

TOWN BOARD
JANUARY 27, 1992

A special meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 1:00 p.m.

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

ABSENT: Bernard Kaplowitz, Esq., Town Attorney

The Supervisor asked if anyone wished to make a motion to adjourn to executive session. Councilwoman Galvin requested that before the Board meet in executive session, she might be allowed to make a statement. Supervisor Ringler acknowledged Ms. Galvin and asked that she continue.

MEMORANDUM

To: Kenneth Ringler and Members of the Town Board
 From: Madeline Sheila Galvin
 Dated: January 27, 1992
 Re: Town Board Policies

Discuss
 Town Board
 Policies

It has come to my attention that a meeting of the Town Board of the Town of Bethlehem is to be held at 1:00 P.M. on the afternoon of this date for the purpose of adjourning immediately into Executive Session to consider the name of one (1) candidate for the position of Town Justice for the Town of Bethlehem to fill the vacancy created last Wednesday, January 22, 1992, by the resignation of Roger Fritts. During the fall of 1991, this Board considered numerous candidates to fill several vacancies for positions in this town to which the Town Board ultimately appointed persons to fill those vacancies. As a direct result of statements made by Councilman Gunner, which statements were well taken, relative to the methods used by the Board for the completion of the appointment process, it was my understanding that this Board adopted a policy, at least in the form of an informal agreement among the members of this Board, that prior to any future appointment, this Board, as a whole, would interview at least three (3) candidates for each such position before appointment was made by the Board to fill such position.

The above stated policy has been followed by this Board in the selection process until the present time. The method employed by the Supervisor appointing a selection committee, which committee included members of the Board, to review resumes, conduct preliminary interviews, narrow the applicant pool and submit a final list of candidates for interview by the entire Town Board was followed in the case of the appointment Police Chief as well as in the very recent case of the appointment of the new Comptroller. The vacancy for the Town Justice position has occurred at a time early in Roger Fritts' term. As we all are aware, there will be an election to fill that seat in the fall at which time political parties will be entitled to nominate and to endorse their choices for that position; however, at the present time, this Town Board is filling a vacancy, much the same as we have filled the two vacancies enumerated above. The fact that the position of Town Justice ultimately is an elective position in no way negates the fact that, at the present time, this Board is FILLING A VACANCY and each member of this Board has an obligation to fulfill the oath of office which each one of us took at the time of our swearing in as Town Council members to uphold the laws of the State of New York and to perform our duties to the best of our ability.

I fully understand the political concerns of the Republican party in this town and the concerns of its Chairman that a candidate acceptable to the party and a candidate who is capable of being elected is selected to fill that position, and as a duly elected member of the Republican Committee of this town, I have appreciation for the position of the committee; however, as a duly elected member of the Town Board, it is my duty to assure that I have complied with the law and have

served the interests of the citizens of this town to the best of my ability. To the end of performing my duty, I raised the question, which I believed at the time and still believe to be appropriate, at the Town Board meeting on January 22, 1992, questioning when the Board was to interview the candidates for the position of Town Justice. I was surprised to be questioned in this regard and shocked at Councilwoman Fuller's aside statement to Supervisor Ringler that she believed that it was up to the Republican Committee to select the person to fill that vacancy. This statement, however, may have flowed from Supervisor Ringler's statement to the press in the January 8, 1992, The Spotlight that the Republican Committee would advise the Town Board of who the selection would be. See attached copy of page 14 of The Spotlight, annexed hereto and marked Exhibit "A." When I initially read that comment, I believed that the Supervisor either had been misquoted or had been misunderstood by the press. Since this Board's policy had been clear until this point, I did not see the need to raise the issue. I fully anticipated that one or more candidates would be submitted for consideration to the Town Board by the Republican Committee of this town; however, I never anticipated that this Board ONLY WOULD INTERVIEW ONE CANDIDATE for the position of Town Justice. If the process of accepting without review, the dictates of any political party is to be followed, especially after the adoption of a policy designed to give full and fair review in the selection process used by the Board, it marks not only a total disregard of the citizens of this town who rightly expect the highest standards from their Town Board, but also is reminiscent of the hallmark tactics of the supposedly late-lamented Democratic machine. In no way disparaging the qualifications of the person proposed by the Republican Committee, all candidates who presented themselves for consideration were qualified, the process of open government should not be sacrificed on the altar of political expediency. The mood of the voters as shown in November is that they expect and will demand the highest standards of those who represent them at all levels of government. The voters will insist that those standards are met by their officeholders, or there are other qualified people who can and will do the job.

At the conclusion of the Town Board meeting on January 22, 1992, in a discussion in relation to time availability and scheduling of the interview meeting, in the presence of Councilman Gunner, Supervisor Ringler indicated that a meeting would be scheduled for the afternoon of Monday, January 27, 1992, and Supervisor Ringler stated in words or substance that he would contact someone in an official capacity on the Republican Committee to inform them that the Board would be interviewing three (3) candidates on the 27th and that if the Committee wished to submit three (3) names, the Committee could do so and the Committee could rank those individuals as to the votes received in the Committee and submit that information to the Board, if the Committee wished to do so. It was left open as to what selection committee method Supervisor Ringler intended to employ for the purpose of narrowing the candidates for final consideration by the Town Board. It also was unclear as to who on the Republican Committee Supervisor Ringler intended to contact since the Town Attorney/Republican Committee Chairman Kaplowitz was recovering from surgery.

I was amazed to discover when, as a duly elected member of the Town of Bethlehem Republican Committee, I attended the meeting on Thursday, January 23, 1992, at the Firehouse in Glenmont, New York, that no one had advised anyone in any capacity on the Committee of the interview process to be conducted by the Town Board. Since the adoption of the informal policy by this Board in the fall of 1991 to interview at least three (3) qualified candidates for each position, I had not received, as a Committeeman, any notification from Chairman Kaplowitz advising the Committee of this policy of the Town Board so that the Committee could be aware of this important, progressive step taken by this Board, Chairman Kaplowitz was fully aware of the interview policy which had been adopted and employed by this Board since he participated as Town Attorney in meetings of this Board at which the matter was discussed and since he sat on the selection committee for the appointment of the Police Chief which selection committee forwarded four (4) names to the Town Board for its consideration in the appointment process. Despite the lack of notification to the Committee of the interview policy of this Board, I did not believe that it was my place to usurp the authority of Chairman Kaplowitz and advise the Committee of this policy myself. On the night of Thursday, January 23, 1992, when it became clear to me that the committee, for one reason or another, had not been advised of this

policy, and in reliance on the discussions which had taken place both at the Town Board meeting on the record and following that meeting relating to scheduling, I believed that, both as a member of the Town Board and as a member of the Committee, I had an obligation to and a duty to advise the Committee of what I believed to be the policy of this Board in good faith reliance on an established policy of this Board and in good faith reliance on an established policy of this Board and in good faith reliance on the Supervisor to honor his word. When I informed the Committee of what I believed to be the policy of this Board, I was greeted with hostility and personal attack. At no time did I indicate to the Committee that their selection or selections would not be given due consideration by this Board. On the contrary, I indicated to the Committee that the Board requested a ranking of candidates as had been indicated to me by Supervisor Ringler as his preference for the selection process.

Following an extremely vitriolic discussion by the Committee, which Committeeman James Ross repeatedly stated was aimed at me, personally, and in the presence of approximately 55 Committee members, including all members of the Zoning Board of Appeals, Counsel to the Planning Board, and several "deputy attorneys," all of whom are persons subject to Town Board approval and appointment, either directly or indirectly through the budget approval process, as well as in the presence of numerous town employees who also happen to serve as Republican Committee persons, a voice vote was taken in direct conflict with the Republican County Committee Rules, and the decision made to submit one (1) name to the Town Board for appointment to the position of Town Justice. During the course of consideration of the topic, references were made by several Committee members to the fact that the person in question would have to stand for election, and therefore, the Committee had the RIGHT to designate its candidate. As I stated for the record before the Committee, it is my position that the Committee has an absolute right to designate the person whom the Committee wishes to nominate to stand for election for that position in the fall election; however, I reminded the Committee of the duty of this Town Board with regard to appointments and indicated again that the Town Board was FILLING A VACANCY and appointing a person to fill that position, this was NOT A NOMINATION for endorsement for the fall election by the Committee; rather, it was an action by the Committee acting in an advisory capacity solicited by the Supervisor and submitting a name or names to this Town Board for consideration.

I publicly was accused by Committeeman Ross of having a "hidden agenda." Committeewoman Fritts, wife of outgoing Town Justice Roger Fritts, made statements regarding the functioning of the Town Board, including but not limited to the fact that the Town Board had not FORMALLY VOTED to schedule a special meeting, but only had discussed the matter when raised by me at the Town Board meeting. Additionally, Committee woman Fritts made specific reference to conversations among Board members relating to the scheduling of the interview meeting and a lack of consensus among Board members concerning how the matter was to be handled. I find it most surprising that Committee woman Fritts was able to quote chapter and verse of what happened at a Town Board meeting which she did not attend and for which I, as a Town Board member have yet to receive typed minutes, and even more surprising to find that she was able to relate information dealing with timing and scheduling of the interview process which discussions took place in Town Hall following the Board meeting after the meeting had been adjourned and all members of the public had departed from the meeting room leaving only Board members present. All points raised herein can be documented in the event that there exists any question regarding my veracity on the part either of Board members or Supervisor Ringler.

Committeeman Ross also alleged conflict of interest on my part since one of the candidates for consideration by the Republican Committee had used my office address for the purpose of certain part time practice of law in which he engages outside the scope of his employment by the State of New York, which side practice is known to and sanctioned by his employer. First, it should be noted for the record that the candidate in question, following the personal attacks launched by certain members of the Committee, vigorously pursued by Committeeman Ross, and the intense reaction of the Committee, withdrew his name from consideration by the Committee. Committeeman Ross imputed illegal intentions to me and slanderously made public statements impugning my honesty, veracity and integrity. For the record, despite the fact that it was and is my position that no conflict of interest existed or exists with respect to the

consideration of the candidate in question, had that candidate been one of the three (3) candidates to be considered by this Board, it was my intention and agreed position with that candidate from the start, to abstain from participation in any vote involving that candidate. Again for the record, it is my opinion that it is a gross miscarriage of the political process when a fully qualified candidate, in fact, based upon information in my possession, the only one of the eleven (11) candidates considered by the Republican Committee receiving a letter of recommendation from a United States District Court Judge for the position, which letter of recommendation is a matter of public record, Supervisor Ringler having been copied on the letter to Chairman Kaplowitz, is forced to withdraw his name from consideration due to defamatory personal attacks launched on a Board member whose office address such candidate uses for professional work relating to his earning a living. The candidate involved openly had disclosed the location of his practice to all members of the Committee in an attempt to avoid any allegations relating to that fact. Committeeman Ross' alleged standards of conflict of interest have no basis in law or in fact; however, I fully intend publicly to apply the proper legal standards to all town employees. The public has the right to expect town government to meet the highest standards. These matters are central to open government and shall be part of the public record and will not be confined to executive sessions. In the event that Committeeman Ross' standards of alleged conflict or appearance of conflict are to be adopted by this Board, then I formally will request full investigation of and evaluation of all persons holding paying positions with this town and their relationship(s) with persons either sitting on this Town Board or acting in a paid advisory capacity to this Board, including but not limited to Town Attorney/Chairman Kaplowitz and all those persons EMPLOYED by his office who also receive pay checks from this town either through direct appointment by the Board or through his Town Attorney's budget.

I have been a member of the Republican Committee of the Town of Bethlehem for in excess of ten (10) years. The Current group of party leaders once were known as reformers and they divided the party properly from the town government. Unfortunately, unfettered power over a period of years appears to have led to a belief that the party runs the town from the Supervisor's position on down. I, for one, will not serve as an unthinking rubber stamp for any group. As I stated during my campaign for the Town Board seat to which I was elected, I chose to fund my campaign myself so that I owed no debt to any person or group. I acknowledge the support which the Republican Committee gave to me at that time by nominating me for the office and providing me with the opportunity to run on the Republican line and I supported then, as I do now, the basic principles of the Republican party; however, under no circumstances am I willing to sacrifice my belief in the underlying principles of open, honest and good government for the benefit of any individual person or group. As Mike Hoblock told the audience at the Annual Dinner of the Town of Bethlehem Republican party recently, if the Republican party fails to deliver needed reforms this year, the voters can and will vote them out. A public return to the "bossism" of the past will be the death knell of the Grand Old Party of this town. I for one have no intention of participating in the wake of the party. The recent Republican victory provides the party with an opportunity to demonstrate the good government it has preached for years; however, if the roots of that party are corrupt, the opportunity will be lost with decisive defeats in the County Legislature this November. I do not believe that this Board should be responsible for that lost chance.

Returning to the immediate issue which has prompted this memorandum, it is my position that this Board, albeit informally, adopted a policy in the fall of 1991 for the interviewing of candidates to fill vacancies and for appointment to various positions for which this Board has the authority to appoint. Whether or not a position ultimately is subject to election at a later time, if this Board is FILLING A VACANCY, then it is the responsibility of this Board to do so in accordance with law. Pursuant to the terms of the Public Officers Law, Section 2, Town Board members are included in the definition of "local officer" subject to the terms and provisions of that law. Since the office of Town Justice is elective, pursuant to the terms of Section 31(5), notice must be given to the State Board of Elections by the official receiving such resignation. Section 42 of the Public Officers Law deals specifically with the filling of vacancies in elective offices and specifies the filling of the position at the fall

election in cases synonymous with the pending matter, with the Town Board being vested with the authority to fill such vacancy in the interim. The Oath of Office taken by each of us when sworn in to sit in our respective capacities on the Town Board, pursuant to Article XIII of the New York State Constitution included in pertinent part the following statements, "I do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability." Part of supporting and upholding the Constitution of the State of New York, in my opinion, is adherence to the laws of the State of New York, including but not limited to both the Public Officers Law, as above stated, and the Election Law of the State of New York. With respect to the Election Law, it is my opinion that Section 17-158 is directly in point. Copy annexed hereto and marked Exhibit "B." Despite the fact that I have fully legally researched the questions in point, at this time, I will refrain from providing full case citations and submitting a full memorandum of law on the subject; however, absent adherence to the "informal" policy has been followed since its inception until this time, and with the public statements made by other members of this Board and by the Supervisor relating to the selection process for this position, I will abstain from voting to fill the vacancy created by the resignation of Roger Fritts in the position of Town Justice for the Town of Bethlehem.

I fully anticipate that retaliatory steps may be taken against myself, my family and those persons affiliated with me for my publicly taking the position of attempting to do my duty as a duly elected public official; however, I hereby put anyone attempting to use their official capacity or any politician position to attempt any such action on notice that I shall take any and all legal action available to me to assure the protection of my rights, the rights of my family and the rights of those persons affiliated with me.

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Supervisor Ringler said he had a couple comments and any comments any Board member might wish to make are certainly appreciated in regard to Councilwoman Galvin's statement. He said (1) he is fully aware of the oath of office and his responsibilities that go along with this job; (2) he believes that we have to get the best qualified people in Town government and he thinks they strive to do that; (3) he does not think what has been done or what he is suggesting to do is in violation of our procedures. He feels that perhaps some discussion of the procedures after the last meeting as to whether or not this applied to elective people. He asked for comments on this to see if he understands exactly where the rest of the Town Board is coming from. He said he thinks there still remains some confusion on that and he said he thinks they attempted in their discussions on people that we are going to hire to come up with a process that they can deal with and allows input and allows us to come up with good candidates.

When this was brought up at the Board meeting last week by Ms. Galvin to him, he said he would go on record and he said he was very explicit in his comments, he said he was looking for the nomination of the Republican Committee because he felt it was an elected office and that the process by which the Republican Committee selects candidates was a good process, he was part of that process and he was fortunate to be here as a result of the process. He said there has been an attempt in discussion to come up with a review of people by setting a process to deal with this situation. Mr. Ringler said he has been looking for their advise and counsel and who they would recommend. He feels the recommendation from the Republican Committee is an outstanding candidate. He said under Town Law Section 64.5, there is an obligation to appoint a qualified person to fill the vacancy and that is what he thinks the Board is looking to do here. The process by which they have come up with a name for the Board, and their recommendation is a process, a very open process. It is a process by which people are invited by the newspapers to come in and make presentations, according to Mr. Ringler, He said it is a process by which they interviewed 11 candidates, made a presentation and it is the man whose name came up and you have received a resume in the packets this week. He noted when he and Ms. Galvin talked prior to that Ms. Galvin said we should interview the candidate but maybe he misunderstood at that point in time. Supervisor Ringler noted that Councilwoman Galvin had a meeting

with him earlier that day and he indicated if she recalled, she made the suggestion and it was a good suggestion. Quite frankly, the Supervisor said, he was interviewing this candidate and he knew this individual but he did not know how many people knew this individual.

Supervisor Ringler noted when 3 candidates were mentioned at the Town Board meeting he was surprised. He was not so sure that was what was talked about initially. As they talked after the meeting, he thought informally, that the question was asked if there was a line between appointed and elected in the process. He said he feels there is a line and this should be looked at. If this was done where one person came in there and whispered into a Supervisor's ear and this is the one we are going to put in, this would not be right. He stated emphatically that he is not a rubber stamp for anybody. He said he resented this comment, to be honest, and said he thinks everyone in the room knows that. He added he does not feel the Town Board is either. He said it never has been and this Board never will be. He said they are all a part of a political process, an open political process, a process that has brought all the members to the table to represent the people of the Town of Bethlehem. He said he was not going to knock this process. He said he thinks it has worked very well.

Supervisor Ringler said he had one other comment -- after that meeting he was concerned that perhaps there was something in the Public Officials Law that required the Board to go through something which was suggested and, therefore, so he asked Mr. Alessi to review it for him. He noted this was necessary due to Mr. Kaplowitz not being available in light of his recent surgery. He said there is no obligation in the Public Officials Law other than to appoint a qualified person. He said he did think the recommendation is that. He said he did notify the Acting Chairman of the Committee that morning that the Board had talked about this, that was Mrs. Bardwell. He further said this was the only person on the Republication Committee because Mr. Kaplowitz had surgery and he could not talk to him prior to the meeting. He said the only discussion, as he recalls with anybody on the Committee that day was with Mrs. Bardwell, he told her that according to the information we may have to interview 3 candidates. If the Committee would like to submit the 3 and rank them and that was the only contact, according to Mr. Ringler. This was so the Board could understand where he stood initially. His feeling was that he asked Mr. Bishko to be here this afternoon as far as going into Executive Session. He said he would like to suggest the Board eventually do that if anyone had any questions of this individual. He asked if anyone else had any other comments.

Councilwoman Fuller asked if the previous policy was set up for everyone. She asked if he had a copy of the policy and further asked if it said it was for everybody. She said she thought it was a result of appointments in Town that are appointed. Supervisor Ringler said this was when it was set up. He said there was a discussion on it. He said he is a very open Supervisor and noted he was interested and will continue to be interested in the opinions of the Board and people who they would like to select. He said there were some discussion and he wrote up a memorandum as follows:

M E M O R A N D U M

TO: TOWN BOARD MEMBERS
 FROM: KENNETH J. RINGLER, JR.
 DATE: August 16, 1991
 SUBJECT: BOARD APPOINTMENTS

As a follow-up to our recent discussions regarding board appointments, I thought it might be good for me to put my understanding of our discussions on paper.

Effective immediately, I will begin developing a resume file. I will fill this file with resumes provided from you or other sources. I would suggest that if you are talking to people whom you think might be interested in being involved in town government their particular interest be indicated on their resume. When there are appointments to be filled, I will alert the Board to this and bring all the resumes available to us to you for consideration. At that time, the Board will determine who should be interviewed for the position. The interview

will either be done by myself and a liaison for the particular department or if the board so desires by the full board. This can be on a case-by-case situation.

If the interview is done by myself and just the liaison and the board is not satisfied with our recommendation and they wish to interview candidates after we have gone through our process, they will be able to do so.

In summation, let me say that, I think that this clarifies the matter and I think that this will be a process that will work and be beneficial to all of us. I know our goals are the same, we want the best possible candidates to fill positions. If you have any questions, or if there is anything incorrect in this memo, please contact me.

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Supervisor Ringler noted it does not specify elected and appointed and he feels this should be clarified. He noted basically this is what was said. Again, as he said the other night when this was brought up, he did not think this pertained to elected positions. Councilman Gunner asked the Supervisor the date of the previous memorandum that was read. Supervisor Ringler responded August 16, 1991. Mr. Alessi asked if he could see the policy, noting he had not seen it in advance.

Councilwoman Fuller said the policy was agreed upon but it was not voted upon. Mrs. Fuller said Ms. Galvin had mentioned a side comment that she made to the Republican Committee. She said it was not a side comment and Mrs. Fuller said frankly, she did not care who comes into the room, it does not mean that because the Committee is sending someone that she has to support that individual. She thinks the confusion was generated from the fact that we did know it was going to the Committee at least 2 or 3 weeks prior to this. She said they all sat and discussed it and yet no one wanted to interview anyone at this point. She said she assumed the Board would have the recommendation of someone but stated she is never a rubber stamp. Mrs. Fuller said she does not like some of the accusations that were made and, as far as Mrs. Fritts is concerned, she did say that she spoke with Mrs. Fritts. She said Mrs. Fritts is a member of the Committee and was all excited about going to her meeting that evening and she told her she would be sending 3 names forward. She wanted to know if it was voted on and Mrs. Fuller told her it was not.

Supervisor Ringler asked if there was anything further noting he knew everyone was thinking. Councilman Gunner said he was trying not to say anything before he had some thoughts put together on this. He said he had a couple questions for Ms. Galvin. He asked what the violation was in regard to the County rules. Ms. Galvin said there were several violations in the Committee of the County rules but she was not sure it was appropriate to go into them at this time. Councilwoman Galvin said it was not the Committee. In other words, Mr. Gunner said, she would have to tell what happened that violated the County rules. Ms. Galvin said yes. Mr. Gunner said there was a statement in there about the lack of consensus about some Board members, asking if she remembered that. He said he wrote it down but forgot where it came up. Ms. Galvin said it referred to comments made by Committee woman Fritts. There was a lack of consensus among the Board members as to how this matter would be handled, Ms. Galvin noted. Councilman Gunner said he would pass for the moment but he may have a comment later.

Councilman Webster noted he did not know this took place. He said this is the first he heard anything about the committee meeting. He said he was a prior member of the Committee and therefore, he had no comments. Mrs. Fuller asked Mr. Webster what took place. Mr. Webster said the alleged attack on Councilwoman Galvin. Councilman Gunner said he is very concerned about what has happened. He felt it was not necessary. He said if there was good talk and conversations this could have been avoided. He said it does not appear that good communication took place. He said he is sorry that the Board has to be here doing this this way.

Councilwoman Fuller said if there had been a vote on everything that was done regarding the policy, a vote would have helped to solve

the problem. She said it would have been better to discuss this before instead of after the meeting.

Supervisor Ringler asked if Mr. Webster or Mrs. Fuller had anything else they wanted to add. They did not. Mr. Ringler said the meeting was called to handle two issues, the intention of going to executive session for an opportunity to meet with the proposed candidate who is here, if the Board wished to and he would entertain a motion to go to Executive Session.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to recess to executive session to discuss a personnel matter. The motion was passed by the following vote:

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

Supervisor Ringler reconvened the special meeting at 1:35 p.m. He noted the Town Board has interviewed Mr. Bishko. The motion was made by Mr. Gunner and seconded by Mrs. Fuller that Peter Bishko, he and he hereby is appointed Town Justice at an annual salary of \$25,580., effective immediately, through December 31, 1992.

Councilman Gunner asked Mr. Alessi what, if any, obligation in this matter exists. Mr. Alessi said he had researched the issue and went through the law but had not had an opportunity to research the Election Law provision that Ms. Galvin cited. Although he read through it and could not find anything there that would preclude or render invalid any aspect of the motion that is currently on the table. He said in his judgement what the Board is doing with regard to the appointment of this elected position is valid under the law. He said to the extent the Board wants a further, more specific basis, he is prepared to render the basis for that but he had no problem with answering this question directly at this point.

Appoint
Town
Justice

The motion was passed by the following vote:

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

Councilwoman Galvin asked to let the record reflect that her abstention in no way is reflective of the legal abilities or her opinion of the proposed nominee for this position. She said he is eminently well qualified as stated in her memorandum.

Supervisor Ringler said the next item on the agenda was to appoint members of the Board of Assessment Review. He explained the need for this action at this time is due because there are 3 weeks between the meetings and each of the candidates need to be trained for this position.

Appoint
Members -
Board of
Assessment
Review

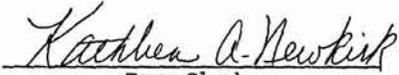
The motion was made by Mr. Webster and seconded by Mr. Gunner that Raymond Russum and Ruth Bickel be and they hereby are appointed members of the Board of Assessment Review, effective immediately. The motion was passed by the following vote:

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

Ms. Galvin requested that abstention be noted and stated again that there is no reflection on the qualifications in regard to these appointments.

The Supervisor asked if there was anything else to come before the Board at this time. There was nothing. The motion was made by Mr. Gunner and seconded by Mrs. Fuller to adjourn the special meeting of the Town Board at 2:00 p.m. The motion was passed by the following vote:

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


Town Clerk