will be generating waste from a 4 county area. We strongly urge you and your counsel reexamine your project and your variance application in view of this unequivocal prohibition against the importation of solid waste generated outside the Town of Bethlehem. I am not going to read the rest of it. This was clear, this is unambiguous and to twist Section... the following section which is section (B) which reads: from time to time the Town may contract from time to time with another municipality or private person to accept solid waste at a facility within the Town. It is simply not credible to say that a multi-year contract -- and I am sure these gentlemen don't want to come in for a couple of months or a year or two -- it is just irrational and indefensible to say that this local law can be set aside by this contract provision. And, I would argue that if that were the case, how could a previous Supervisor have told a corporation that they were not going to be able to do their project in our community. And, I don't believe that the enactment of the subsequent regulations have ever addressed that question. And, I think if you discuss this with other Town Board Members who previously served on the Town Board, that you would get the same sense that this issue was never resolved. And, the reason I think that many of us have a concern and maybe some of you have the same concern, is that the law was put into place to protect the residents of the Town of Bethlehem and it doesn't take much looking to see that if it is set aside based on this current interpretation for this purpose, then it can be set aside for every other future proposal that comes our way and we have numerous landfill siting issues that are right on our back yard. So, I would urgently ask the Town Board to seriously consider this issue to address the reconciliation which I will leave as impossible and not to accept this proposal because of that reason. Thank you very much.

MR. DEITZ: Can I comment on that, please?

SUPERVISOR FULLER: Would you like to comment on that Mr. Kaplowitz?

MR. DEITZ: I think at the beginning of the solid waste law, it says that the law was put into effect to promote recycling. And, I think that is what we are doing. And, I think that BFI was promoting an incinerator or something and that might be a big difference in the way that people are looking at it.

SUPERVISOR FULLER: Is there anyone else wishing to speak in opposition?

MRS. LYONS: Hello, again. I would like to reiterate concerns about the importation issue because that is of great concern. Way back when we were dealing with adopting the regulations and the BFI proposal and the whole reason we were going and adopted these regs were so they would come before the Town Board to give Town local control over proposed solid waste facilities. And, what New Options on Waste is asking now is a variance from many of the key provisions of those regulations, in part saying there is going to be no environmental impact cause it is all going to take place in a building. And, I think there is still a lot of environmental issues that haven't been clearly addressed about noise, about truck traffic, about the flood plain, about where the waste stream coming in comes from, where it will go, the kinds of waste they are accepting. What I have heard tonight about the recycling rates is very different from what I have heard on the phone from DEC. So, I am concerned about a lot of these issues. And, they seem to be saying you can rely on DEC they are going to give us a permit and that's okay. Well, the Town went through all this hassle adopting solid waste regs, in part, because of the Metz C & D landfill which had a DEC permit and it wasn't adequately protecting the Town. And, we have been looking to the Town to really closely examine proposed solid waste facilities because we are going to keep dealing with them and I think if you go ahead with the variance with the answers we have right now -- which I don't think are complete enough -- you are going to be seeing a lot more proposals whether it be Eagle Enterprises wanting to put a 3500 ton per day transfer station to take garbage out, another incinerator proposal, the regional landfill -- it is all out there and they all want to build here. Thank you.

SUPERVISOR FULLER: Thank you. Is there anyone else? May I have a motion to close the public hearing.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to close the public hearing at 9:10 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

*Kathleen A. Newkirk*  
Town Clerk

The Supervisor convened the regular meeting following the close of the public hearing. She was sure this evening that there was not a desire to take a vote, noting a lot of information has been received and more to come. The Board was in agreement. Supervisor Fuller thanked everyone for coming this evening. The Supervisor directed Mr. Deitz to send the information to the attention of the Town Clerk and it will be distributed. Councilman Putney said he would also be interested in seeing some numbers as to the financial advantage to the Town under the proposal. He asked that someone take the numbers and give an idea of the benefit by total dollars to the Town.

Public hearing  
closed no vote

- - -

The following item was a request from Receiver of Taxes, Nancy Karins, for consideration of proposed Local Law pertaining to \$1.00 penalty amount for delinquent tax bill warning notice.

Receiver of  
Taxes consid-  
eration of law  
pertaining to  
\$1.00 penalty  
delinquent  
tax bill

The motion was made by Mr. Putney and seconded by Mr. Johnson to set a public hearing at 7:30 p.m. on February 14, 1996 to consider Local Law No. 1 pertaining to a \$1.00 penalty amount for delinquent tax bill warning notice. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

Councilwoman Davis asked for clarification from Mrs. Karins noting it just related to tax bills for property and school tax, it does not include water. Mrs. Karins indicated this was correct.

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The next item was a request from David Austin, Administrator, Parks & Recreation Department, for approval to go to bid for pool resurfacing. Could advertise January 31, 1996 and open bids on February 15, 1996 at 2:00 p.m.

Parks and  
Recreation  
approval to go  
to bid pool  
resurfacing

The following resolution was offered by Mr. Lenhardt and seconded by Mr. Putney:

WHEREAS, the Town desires to advertise for bids for the resurfacing of the pool surface at the Elm Avenue Park, Elm Avenue, Delmar, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of January, 1996 and that bids be received up to 2:00 p.m. on the 15th day of February, 1996 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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

Parks and  
Recreation  
approval  
seasonal  
personnel

The motion was made by Mr. Putney and seconded by Mrs. Davis to approve the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator of Parks & Recreation Department, dated January 24, 1996. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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Engineering services acceptance of deed for Bittersweet Knolls subdivision

The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of deed for the Bittersweet Knolls Subdivision.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to accept the deed for Bittersweet Knolls Subdivision as recommended by Engineering Services Administrator, Michael Cirillo. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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Planner proposal  
Local Law  
Interim  
Development  
Density Act  
one year Public  
Hearing Feb 14,  
1996

The following item was a recommendation from Jeffrey Lipnicky, Town Planner for proposed Local Law to extend the provisions of the Interim Development Density Act for a period of one year.

The motion was made by Mrs. Davis and seconded by Mr. Lenhardt to set a public hearing for February 14, 1996 at 7:45 p.m. to consider Local Law to extend the provisions of the Interim Development Density Act for a period of one year. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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Highway Superintendent to go to bid Crushed stone, Gravel, Topsoil, Rent track excavator Guide rails, Rental of Construction Equip and Milling.  
Resolution accepted

The next item was a request from Highway Superintendent, Gregg Sagendorph, to go to bid for Crushed Stone, Gravel, Topsoil, Rental of Track Excavator, Guide Rails, Rental of Construction Equipment and Milling.

The following resolution was offered by Mrs. Davis and seconded by Mr. Lenhardt:

WHEREAS, the Town desires to advertise for bids for Washed Crushed Stone for use of said Town as and when needed, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of January, 1996 and that bids be received up to 2:20 p.m. on the 15th day of February, 1996 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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The following resolution was offered by Mrs. Davis and seconded by Mr. Lenhardt:

WHEREAS, the Town desires to advertise for bids for Gravel for use of said Town as and when needed, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of January, 1996 and that bids be received up to 2:30 p.m. on the 15th day of February, 1996 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

- - -

The following resolution was offered by Mrs. Davis and seconded by Mr. Lenhardt:

WHEREAS, the Town desires to advertise for bids for Topsoil for use of said Town as and when needed, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of January, 1996 and that bids be received up to 2:45 p.m. on the 15th day of February, 1996 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

- - -

The following resolution was offered by Mrs. Davis and seconded by Mr. Lenhardt:

WHEREAS, the Town desires to advertise for bids for Rental of Large Track Excavator for use of said Town as and when needed, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of January, 1996 and that bids be received up to 2:00 p.m. on the 16th day of February, 1996 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

- - -

The following resolution was offered by Mrs. Davis and seconded by Mr. Lenhardt:

WHEREAS, the Town desires to advertise for bids for Guide Rails for use of said Town as and when needed, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of January, 1996 and that bids be received up to 2:10 p.m. on the 16th day of February, 1996 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

- - -

The following resolution was offered by Mrs. Davis and seconded by Mr. Lenhardt:

WHEREAS, the Town desires to advertise for bids for Rental of Construction Equipment for use of said Town as and when needed, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of January, 1996 and that bids be received up to 2:15 p.m. on the 16th day of February, 1996 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

- - -

The following resolution was offered by Mrs. Davis and seconded by Mr. Lenhardt:

WHEREAS, the Town desires to advertise for bids for Milling for use of said Town as and when needed, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue on the 31st day of January, 1996 and that bids be received up to 2:30 p.m. on the 16th day of February, 1996 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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Highway Super-  
intendent  
Award bid for  
gasoline and  
fuel unleaded

The following item was a recommendation from Highway Superintendent, Gregg Sagendorph, for award of bid for unleaded gasoline and diesel fuel to Long Oil Heat, Inc., Albany, NY.

The motion was made by Mr. Putney and seconded by Mr. Johnson to award the bid of unleaded gasoline and diesel fuel to Long Oil Heat, Inc., Albany, NY as recommended by Highway Superintendent, Gregg Sagendorph. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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Highway  
Superintendent  
Award bid for  
Fuel Oil to Long  
Oil

The next item was a recommendation from Highway Superintendent, Gregg Sagendorph, for award of bid for fuel oil to Long Oil Heat, Inc., Albany, NY.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the award of bid for fuel oil to Long Oil Heat, Inc., Albany, NY as recommended by Gregg Sagendorph, Highway Superintendent. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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Highway  
Superintendent  
Award bid to  
Southworth-  
Milton diesel  
powered back-  
hoe-loader

The following item was a recommendation from Gregg Sagendorph, Highway Superintendent, for award of bid for one diesel powered backhoe-loader to Southworth-Milton, Inc., Albany, NY. The Supervisor noted in the correspondence, this was the low bidder for the equipment we needed. She stated everyone received a letter and asked Mr. Sagendorph if he would like to comment on this. Highway Superintendent Gregg Sagendorph said the letter came from a representative of Rupp Rental which was the low bidder as it appeared of the 6 vendors that submitted bids. He said he recommended award to Southworth-Milton, Inc., with the lowest bidder meeting our specifications. Rupp Rental did have a machine that met the

specifications, however, for some reason they chose to bid a machine smaller and lighter than what the specifications called for. Mr. Sagendorph said whenever possible he tries to buy equipment from State Contract. He said the State Contract has a backhoe-loader but, once again, that is similar to the machine but may even be a little smaller than the one Rupp Rental put in. That would have saved an additional \$12,000., Mr. Sagendorph said. He further noted there are reasons why they write the specifications as open as possible, try to make it as competitive as possible, to get good prices on this equipment. He said they also try to make it a level playing field. Mr. Sagendorph said he continues to recommend Southworth-Milton, Inc. They did meet the specification. He said if the Board so chooses, he would say if this is not acceptable, then all the bids should be thrown out and a re-bid done. He said he would do the same bid over again and put a second bid so the other vendors that did proceed and meet the specification, has the opportunity to bid a smaller machine as Rupp Rental did. Mr. Sagendorph said he preferred having the larger machine. Attorney Kaplowitz asked if Rupp did not meet the specification. Mr. Sagendorph said the bid did not meet the specification. Councilman Putney asked if Mr. Sagendorph was confident of the need of the specification. Mr. Sagendorph said he was. Councilwoman Davis complimented Mr. Sagendorph on the letters sent. She said if she received the letter she would understand very clearly why the bid was not accepted. Mr. Sagendorph said he attempted to clarify this situation and said one of them called and said they understood that.

The motion was made by Mr. Lenhardt and seconded by Mr. Putney to approve the award of bid for one diesel powered backhoe-loader to Southworth-Milton, Inc., Albany, NY as recommended by Gregg Sagendorph, Highway Superintendent. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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The next item was a recommendation from Commissioner of Public Works, Bruce Secor, for award of Materials bid as noted in his Memorandum dated January 16, 1996 to the various vendors indicated.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the award of bid for Materials as recommended by Bruce Secor, Commissioner of Public Works, as listed in his Memorandum dated January 16, 1996 to RAMSCO, Albany, NY; Vellano Bros., Latham, NY; and U.S. Pipe & Foundry, Burlington, NJ. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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The next item was a recommendation from Engineering Services Administrator, Michael Cirillo, for acceptance of deed for the Criswood Subdivision, Elm Avenue, Delmar, NY.

The motion was made by Mr. Johnson and seconded by Mr. Putney to approve the acceptance of deed for the Criswood Subdivision, Elm Avenue, Delmar, NY as recommended by Michael Cirillo, Engineering Services Administrator. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

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The next item was a recommendation from Deputy Comptroller, Richard Webster, for appointment of Building Maintenance Mechanic, Richard Hummel at a grade 12-1, annual salary of \$25,445, effective

Commissioner  
of public works  
award materials

Engineering  
Services accept-  
ance of deed for  
Criswood Sub-  
division

Comptroller  
appointment  
Richard Hummel  
Grade 12-1

February 5, 1996. Supervisor Fuller explained that Building Maintenance Mechanic, John Heere's retirement is effective February 3, 1996.

The motion was made by Mr. Putney and seconded by Mr. Johnson to approve the appointment of Building Maintenance Mechanic, Richard Hummel at a grade 12-1, annual salary of \$25,445, effective February 5, 1996. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.  
Noes: None.

Annual Report  
Parks and  
Recreation

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The next item was to acknowledge the receipt of the 1995 Annual Report from the Department of Parks & Recreation for information purposes. Supervisor Fuller thanked Mr. Austin, Administrator, Parks & Recreation Department and also special mention of all the volunteers and donations that are listed. The activity in the Town Park is very much appreciated, according to the Supervisor. She commented the picnic tables at the Henry Hudson Park, however, are another story. Mr. Austin said they went down the river. Councilwoman Davis asked if there was anything left of them due to the flood. Mr. Austin said some were lost, some were damaged but the ones under the pavilion were okay. Mr. Austin said the rest are down the river.

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The following item was to acknowledge the receipt of the 1995 Annual Report from the Building Department for information purposes. Supervisor Fuller noted the major increase in the Building Department is the senior housing.

Approval Final  
Plat No.  
160-F Olympian  
Gardens

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The next item was to acknowledge receipt of Certificate of Approval of Final Plat No. 160-F for Olympian Gardens, Section 2 from the Planning Board for information purposes.

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The following item was to acknowledge receipt of Conditional Approval of Final Plat for the Krumkill Manor, Extension 1 Subdivision from the Planning Board for information purposes.

Approval Town  
Board Minutes  
December 13 and  
27, 1995

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The next item was to approve the Town Board minutes of December 13, 1995 and December 27, 1995 as submitted.

The motion was made by Mr. Putney and seconded by Mr. Lenhardt to approve the Town Board minutes of December 13, 1995 and December 27, 1995 as submitted. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Noes: None.

Sharon  
Fisher  
Recycling  
Coordinator  
addresses  
the Board

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Supervisor Fuller asked if anyone would like to address the Board. Mrs. Sharon Fisher, Recycling Coordinator, thanked the Board for all their questions with regard to the public hearing on New Options on Waste. She said she felt they were very, very well done. She said she wanted to make a comment about the Hudson River. She said even if you have 12 hours notice and you think it is going to come a certain height, you do not have time to even clear out a house. She just wanted to make that clear. She said being on the flood plain, she believes portions of the Mississippi River flooded almost up to the same amount 2 years in a row and people thought that it would not happen again. So, you cannot predict how a river is going to react ever, no matter how many precautions are taken.

Supervisor Fuller asked Mrs. Fisher if the Household Hazardous Waste Day is May 18, 1996. Mrs. Fisher said this is correct. Supervisor Fuller thanked Mrs. Fisher and wished her good luck.

Supervisor Fuller said along that line she wished to extend a special thanks to everyone who worked very hard for a very long period of time, quickly put into action, when the storm started Friday afternoon. Supervisor Fuller noted special thanks to Gregg Sagendorph, Highway Superintendent, and his crew who have dealt with snow and trees and rain and water. Superintendent Sagendorph said he is afraid for the sun to come out.

Supervisor Fuller extended a thanks to everyone who worked during the storm

Councilman Johnson added a personal note to that. He said he drove the senior van on Friday, so he heard the activity all day long over the radio, left the Town Hall, was home for 15 minutes and the fire siren started and met Gregg along the way with wires down and everything else about 8 p.m. He said when he was coming home 3 a.m., the salt trucks were out. He said we were well taken care of for a long period of time. He thanked Gregg again for a great job.

Councilman Putney said he wanted to add a personal note of thanks to the many people from the town who aided in the flood plain. He said it was very helpful and thanked them. Highway Superintendent Sagendorph said it is a very dedicated staff and it is not only highway workers but DPW staff, the parks workers helped with Roger Griffith's house. All the town employees and all the volunteer fire people. Mr. Sagendorph noted Supervisor Fuller wrote a letter to him and his workers. It is on the bulletin board tonight and it is very much appreciated. He said he will pass on the other accolades to them. Supervisor Fuller noted thanks also to the Sewer and Water Department also. She said she also sent a letter to them.

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Supervisor Fuller asked for a motion to adjourn to Executive Session for negotiations.

The motion was made by Mrs. Davis and seconded by Mr. Putney to meet in Executive Session following the close of the regular Town Board meeting. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.

Noes: None.

Executive  
Session

No action

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The motion was made by Mr. Lenhardt and seconded by Mr. Putney to adjourn the regular Town Board meeting at 9:26 p.m. The motion was passed by the following vote:

Ayes: Mrs. Fuller, Mr. Putney, Mr. Lenhardt, Mrs. Davis,  
Mr. Johnson.

Noes: None.

*Kathleen A. Newkirk*  
Town Clerk

EXECUTIVE SESSION

There was no action at the Executive Session.