

TOWN BOARD
JULY 8, 1992

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

PRESENT: Kenneth J. Ringler, Supervisor
Frederick C. Webster, Councilman
M. Sheila Galvin, Councilwoman
Charles Gunner, Councilman
Sheila Fuller, Councilwoman
Bernard Kaplowitz, Esq., Town Attorney
Catherine T. Picarazzi, Deputy Town Clerk

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Supervisor Ringler welcomed everyone to the regular meeting of the Town Board indicating there is no public hearing, per past practice as the Board discusses items on the agenda at the end of the discussion if anyone has any question regarding anything, as time permits, if you raise your hand, they will try to answer it for you. He said at the end of the meeting any item that you would like to bring to the attention of the Board may be done.

Supervisor Ringler said the first item was acknowledgement of the Report from Capital Improvements Committee. He said as the Board knows, last year they put together a Capital Improvements plan and each year that is supposed to be looked at and updated and so forth. As they can see, many of items that are being suggested for this year, according to Supervisor Ringler, are very similar to last year. He said some of them were not done because of fiscal constraints and so forth. The Supervisor suggested, at this point in time, that he thinks as far as making a capital improvement expenditure this year, his recommendation is that they do it in the context of our budget in the fall so that we know and we can look at what the tax rates are going to be and what effect this really would have on the taxpayers in the upcoming year compared to any other ordinary expenses that might want come into play. He further said he asked the people -- a lot of these costs, as you can see, are estimated costs -- the staff is proceeding trying to tie down actual costs and so forth and putting the packages together on the computerated dispatch system and as you can see the fire training -- he said they have ask for some more direct figures there. The Supervisor said you will get the emergency power situation and so forth. He said when the Board does look at it, we will have the exact numbers. He further said they will also be able to look at it in the context of our total budget picture.

Acknowledge
Report from
Capital
Improvements
Committee

Councilman Gunner said it will be interesting to know whether the capital improvements for the fire tower have anything to do with the litigation. Supervisor Ringler said no. Councilman Gunner said he was just curious if there was something with that. Councilman Webster said no, there were no Town departments involved in that situation. Councilman Gunner said he realized that, he thought there was something. Supervisor Ringler said it seems to him as he recalls that was a hose of theirs that broke or something. Councilman Gunner asked of theirs. Supervisor Ringler said he believed so.

Supervisor Ringler asked if there were any other questions on that. Councilwoman Galvin said she had a couple of questions on the fire station but she believes that those probably will be answered when the further breakdown comes in. Supervisor Ringler said that was right, exactly. He asked if there were any other questions. There were none and the Supervisor thanked the Comptroller and the Committee.

Supervisor Ringler said the next item on the agenda was to approved the Town Board minutes of May 27, May 29, June 2, June 10 and June 24, 1992. The Supervisor asked the Deputy Town Clerk about a correction one of the Town Board member's requested. Mrs. Picarazzi indicated there was a correction on the minutes of May 27

Approve
Minutes
5/27, 5/29,
6/2, 6/10,
6/24

-- a name mistake that will be corrected -- and also on June 24 -- there is a sentence structure that will be corrected. She noted they were minor corrections. Supervisor Ringler asked what they are because the Board might be interested in what they are. Mrs. Picarazzi said the May 27th correction, she believes Mr. Webster was present and Mr. Gunner was absent. She said the sentence structure on page 7, third paragraph down, after information it should read "information and belief that there is no such road".

Supervisor Ringler asked if there were any questions. Councilman Gunner said not necessarily for a correction but just for explanation and maybe he should let Mr. Ringler -- he said he did not understand the meaning of that sentence was. He said it did not seem to fit. Supervisor Ringler said it had to do with the meeting and have it corrected also of June 24th, has to do with the resolution that Ms. Galvin introduced at that meeting and the first sentence says Mr. Ringler commented that Councilwoman Galvin was right period -- he indicated this was not what he was trying to say -- what he would like to correct that to read is: Mr. Ringler said Ms. Galvin was right, she certainly surprised everyone. Mrs. Picarazzi stated it will be corrected.

The motion was made by Mr. Webster and seconded by Mrs. Fuller that the minutes of May 27 and June 24 with corrections, May 29, June 2 and June 10 1992 be approved. The motion was passed by the following vote:

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

Approve
Construction
Trailer -
Devonshire
Hills Subd.

Supervisor Ringler said next is a recommendation from John Flanigan, Building Inspector, for approval of a construction trailer for the Devonshire Hills Subdivision in Slingerlands.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that a trailer permit be issued to Landale Development Corporation, Albany, New York for the Devonshire Hills Subdivision in Slingerlands, Town of Bethlehem with stipulations and location as per the application. The motion was passed by the following vote:

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

Approve
Polling
Locations
1992
Elections

The Supervisor said the next item was a resolution to approve the polling locations for the 1992 elections. Councilwoman Galvin said she had one question on that. She said she has spoken to Mr. Cirillo about -- in fact, she spoke to him today about the problems with the existing county legislative lines and he indicated the problem is definitely with them and there are many problems with how they drew their maps and what description is to control but her question is -- does this as presented reflect the change that we adopted at our June 30th meeting. She said she was unclear as to whether or not these polling places were still the same after the change that we made with respect to the 26th and the 1st. Town Clerk Newkirk indicated from what Mr. Cirillo and she had discussed in regard to the locations, the locations would remain the same. She said they do not necessarily have to be within the election district so they remain the same.

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

RESOLVED, that in accordance with Election Law, Article 4, Subdivision 4-104, the Town Board of the Town of Bethlehem, hereby designates the following named locations as polling places for any election to be held in the Town of Bethlehem effective May 1, 1992 through April 30, 1993, and

BE IT FURTHER RESOLVED, that the accessibility for physically handicapped voters for each designated polling place is hereby indicated:

<u>ELECTION DISTRICT</u>	<u>POLLING PLACE</u>	<u>ACCESSIBLE TO HANDICAPPED</u>
1	Slingerlands Fire Hall	Yes
2	Bethlehem Public Library	Yes
3	First United Methodist Church	Yes - Separate Entrance on side towards Tebbutt's Funeral Home.
4	Elsmere Grade School	Yes - Separate Entrance on Herrick Ave. side of building.
5	Selkirk Fire Hall No. 2 Glenmont	Yes
6	Selkirk Fire Hall No. 1 Selkirk	Yes
7	Selkirk Fire Hall No. 3 So. Bethlehem	Yes
8	Elsmere Fire Hall	Yes
9	Delmar Fire Hall	Yes
10	North Bethlehem Fire Hall	Yes
11	Hamagrael School	Yes
12	Bethlehem Central High School	Yes
13	Bethlehem Central Middle School	Yes - Separate Entrance to left of main door.
14	Parks & Recreation Bldg., Elm Avenue Park	Yes
15	Slingerlands Grade School	Yes - Separate Entrance on Union Avenue side.
16	First United Methodist Church	Yes - Separate Entrance on side toward Tebbutt's Funeral Home.
17	St. Stephen's Episcopal Church	Yes
18	Town Hall Auditorium	Yes - Separate Entrance at rear, east side of Bldg.
19	Bethlehem Historical Museum	Yes - Ramp Entrance on Route 144.
20	Educational Services Center	Yes

<u>ELECTION DISTRICT</u>	<u>POLLING PLACE</u>	<u>ACCESSIBLE TO HANDICAPPED</u>
21	Elsmere Grade School	Yes - Separate Entrance on Herrick Ave. side of Bldg.
22	Glenmont Grade School	Yes
23	Bethlehem Central High School	Yes
24	Becker School (Ravena-Coeymans-Selkirk)	Yes
25	Delmar Fire District Annex	Yes
26	Slingerlands Grade School	Yes - Separate Entrance on Union Avenue side.
27	Community Room - Bethlehem Terrace	Yes

and

BE IT FURTHER RESOLVED, that in accordance with New York State Election Law, Section 5-202 (Sub. 5) Registration Day(s) in the Town of Bethlehem will be consolidated into two locations as follows:

Town Hall Auditorium - Districts
1,2,3,4,8,9,10,11,12,13,15,16,17,18,20,21,22,23,26,27.

The motion was passed by the following vote:

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

Approve
Construction
Trailer -
Indian Hills
Subdivision

Supervisor Ringler said the next item was a recommendation from Mr. Flanigan for approval of a construction trailer in the Indian Hills Subdivision.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that approval be given to Robert Marini Builders, Inc., Albany, New York for location of a construction trailer in the Indian Hills Subdivision in North Bethlehem. The motion was passed by the following vote:

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

Approve
Transfer
of Funds
Highway
Dept.

The Supervisor said the next item was a request from Gregg A. Sagendorph, Highway Superintendent, for approval of transfer of funds from account A3310.4 signs and signals, contractual to A3310.2 signs and signals, equipment in the amount of \$6,000.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller to approve the transfer of \$6,000. from A3310.4 signs and signals, contractual to A3310.2 signs and signals, equipment. The motion was passed by the following vote:

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

The following item, according to Supervisor Ringler, was a recommendation from Mr. Sagendorph, Highway Superintendent, to award the bid for one leaf vacuum machine, indicating the money was in the Highway Department budget last year.

Award Bid
Leaf
Vacuum
Machine

The motion was made by Mr. Gunner and seconded to Mr. Webster to award the bid for one leaf vacuum machine to Tarrant Manufacturing Co., Saratoga Springs, New York in the amount of \$13,919. The motion was passed by the following vote:

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

Supervisor Ringler said the next item was a request from Highway Superintendent, Mr. Sagendorph, to dispose of one vehicle at auction by Northway Auto Exchange in Clifton Park, NY.

Approve
disposal
of vehicle
at Auction

The motion was made by Mr. Gunner and seconded by Ms. Galvin that one 1987 Dodge Diplomat from the Engineering Department be disposed of at auction by Northway Auto Exchange, Clifton Park, New York. The motion was passed by the following vote:

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

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

Approve
Seasonal
Personnel

The motion was made by Mrs. Fuller and seconded by Mr. Webster that the persons listed on the memorandum dated July 8, 1992 from David Austin, Administrator of Parks & Recreation Department be and they hereby are approved for appointment. The motion was passed by the following vote:

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

Supervisor Ringler said the following item was a recommendation and presentation regarding the Delmar Village amended final plat and engineer's map, plan and report for water district extension. Supervisor Ringler asked Mr. Secor to give a brief overview of what is being proposed at this point in time. He said basically it is to set a public hearing but just to give the Board the background might be helpful.

Mr. Secor said he has been trying to straighten this map out. Mr. Secor said Paul Hite is here and Mr. MacFarland also and Mr. Hite is prepared to go over the changes to this map and indicated he is more aware of that than he is. He said he would let Mr. Hite do that part of it and then the water district extension can be explained secondly.

Mr. Hite said hopefully tonight they are here to put a conclusion to the final approval of the Delmar Village proposed subdivision, planned development district. He said the map you see before you has been color coded to indicate to the Board the changes that have taken place since the building project approval was written in 1989. He said the yellow outlines you see here around the entire project represents the 50 foot wide typical building restriction line that is required in a planned residence district. He said this has also been taken a step further in the FEIS and the building project approval in that this is now being treated as a buffer zone. He further said a declaration of covenants and restrictions has been prepared which was a part of the -- there were 3 remaining items in

the approval of the building project approval and one was the declaration of covenants and restrictions to deal with this zone and he will get into the rest of it. He said the declaration has been prepared and approved by the Planning Department and he believed was before the Board for acceptance. He said that document restricts this 50 foot zone to no construction whatsoever, it is to remain in its wild state -- he guessed for lack of a better word -- in perpetuity.

Mr. Hite said they also created a 19.8 acre, what they call, open space/protected area. He said within that protected area is the green which you see, which is a portion of an approved DEC D-10 wetlands which encompasses this area and extends across Delaware Avenue and further to the south. He said he has outlined that area, and its 100 foot buffer zone as required by DEC. He said this area is also restricted in that declaration of covenants and restrictions that it is to remain in its natural state in perpetuity.

Mr. Hite said the roadway, at one time, was to go through here, it was relocated based on this D-10 designation and as you see it now, it has been approved and was in that building project approval.

Mr. Hite continued that one of the other things that had to be done, photos of the Richardson property were taken by a professional photographer and submitted to SHIPO, even though there may be a question as to whether this is a historical home -- it is a matter of their record now and evidence of that submittal has also been presented to the Planning Department and to this Board.

Mr. Hite said he thought those were the 3 items that they had to take care of, those items that the Board has to approve. He said in conjunction with that, they are also requesting that the Board take whatever steps are necessary to continue the process or initiate the process for the extension of the Bethlehem Water District to include this entire project within the Bethlehem Water District. He said he believes all plans and reports have been submitted and are a part of the record. He said also in the building approval project they were given until December of this year to complete this roadway from Delaware Avenue to Orchard Street. He said work has begun and various stages of it had started such as the surveying, the stake out of it, the marking of grades, excavations for soil testing but they were then delayed because of a permit that was required when this D-10 wetland was identified. He said a permit had to be acquired from DEC for them to go through this small area of the buffer zone of the wetland.

Mr. Hite said that permit was acquired and is also a part of the record. He said he thinks that that is the extent of the presentation and he would try to answer any questions along with Mr. Secor or Mr. MacFarland.

Supervisor Ringler asked if the road is going to be built by the end of this year. Mr. Hite said it would not be, they are asking for an extension tonight -- he believed the letter is in part of their submittal. He said they are asking for a one year extension of time of completion for this roadway. He said they could not begin construction because of this permit process and they redesigned the road, the drainage, the entire infrastructures in this area and that has now been reviewed by the Engineering Department and approved by that Department, he believed, asking if he were correct. Mr. Secor indicated he was. Mr. Hite said all plans, profiles, structures -- everything has been approved.

Supervisor Ringler said basically as he sees this, Mr. Secor, the only action that has to be taken tonight is on the deed -- pass the acceptance of that deed restriction that the attorney and the Planning Department and also allow for an extension on the one year on the building of the road and then they get into setting the public hearing on the water district. He asked if he was correct of Mr. Kaplowitz. Mr. Kaplowitz agreed. Mr. Ringler asked Ms. Galvin if she had a question.

Councilwoman Galvin said she had a couple. She asked Mr. Hite with respect to the D-10 wetland, are they subject to the Corps of

Engineers review and mapping process. Mr. Hite said no, this has all been taken care of through the determination of the wetland area by D-10. He said this project was looked at probably 5 years ago. Ms. Galvin asked if they had already been through that process, that is complete. Mr. Hite said they are completely approved throughout and the only reason they are here tonight is to take care of those 3 minor items and request an extension of time and extension of the water district. Supervisor Ringler said the only action is on the deed, everything else was part of the approval and they have just met the conditions so the Board is not required to take any action on those other items.

Councilwoman Galvin asked with respect to the buffer area that he has referred to, she noticed that on page 4 of the declaration or restriction covenant, there is a reference to after approval of the Town Board to grant to itself or to other entities such easements and rights-of-way and other rights to use the buffer area as may be reasonably needed for the orderly development of the property. She asked what they were referring to by that. Mr. Hite said that is the crossing of this buffer area through this point to create or construct a walkway that was required by the Planning Board to provide a walkway out of this area out to Delaware Avenue. He said to cross it here for the installation of storm drainage and sanitary sewer facilities and to construction of the roadway at its termination point and the very -- in fact, it probably won't be into it -- but there is an easement area here that may need to be cleared to a certain degree in order to bring the storm drainage out at this point. He said that would be the only intrusions into that buffered area. He said that is all covered in the document and the approvals that were related to the buffering. Ms. Galvin said in other words, the provision on page 4 of the declaration of restrictive covenant is specifically limited to those areas. Mr. Hite said yes, only the areas that they need to cross it for the installation of utilities that are needed to develop this property. He said even then, they have to, if any area is completely obliterated, they have to replant those areas that they can. Ms. Galvin said nothing for future development. Mr. Hite said nothing, it can never be developed, any part of the yellow area or the 19.8 protected area. Ms. Galvin said she understood that but what she is talking about is crossing of those areas for other future development that is not currently delineated. Mr. Hite said not that he knows of, the only crossing that would be for roadway would be this one, that would go into the adjoining properties here. He said the topography in here is not conducive to development out of this district in the way it would come off of Delaware Avenue at some point, Orchard Street or Delaware Avenue.

Councilwoman Galvin said it is her understanding that with respect to the water district... the expenses of extending the water district, all costs and expenses will be borne by the developer, asking if this was right. Mr. Hite said he believed that is correct, unless otherwise noted.

Supervisor Ringler asked if there were any other questions of the Board. Mr. Morgan said he lives in a PDD with restrictions and covenants, asking if they are going to be incorporated by reference into all deeds. Mr. Hite said they must be, that was part of the building project approval. He said these documents are now in the County Clerk's office, simultaneously with the final approved plat and will be made a part of the new deeds conveying either the single family lots or the entire apartment project itself.

Supervisor Ringler asked if there were any other questions. There were none. The motion was made by Mrs. Fuller and seconded by Mr. Webster to approve the proposed declaration of Restriction Covenants, the revised plot for the planned district showing restricted areas, and the revised planting plan and the Engineer's map, plan and report for the proposed Delmar Village Water District Extension. The motion was passed by the following vote:

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

Approve
Proposed
Declaration
of Restriction
Covenants &
Engineer's
Map, Plan &
Report -
Delmar Vill.

Amend
BFA No.24
To extend
Completion
date for
Fisher Blvd.
Extension

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to amend Building Project Approval No. 24, issued December 21, 1989, Section H-16, Page 31 to extend completion date for Fisher Boulevard extension to December 31, 1993, as requested in the letter received from HMC Associates dated July 2, 1992. The motion was passed by the following vote:

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

Noes: None.

Set Public
Hearing
To Consider
Proposed
Water District
Extension

Furthermore, on a motion made by Ms. Galvin and seconded by Mr. Webster the Town Board sets a public hearing for August 12, 1992 at 7:30 p.m. to consider the proposed Water District Extension. The motion was passed by the following vote:

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

Noes: None.

Supervisor Ringler thanked Mr. Hite and Mr. MacFarland.

Next item on the agenda, according to Supervisor Ringler, is a proposed water rate increase due to the increase in purchase price from the City of Albany from Mr. Secor. He said we have been notified by the City of Albany of a rate increase of approximately 5 percent which is effective August 1, 1992. He said they have analyzed the amount of the water purchased from Albany and compared that currently to our current water rates system and find it is necessary to recommend that the Town Board increase our water rates by the same amount as the City. Therefore, the Supervisor said Mr. Secor is recommending that the current rate -- and this he would have to clarify -- that is not the beginning rate. He said the first rate of 1 cu.ft. to 8,000 cu.ft. of 80 cents will stay the same. He is not recommending an increase in that area and that is basically more residents of the Town of Bethlehem are in that category but on the higher users, 8,000 to 40,000 he is recommending an increase of \$1.12 to \$1.18 which is the same as the increase in the City of Albany. Mr. Ringler said he is also increasing the industrial rate from the current amount of 70 cents to 75 cents per cu.ft. He said the computer projects show that this would result in an annual revenue increase of approximately \$68,000. He said this additional revenue will be required to pay for the added expense for the purchase of the City of Albany water. He asked if there were any questions on that.

Councilwoman Galvin said she had one quick question. She said she should have mentioned this to Mr. Secor this afternoon when they were talking -- the proposed new rates on the printout that she has indicate 8,001 cu.ft. to 80,000 cu.ft. going at \$1.18 per 100 and 80,001 and over to 75 cents as opposed to the breakdown that we had had before that broke off at 40,000. Mr. Secor said he is recommending that we expand that middle cell. He said what is happening, we buy water from the City of Albany to meet peaks and it is the peak users that are driving us to buy more water on a daily basis. He said by expanding that from 8 to 40,000 to 8 to 80,000, they are picking up a larger span of those peak users. He said 8,000 cu.ft. per billing period is almost 500 gallons per day every day during the billing period so for most homeowners -- for 99 percent of our homeowners, they do not get into that. He said they would have to have their own irrigation system in order to use that kind of water and even with that, there are certain rainy days during the month when you would not use that even for home sprinkling. He said so it is really... and that is why he also gave the Board a copy of the sheet printouts that showed there are about 40 customers in the Town that use over 40,000 gallons per day and about 20 that use over 80,000. He said we are really talking about 20 out of thousands of

customers served by the Town. He said it is smaller... but again, it is going after the peak users because we are buying that water at a \$1.18 and we cannot sell it at 75 cents. He said it just doesn't work, he has tried it and can't do it any more.

Improve
Increase in
Water Rates
effective
August '1, 19

Supervisor Ringler asked if there were any other questions. Hearing none, the motion was made by Mr. Gunner and seconded by Mr. Webster to approve the increase in water rates effective August 1, 1992. The motion was passed by the following vote:

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

The Supervisor said he would next entertain a motion to remove from table, and reconsider the request for water service for the New Salem SAAB garage. The motion was made by Mr. Gunner and seconded by Mrs. Fuller to remove from table and reconsider the request for water service for the New Salem SAAB garage. The motion was passed by the following vote:

Remove
from table
and reconside
request for
Water Servic.
New Salem
Saab Garage

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

Councilwoman Galvin said she would abstain because she is involved in litigation with that particular entity. Supervisor Ringler read the following memorandum from Mr. Secor into the record.

MEMORANDUM

TO: Members of the Town Board
FROM: Bruce H. Secor, P.E., Commissioner DPW
DATE: July 2, 1992
SUBJECT: Proposed New Salem Saab Garage
Route 85, Town of New Scotland

I have reviewed the letter of July 2, 1992, from Donald Meacham, Attorney for Mr. Carl and the New Salem Saab Garage. The reduction in the size of the water main to 2" and the proposed deed restrictions address the primary issues raised in my memo to the Board of February 14, 1992 (copy attached).

I realize the Town Board tabled this matter and asked that an inventory be prepared showing services beyond the 150 feet mandatory service area along Route 85 in the Town of New Scotland. I have obtained preliminary mapping and started this inventory, but because of the crush of other matters, I have been unable to complete this inventory or make any final report to the Town Board.

Supervisor Ringler called a meeting with Supervisor Reilly to form a joint committee to review water service issues in New Scotland. That committee is also waiting for the mapping and inventory information. It is awkward to have an applicant such as the New Salem Saab Garage caught between the requirements of the New Scotland Government and our need to formulate specific policies for water services beyond the 150 feet service zone.

It is not possible for me to complete my work within the next few weeks. I therefore request that the Town Board consider granting Mr. Carl's request for service for the proposed New Salem Saab Garage. I will continue to work towards completing the inventory and mapping as soon as possible.

Please contact me if you have any questions or need any further information.

The Supervisor asked if there were any questions. Councilman Webster said he had one question -- in Mr. Meacham's letter, he said this 2 inch service would serve only the proposed building and understand and agree that no extension could be made without approval

of the Town Board -- asking if this wording should be put into the declaration of restrictions. Mr. Secor said he believed Mr. Meacham was here. Mr. Kaplowitz said he was not. Mr. Secor said okay. Mr. Webster asked if this could be added to the declaration of restrictions. Supervisor Ringler asked that the gentleman identify himself. Mr. Eric Johnson said he was from the Michaels Group and he is the project developer. He said he was not an attorney so he could not offer the Board an opinion. Mr. Webster said it was just another line. Mr. Johnson said he knows. Supervisor Ringler asked Mr. Webster what he was looking for, he was sorry. Mr. Webster said just so that that 2 inch line can never be extended to any other building. Supervisor Ringler said okay. He asked if this could be approved with that condition. Attorney Kaplowitz said whereas in the interest of good planning and otherwise, declare and intends not to construct or allow to be constructed any other building within the bounds comprising such 400 foot set back area. Mr. Webster said that was true but what about behind him, indicating he could extend that 2 inch line non-infinatum. He said this was his only concern. Attorney Kaplowitz said there is no reason why you could not add that.

The Supervisor asked Mr. Webster to again state the additional wording that he was suggesting to add to the declaration of restrictions. He said it would be to add one additional line -- "that this 2 inch service would serve only the proposed building and we understand and agree that no extension could be made without the approval of the Bethlehem Town Board". Councilman Gunner said that means either official or unofficial extensions. Mr. Webster said that was right. Mr. Gunner said there are some folks out there...

Councilman Webster asked Mr. Secor if he would be monitoring usage from a curb box anyway. Mr. Secor said there would be a meter pit out front and be monitoring this.

Councilman Gunner said he had one other question -- are there any other emergencies that you know of that may have happened because... Mr. Secor said this is the only current application we have pending except for the one where the two buildings already exist and he said he does not think there is any urgency to get into that. He said we will have to figure out a solution for that but this, this is a person caught between two worlds. He said he does not have any other applications pending at this time. Mr. Gunner said okay, we won't hear from anybody else until we get everything else done. Mr. Secor said he cannot guarantee you that but he does not have anything else pending at this time. Mr. Gunner said don't bring it in. Mr. Webster said he agrees with Mr. Gunner, he would have to abstain if anything further comes up before we have that get together, he thinks he would have to abstain from it too.

Approve
Water
Situation
with the
declaration
of restrictions

The motion was made by Mr. Webster and seconded by Mrs. Fuller to approve the water situation with the declaration of restrictions and the addition that Mr. Webster has indicated into the record. The motion was passed by the following vote:

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

Presentation -
SARA Grant

Supervisor Ringler said next, Kathy Newkirk, our Town Clerk -- who is on the other side of the table tonight -- is going to make a presentation to the Board regarding a grant that has been awarded to the Town and the Board has to accept by July 10th for the planning and inventory of records. He further said Joe Allgaier is with her and Joe did a super job in writing this grant application and as a result of it, we are going to get somebody else's money to work with.

Ms. Newkirk said we have been notified that at this point, they have allowed \$31,000. plus dollars to the Town of Bethlehem for a records grant. She said this is a program that has been a 5 year program and it will be the 3rd year of the program so there is only 2 years left of this particular program. She continued, in that part of it, we felt it was worth going ahead to try and get the inventory

and planning part of the grant. She said you can then apply for other avenues in regard to that. She said there is also the possibility which she did not mention in the memorandum, of appointing a records advisory board that can be, you know, appointed by the Supervisor and that board can help with the planning and eventual set-up of the records program. She said this particular part of it is the inventory and planning and that is what we will try to accomplish.

Ms. Newkirk said in the original application, three positions were applied for -- the supervisor and 2 inventory workers, indicating at this point they have cut that back, there is one supervisor and one inventory worker. She said they took the salary out of the second inventory worker. However, she said that will not affect getting the program started and underway. She said in the future the money can be applied to different avenues under the grant program, indicating as an example, there is microfilming. She said we do have some microfilming equipment on board already and some of the departments are using that. As an example, she said she knew the Justice Department is doing their records. She said you can also use it for inactive records, in a program you can use our ... program. She said there is a disaster recovery and there is a technology.

Ms. Newkirk said since she sent the information to the Town Board, Mr. Allgaier has called one of the offices and have found out that centralization can be done as a separate application under the grant program. She said at this time, we are looking at doing the first step which is the inventory and planning. And, in that regard, at this point, the Town Clerk said we need to be able to have the Supervisor sign the grant acceptance form and we would also have to set up an account after we get advised by them once our application grant form has been returned to them.

Supervisor Ringler asked Ms. Newkirk about the reduction in the grant. Ms. Newkirk said yes. Mr. Ringler said all the project work must be completed by June 30. Ms. Newkirk said this was right. Mr. Ringler asked if we were going to be able to complete it in the manner we should with this reduction without a problem. Ms. Newkirk said at this point, she did not think it would be a big problem due to the fact that we have learned we can go for a centralization program later. Mr. Ringler said okay. Ms. Newkirk continued so that the first step is to get the inventory and planning done, which she believe it could be. She further noted it does run a one year program -- when you get a grant allocated, you have to use that money within the one year with reports done back to the State Education Department.

Councilman Gunner asked if the amount of the reduction matched the amount of the salary that was put aside. Ms. Newkirk said that was a part of it. She said there were other avenues that they also reduced, so that it was different monies in different places. Mr. Gunner asked if Ms. Newkirk feels we can find a capable person to supervise it at the price that was included in the grant. Ms. Newkirk noted they have been in touch with the Archives and Records Administration, as well as they have learned that we could approach State University of New York at Albany because they have a program and there might be a graduate student or someone that is in this particular major that would be able to help us. And, in that vein, Ms. Newkirk feels they can get a qualified person.

Councilwoman Galvin asked Ms. Newkirk in the application, she believed, that it was indicated that it would be bringing someone on board in that supervisory capacity in July, asking if that would be feasible. Ms. Newkirk said she is hoping to get it done. Ms. Galvin further asked about someone who said someone from State University in a graduate program, according to the material, it indicated that it would have to be a full time position -- would that person in the graduate program be able to take it on as a full time position. Ms. Newkirk said she could not answer that at this point in time because she has not contacted State University in regard to that on that part of it. Councilman Gunner noted their hours could be flexible. Ms. Newkirk said on a grant program she believed they could be, it is a manner of when and what particular courses they have to take, so it could allow that flexibility. Mr. Gunner said that is what he means,

that would have to be. Mr. Webster said Mr. Allgaier is playing far too much golf, maybe he could... Ms. Newkirk stated Mr. Allgaier has been absolutely fantastic.

Mr. Allgaier said let him answer some of the questions. He said we anticipated hiring full time during the summer, the July is a press for us because we originally were supposed to get a grant award and notification of that award in early June. He said we did not get that until late June, the last week in June. But, he said we anticipated in calculating the salary that we would have a full time during the summer and part time after the summer. He said most of the reduction, incidentally, in funds related to equipment which we threw in -- as long as we were going for money we might as well throw in some money for equipment. He said it was for shelving and boxes and things of that nature and their guidelines only permit you to do a certain amount of that in an inventory and planning project.

Supervisor Ringler asked if there were any other questions. Mr. Ringler said it was well done and he said a lot of effort went into it Mr. Allgaier and he appreciated his work, indicating Kathy would say this -- she couldn't have done it without you, with all the other things she has going at the moment. Mr. Ringler said we certainly do appreciate it and thanked Mr. Allgaier very much.

Authorize
signing
Grant
Acceptance
Form

The motion was made by Ms. Galvin and seconded by Mr. Gunner to authorize the Supervisor to sign the grant acceptance form. The motion was passed by the following vote:

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

Accept
Deeds
Adams Woods
Section 1
Subdivision

Following was a request from Bruce Secor, P.E., Commissioner of Public Works for acceptance of deeds for Adams Woods Section 1 subdivision, pending approval of Town Attorney.

The motion was made by Mr. Webster and seconded by Mr. Gunner to accept the deeds for Adams Woods Section 1 subdivision from Feura Bush Associates, Joint Venture. The motion was passed by the following vote:

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

Supervisor Ringler said the next item was a recommendation from Mr. Secor, Commissioner of Public Works, regarding expanded water facilities counsel. The Supervisor read the following memorandum from Mr. Secor.

MEMORANDUM

TO: Members of the Town Board
FROM: Bruce Secor, Commissioner of Public Works
DATE: July 7, 1992
SUBJECT: Expanded Water Facilities

In January of this year a water supply application was filed with the NYS Department of Environmental Conservation to the proposed new facilities for the Water District. We have been shuffling of papers back and forth and at the present time our paperwork is being held in limbo waiting a ruling from within DEC main office on Wolf Road. The ruling that they are discussing is an internal decision on water supply application and the SEQR process and how the DEC will fit in with the coordinated SEQR review done by the Town of Bethlehem. The matter has been referred to counsel for the water division. In order to assure that this process of deliberation does not go on in a vacuum involving only input from DEC, I request that we hire special counsel to present our position in terms of this specific project.

I have discussed this matter with both Mr. Kaplowitz and Mr. Welt and our recommendation is to retain the firm of Whiteman, Osterman and Hanna to represent us in this matter. It is estimated that this will not involve a great deal of time. The total cost for the work to be done on our behalf would be in the range of \$2,000 to \$5,000, depending on how much additional paper we have to shuffle back and forth with the Division Director in the Bureau of Water Supply. This matter is very technically oriented on the DEC's internal workings and requires special expertise and also someone with specific background in water supply applications and DEC's regulatory process. Towards this end, we are recommending Whiteman, Osterman & Hanna be retained. The billing rate quoted for Mr. Phil Dixon would be at the rate of \$175. per hour.

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Supervisor Ringler asked if there were any questions. Councilman Gunner said it sounds like the bureaucracy is costing us in the Town of Bethlehem a little extra money. Supervisor Ringler said yes. Attorney Kaplowitz said it was a nice way to put it, you are a gentleman Mr. Gunner, that is a very nice way of putting it.

Councilwoman Galvin said she and Mr. Secor have discussed this matter this afternoon and one of the things that she has a concern about is basically -- this Board has adopted a policy of setting attorney's fees at \$100 an hour for regular office time work and \$150 an hour for court work and she has a problem -- as we are all abundantly aware on this Board, we have been falling over attorneys lately and... Supervisor Ringler said tell me about it. Ms. Galvin said she feels free to say that since she is one. Supervisor Ringler said he was glad she said it for a change, it was usually he who is saying it. Ms. Galvin said she has a concern about -- since we do have a policy, setting a rate of \$175 for yet another special counsel when in fact we do have existing counsel. Supervisor Ringler said when they did do that with... the idea was and that is why we are here tonight... is that if we found a situation where we needed a special expertise, we would have to come back and ask the Board to approve that. He said this particular firm -- he is not any happier than you are in a rate of this -- but this firm is an expert in this field. He said, as a matter of fact, one of the counsel worked with DEC in one point in time is representing us and that is why he is recommending it. Mr. Ringler asked Mr. Secor if there are counsel that we could get to do this that you would recommend. Mr. Secor said we looked around and again, Sheila and he had discussed this and the problem is finding someone who has all of the background that we need because this has to be done immediately and there isn't -- you cannot go through a learning curve on this, he has a ton of paper to dump on somebody who needs to go through it and get a hold or get counsel right now because this has been referred to counsel's office. He said he would like to move forward on this, he realizes it is a very sensitive issue but we are willing to cap this and he does not think it is a large expense.

Councilwoman Galvin said there were two things that they discussed, one was the need for expertise in the area and the other was the cap. She said one of the things that they also discussed was the fact that he indicated there were funds that he allocated within a proposed bond issue. Mr. Secor said the money for this project is in a capital fund for this specific project. He said this is a 10 and 1/2 million dollar project and there are funds allocated in there for legal expense and engineering fees. He said this money -- the cost of this would come out of that. He said with the size of the project that we are dealing in, this is really not a major expense and certainly not something that will disrupt the budget. Supervisor Ringler asked if they would like to put a cap with the \$5,000 on there at this point in time. Ms. Galvin said she would like to see a lower cap because if we put that as the cap, you know we will make it. Supervisor Ringler said okay. Mrs. Fuller said put a cap on the hours, that is where the money adds up, not the \$175 per hour. Ms. Galvin said it cannot take that long to kick counsel in the ass at DEC. Ms. Galvin said \$2500 would seem to be reasonable. Supervisor Ringler asked Mr. Secor if he thinks he can get it done for that. Mr. Secor said, that is fine, if we have to have more, he will come back. Mr. Ringler said okay.

Approve
Whiteman,
Osterman &
Hanna to
handle
Expanded
Water
Facilities
with cap of
\$2,500.

The motion was made by Ms. Galvin that the firm of Whiteman, Osterman & Hanna be and they hereby are approved to handle the legal matter in regard to the Expanded Water Facilities with a cap of \$2500. Mr. Gunner seconded the motion and it was passed by the following vote:

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

Easement
Indian
Hills
Subd.

Supervisor Ringler said next was a request from Mr. Secor, Commissioner of Public Works, for an easement on lot number 3 of the Indians Hills Subdivision Section 2. The Supervisor read a memorandum from Mr. Secor dated July 7, 1992 in regard to this easement due to the odd shape of the right-of-way and the necessity of the driveway crossing the easement area.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to permit the granting of an easement allowing driveway access across a triangular corner of the widen right-of-way. The motion was passed by the following vote:

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

Supervisor Ringler asked if there was anything else anyone wished to bring to the attention of the Board this evening. Councilwoman Galvin said she had a couple of items.

Councilwoman Galvin said first of all she would like to thank Jeff Lipnicky for his report on LUMAC activity that we received and she would like to have an opportunity at some future Board meeting to discuss the content of that. Supervisor Ringler said he intended to put that on an agenda meeting. Councilwoman Galvin said in that case she would not pursue it any further tonight. Supervisor Ringler said basically this was pretty much put together when he got that and it was not that significant so he said he would hold it for next agenda.

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Target
Goal of
Mid-Nov.
for
Redistricting

Councilwoman Galvin said the second item she would like to raise is that our special meeting on June 30th, we discussed the concept of redistricting and she would like to -- for the record -- make a motion that we begin that process and with a target goal of mid-November have a report from Mike Cirillo or whoever is appropriate concerning proposed redistricting because at that point in time, they should have the registration figures and be in a position to start looking at it so that we won't be under the gun on any type of a redistricting for January 15. Supervisor Ringler asked if there was a second to that motion. Mr. Gunner seconded the motion and it was passed by the following vote:

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

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Supervisor Ringler asked if there was anything else. Councilwoman Galvin said that was it. The Supervisor said he would entertain a motion to adjourn. Mr. Ringler said he was sorry, Mr. Davies did you have something.

Sherwood Davies said he would like to address the Board on -- he had 4 issues or concerns and he has added a 5th since he sat here. He said the Board will be considering the budget, he is sure within the next 3 or 4 months. Supervisor Ringler said he was afraid so. Mr. Davies said there are significant costs associated with a number of different issues. He said number 1. the status of the -- the

noted he did not expect a reply, answer or comment from the Board but he thinks this is something that might well be considered -- the status of the solid waste regulations. He asked can we better dictate our own future by developing regulations and possibly staying out of an legal entanglements by challenging ANSWERS if they elect to locate in the Town of Bethlehem.

Mr. Davies said the second is the solid waste direction that the Town Board is going to take. He said he calculates it costs each household \$300 to \$400 a year to get rid of all solid wastes. He said this appears to him to be pretty costly. He said he would think that at this point in time, maybe the Town Board would be speaking to or addressing what they plan to do to resolve this problem for the future.

Mr. Davies said the third has to do with what he has been reading in the newspaper and it relates to what is the present and projected legal costs associated with the law suit that has been brought against the Town. He said relating to this, he assumes there are certain allegations made and asked if this is a matter of public record.

Mr. Davies said the fourth issue has to do with cable television and rates. He said in reading what the City of Albany has been doing, they seem to be putting the heat on Cablevision because of non-compliance -- Supervisor Ringler said be careful they are liable to sue you, be careful what you say about Cablevision. Mr. Davies said fine -- because of non-compliance with their license or authorization from the City. Mr. Davies said we have the same situation in the Town of Bethlehem and he would hope that at some point in time, the Town might well consider putting the screws on cablevisions on the issues that they might well make up.

Mr. Davies said he thought the last one that he added is the matter of increasing water rates. He said it may involve just a few people but he would believe that this should be a public matter of a public hearing because he is sure down the road you are going to be considering upping some water rates and charges within the next few months associated with the budget.

Supervisor Ringler said he would try to quickly give Mr. Davies answers to 1 through 5. First, staff is working on solid waste, we will continue to do so and we are going ahead with looking at our other options that were suggested by the Solid Waste Task Force. He said one and two were solid waste, asking what number 3 was.

Mr. Davies said legal, will the community be involved in this or will it be... Supervisor Ringler okay, certainly, whenever a decision we have to make, the community will be involved. He said number 3 the legal things -- as far as what is a matter of public record, that is on file with the Town Clerk and you can go in and look at those files. He said as far as the costs of attorney fees and so forth, a great deal of that will be covered by our insurance carrier and not coming out of the Town. He said, of course, there is a deductible that we will have to meet.

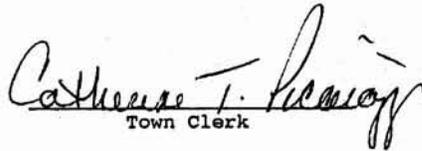
The Supervisor said the next one regarding cable television, within the next few weeks -- we have just been putting on the final touches on a proposed franchise agreement which in his view puts the screws to the cable tv company very well and he thinks it is a good document. He said the Board will be getting it shortly, they just got the final draft to the committee today for them -- our negotiating team to make sure we are all in agreement and we have basically reached a tentative agreement at this point in time. He said he hoped he was not speaking too soon because Sheila and the other members have not looked at it yet with them. He said that will be a public record and we will have a public hearing on that and you can see exactly where we have gone on that one.

The Supervisor asked what he had forgotten. He said the water increase, that basically is to offset the charges that Albany has given to us. Mr. Davies asked it should be a public hearing. Mr. Ringler said it is not required by law.

Councilman Gunner said he wanted to add one more, he has some questions related to the situation on the solid waste siting. He said he had requested some answers to some questions a while ago and has not received them. Supervisor Ringler asked which questions. Mr. Gunner said questions that -- Supervisor Ringler said on the hearing. Mr. Gunner said at the hearing. Mr. Ringler said Mr. Secor is working on that and that is one of the reasons it has not come back on the agenda yet because he has asked Mr. Secor to indepth to reply to the questions that Mr. Davies raised at the hearing and the others raised at the hearing on that issue. Mr. Secor said he and Mike are meeting on that this week and again next week to try to find out where it is at. Mr. Gunner said okay.

Supervisor Ringler asked if there was anything else. Hearing none, the motion was made by Mrs. Fuller and seconded by Ms. Galvin to adjourn the regular Town Board meeting at 8:15 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