

TOWN BOARD
JULY 22, 1992

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

ABSENT: Sheila Fuller, Councilwoman

Supervisor Ringler welcomed everyone to a regular meeting of the Bethlehem Town Board. In particular he welcomed the Participation in Government class from Ravena-Coeymans-Selkirk. He said he was glad to see they took his advice when he spoke to the class last week and came to the Town Board meeting. Also, the President of the Chamber of Commerce, Marty Cornelius has brought Tom McCarroll over, who he understands is the liaison of the Chamber or Chairman of their Town Government Committee -- as he understands. He welcomed Mr. McCarroll as well.

Supervisor Ringler said the first item on the agenda was a public hearing to consider amending the Traffic Ordinance regarding Stop Signs at the intersection of Park Edge Lane at the Delmar By-pass extension, Juniper Drive at the Delmar By-pass extension and Vadney Road at VanDyke Road. He asked the Town Clerk to read the call of the hearing.

NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT TO THE TRAFFIC ORDINANCE
OF THE TOWN OF BETHLEHEM

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Bethlehem on the 22nd day of July 1992 at 7:30 p.m. to consider amending the Traffic Ordinance of the Town of Bethlehem in the following respect:

1. Add the following to Article 1, Section 1, Stop Intersections to read as follows:
 - (kkkk) the intersection of Park Edge Lane at the Delmar By-pass Extension;
 - (llll) the intersection of Juniper Drive at the Delmar By-pass Extension;
 - (mmmm) the intersection of the Delmar By-pass Extension at VanDyke Road; and
 - (nnnn) the intersection of Vadney Road at VanDyke Road.

All interested persons and citizens will have an opportunity to be heard at the said hearing.

BY ORDER OF THE TOWN BOARD
TOWN OF BETHLEHEM
KATHLEEN NEWKIRK
TOWN CLERK

Dated: June 24, 1992

KATHRYN OLSEN of the Town of Bethlehem, being duly sworn, says that she is the bookkeeper of THE SPOTLIGHT, a weekly newspaper published in the Town of Bethlehem, County of Albany, and that the notice of which the annexed is a true copy, has been regularly published in said THE SPOTLIGHT ONCE A WEEK FOR 1 WEEK consecutively, commencing on the 8th day of July, 1992.

/s/ Kathryn Olsen

Public
Hearing
Amend
Traffic
Ordinance
Re: Stop
Signs at
Park Ledge
Lane at
Delmar
By-pass ext.
Juniper Dr.
at Delmar
By-pass Ext.
& Vadney Rd.
at Van Dyke
Road

Sworn to before me this 8th day of
July, 1992.
/s/ Bruce A. Neyerlin
Notary Public

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

Catherine T. Picarazzi, being duly sworn, deposes and says that she is the Deputy Town Clerk of the Town of Bethlehem, Albany County, New York and that I posted on July 8, 1992, a Notice of Public Hearing a copy of which is hereto attached, on the sign board of the Town maintained pursuant to subdivision six of Section thirty of the Town Law.

/s/ Catherine Picarazzi

Sworn to before me this
16th day of July, 1992.
/s/ Kathleen A. Newkirk
Notary Public

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

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

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Supervisor Ringler said this request came from the Traffic Safety Committee and it is basically a result of the Delmar By-pass Extension, now being open which is a through street which eventually will have a great deal of traffic on it, he would say compared to the way it is at the moment. He said he is glad people are aware it is open, however, with the help of our news media, he is sure by next week and tomorrow, people will be aware that this By-pass extension is open.

Mr. Ringler noted these are the streets that come into this. He further said it is going to be a heavily traveled road and the Traffic Safety Committee wants to make sure that there is no confusion as to who has the right-of-way on this particular roadway.

Supervisor Ringler said the format of the public hearing, first of all is to allow anyone who might want to ask a question to do so and then anyone who might wish to speak in favor or opposition may do so. He said he asks that if you do wish to speak at all, that you do stand, identify yourself for the record and state your name.

Supervisor Ringler noted there was a phone call for him and he asked Mr. Alessi to go and answer this call from Mr. Moss. He further asked Mr. Alessi to see if he could arrange to have him available for a phone call in a few minutes. Attorney Alessi said sure. Supervisor Ringler thanked Mr. Alessi.

Supervisor Ringler asked if anyone had any questions regarding this public hearing. There were none. He then asked if anyone wished to speak in favor of this proposal. There were none. He further asked if anyone wished to speak in opposition to this proposal. There were none.

Supervisor Ringler said hearing no one, he would entertain a motion to close the public hearing. The motion was made by Ms. Galvin, and seconded by Mr. Webster to close the public hearing at 7:35 p.m. The motion was carried by the following vote:

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


Town Clerk

Supervisor Ringler convened the regular meeting following the close of the public hearing. He asked if the Board wished to take action on this this evening. Councilman Webster said he traveled that road and he thinks that people are looking at that as a continuation of the By-pass, which it is. He said cars are traveling along there pretty quickly. He said the quicker the Board puts those signs in the better off we will be.

The motion was made by Mr. Webster and seconded by Ms. Galvin to adopt the Amendment to the Traffic Ordinance.

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

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

Adopt
Traffic
Amendment
Stop Signs
Park Edge La.
at Delmar
By-pass,
Juniper Dr.
at Delmar
By-pass,
Vadney Road
at Van Dyke
Road

The Town Board of the Town of Bethlehem, Albany County, NY does hereby amend the Traffic Ordinance adopted on the 17th day of July, 1968 and last amended on the 27th day of May 1992 as follows:
1. Add the following to Article I, Section 1, Stop Intersections to read as follows:
(kkkk). The intersection of Park Edge Lane at the Delmar By-pass Extension;
(llll). The intersection of Juniper Drive at the Delmar By-pass Extension;
(mmmm). The intersection of the Delmar By-pass Extension at VanDyke Road;
(nnnn). The intersection of Vadney Road at VanDyke Road.
The foregoing amendment to the Traffic Ordinance will take effect ten days after publication.

Councilman Gunner said he had a question, he guessed a statement rather. He said he thinks it sounds like it might be the likely thing to do because when school opens that will really get additional traffic because it is one way of getting around the light at Delaware Avenue, particularly on rainy and unpleasant weather. He said because there are a lot of people that come down that way. He said he would hope that if we could get it done by then, if it were passed. Supervisor Ringler said it will be done by tomorrow, if it is passed -- asking Mr. Sagendorph. Mr. Sagendorph, Highway Superintendent, said yes. He said the one technicality here is that you will have to amend the intersection of Vadney Road and VanDyke. He said the Town Code calls for a yield sign at that location at this time. He said the Board is just amending the yield and making it a stop sign. Supervisor Ringler asked if that was in here. Mr. Sagendorph said he did not believe so. Supervisor Ringler asked Attorney Kaplowitz for his opinion. Attorney Kaplowitz said you did say to put a stop sign there. Supervisor Ringler said this was right, so basically they would have to entertain a motion to remove a yield sign and put a stop sign. Councilwoman Galvin asked if there would have to be a separate public hearing to remove the yield sign. Attorney Kaplowitz said he did not think that you do if you are saying we are going to put a stop sign there. He said obviously, we are not going to have both. Supervisor Ringler said he did not see a problem. He said he did not think anyone is going to take us to court on that one.

Supervisor Ringler said there is one other thing he would like to ask the Traffic Safety Committee to do on this, as long as we are discussing this issue, he said he drove this himself and it is a wonderful road -- you guys did a super job of designing it and building it, we will pat both Bruce and Gregg on the back here tonight for that -- right now there is a situation though that that is coming off the Delmar By-pass where everyone is driving 55 miles per hour by speed limit -- supposed to be driving 55 miles per hour by speed limit, coming onto that road which now because the Town has done nothing other than by regular code would be 30 miles per hour

and then when you go to VanDyke from that, it goes to 35 miles per hour. He said he is going to be recommending to the Traffic Safety Committee that they look at both sections of those roads and perhaps it might make more sense to reduce that gradually. He said that road can probably handle a higher speed than 30 and perhaps it should be reduced to 40 and perhaps, even VanDyke should go down to 30 around the school because those people are parking along there and so forth -- you might want to look at that. Supervisor Ringler said he thinks that whole thing should be looked at because he thinks that it is going to be very difficult for people to reduce their speed. He said it is almost like when you come out of the Town of Bethlehem into the City of Albany on Route 9W, where it drops down so quickly that it causes a nice speed trap for the city, to be quite frank. He said he thinks it is something that we should look at Mr. Sagendorph, so he will be sending a memo on that.

Supervisor Ringler asked if there were any other thoughts on that. Councilwoman Galvin asked if the Board had to repeal the yield sign before the stop sign in, just for consistency. Supervisor Ringler said he did not know. Attorney Kaplowitz said you can leave it and assume that putting one in is replacing the other or if you are going to do it right, you would have to have a separate public hearing. He said there is no real in between. Supervisor Ringler said they can just assume that we are replacing it with the stop sign. Attorney Kaplowitz said it is a matter of judgement and he thinks you could. Supervisor Ringler said he thinks you can do that.

Councilman Gunner asked for clarification due to the fact he did not hear any of that. Supervisor Ringler said Mr. Kaplowitz suggested that we have to do one of two things, either we are going to make an assumption that by putting a stop sign we are repealing that section or technically, we would have to have another public hearing saying you want to take the yield sign out of there. He said in this particular case, he thinks we can just go ahead and assume that we are just going to replace that yield with a stop sign -- would be his view of this. Councilman Gunner said being aware that much litigation tends on technicalities, he asked if Attorney Kaplowitz if it was serious. Attorney Kaplowitz said he does not feel it is serious. He said you would have to argue that it was implied... Mr. Gunner said he is concerned for the people that might live there. Mr. Kaplowitz said by putting up a stop sign there, that it was obviously implied that we were going to remove the yield sign. Mr. Gunner said he could understand that. Mr. Kaplowitz said if you do not buy that, then you have to go have a public hearing and remove the yield sign. He said there is no in between really. Mr. Gunner said okay. Supervisor Ringler said he thinks that we can imply that we are doing that. He said he would just as soon get these stop signs up there, to be perfectly honest. Councilman Gunner said yes, he did not want anyone killed over that way.

The foregoing amendment to the Traffic Ordinance was adopted by the following vote:

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

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

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

The foregoing resolution was presented for adoption by Mr. Webster and seconded by Ms. Galvin and was duly adopted by the following vote:

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

 Supervisor Ringler said the next item on the agenda he was going to hold until last. He said on that particular item before they act on it this evening, he did want to discuss this with counsel in executive session and one of the attorneys is going to be a little late and he will be here in about 30 minutes and he will join them for this particular issue. The Supervisor said they will do the rest of the agenda and then put that on the end.

Acknowledge
 Report of
 LUMAC
 Committee

 Supervisor Ringler said the following item on the agenda is acknowledge report of LUMAC committee since February 21st from Jeff Lipnicky, the Chairman of the committee. He said Mr. Lipnicky had provided this to the Town Board at an earlier meeting and he understands there are some questions. He noted Mr. Lipnicky was in attendance and Sam Messina, Member of the committee is here. He asked if Ms. Galvin had some questions.

Councilwoman Galvin said yes, she had some questions first of all about the time line in general. She said looking at the time line, she noticed that the goals and objectives -- goals are due to be completed prior to August of 1992 and according to the report there were some draft goals that had already been prepared. She asked how this was progressing and whether the goals will be completed before August. Mr. Lipnicky said the goals and objectives have been completed. She asked if it would be possible for the Board to get a copy of those goals and objectives for review. Mr. Lipnicky said that at this point, it is something he would rather discuss with the committee before he commits to saying that he will distribute them to the Board at this point in time. He said the committee's thinking on this was to release the goals and objectives in September at the same time as it released the inventory and analysis report as one complete document. Supervisor Ringler commented on this, saying he did not see why we had to have secrets, they meet in open session, so that is public knowledge that it is there. He further said if they have something, he could not see any reason why the Board could not see the draft. Mr. Lipnicky said he did not have any problem with that, he is just saying that he has the committee... Supervisor Ringler asked if they were in the minutes. Councilwoman Galvin said she would hate to file a freedom of information request for them. Councilman Gunner said he is with her. Supervisor Ringler said he did not see why they could not have it, even the draft work, give them a copy of them. He said it is not something you can do in executive session to be perfectly frank. Member Messina said he thought they may be available certainly at any time, the only concern of the committee is, they have had interesting experiences not through this Board but certainly through the media in the past where sometimes, things -- like the survey -- that they really want to do a good job of from a staff perspective, questions started to be raised but other than that it is public information and certainly available.

Councilman Gunner said he was particularly glad to see they got the goals and objectives. He said over two years ago he was saying that that was one of the things that we should do and we should know the direction we are going in and how we are going to get there as we start. Mr. Gunner said he is particularly pleased to see that 2 and 1/2 years later actually, that we have completed them and are working on them. He said he knows some of the members had different ways of getting there -- and that is all right -- but he is glad that they are done at any rate and he just has different ways of thinking of when they should be done. Mr. Lipnicky said they spent a lot of time, as you know, discussing -- a hell of a lot of time discussing issues surrounding planning and he thinks for all the committee people, it helped to really clarify the direction that they saw themselves going in and although it took too long, he still thinks it was time well spent. He said he wished it did not take quite that long. Councilman Gunner said so did he. He said he assumes the conclusion will not take that long.

Councilwoman Galvin had a question, the report does detail on certain of the items that are listed on the LUMAC schedule, on the flow chart there is an item marked future conditions and asked what was meant by this. Mr. Lipnicky said basically that is population projections, how that would impact, for example, traffic -- in other words, what population projections are to that, if the population grows at this level or that level, what the impact is going to be on the roadway network. He said that is what is meant by that.

Councilwoman Galvin said this was strictly a point of not being able to read what the word is. She said under items 10 and 11 under task, what is that -- evaluation alternative. Mr. Lipnicky said that is development and evaluation of all things.

Councilwoman Galvin asked Mr. Lipnicky if he believed it was realistic to expect that this job will be completed and a report available in April of next year. Mr. Lipnicky said he did not have any choice so yes. Supervisor Ringler said he thought that was March. Mr. Lipnicky said it was the end of April which is shown here.

Councilwoman Galvin said based on the information that is... Mr. Lipnicky said the end of March, he was sorry. Supervisor Ringler said thank you. Ms. Galvin said based on the information that Mr. Lipnicky has laid out in here, is it his anticipation that you are going to be seeking any action from this Board with respect to any proposed local laws prior to the end of March of next year. Mr. Lipnicky said in terms of having draft local laws, the answer is no. He said in terms of having recommendations of things that we believe need to be change in terms of general parameters of what needs to be changed to what, the answer is yes. Councilwoman Galvin asked about continuation of any existing interim legislation. Mr. Lipnicky said at this point in time, it is something they have not discussed.

Councilman Gunner asked if they are considering recommendations for rezoning or subdivision changes and things like that. Mr. Lipnicky said right, that will be contained in the final report. Mr. Gunner said they will come out of the goals and objectives -- asked if that is one of the objectives. Mr. Lipnicky said right and the analysis yes.

Councilwoman Galvin asked at this point in time if they have discussed in the committee any proposals for changes in methodology for handling subdivision and related applications before the Planning Board. Mr. Lipnicky said they have had -- as you will notice under the goals and objectives, there is a section that deals basically with zoning code, its structure, how districts are set up and procedures in the code. So, in their discussions of issues, according to Mr. Lipnicky, they did have extensive discussion about some of the problems that they see with the zoning code and procedures. Councilwoman Galvin said one of the things she has noticed that they have dealt with zoning, they have not specifically dealt with planning at least in the outline of goals and objections. Councilwoman Galvin asked if the committee has looked at that. Mr. Lipnicky said well, we think the whole thing taken in total reflects planning. He said each one of these, the main focus of what they are doing is really on the land use plan. He said what they are looking at here is really how each one of these areas that they have outlined in terms of goals and objectives whether it be natural resources, cultural resources and alike, how that affects land use planning. He said the answer to that is yes.

Councilman Gunner said he would assume in just looking from the list of areas that you covered, it will be quite an extensive list of goals and objectives, 50 to 100. Mr. Lipnicky said that was correct, would you say toward 100. Councilman Gunner said goals or objectives or combined. Mr. Lipnicky said goals and objectives combined, he thinks they came out with about 20 pages, 25 pages. Mr. Messina said there might be 20 goals but objectives listed within those. Councilman Gunner said yes, objectives are delineating the way they are going to get to their goal because goal is broad. Mr. Messina said being more detailed than the goal but then you policy statement or implementation strategy even being more precise than that. Councilman Gunner said that was what he meant. He said objective

reaches tells you how you are going to get to the goals so it can be measured whether you have achieved it or not.

Councilwoman Galvin asked Mr. Lipnicky if it was his anticipation that as we approach the end of this process that things will start to pick up in terms of pace. Mr. Lipnicky said yes, to him the most difficult time was really discussing, getting the consensus on going through somewhat of an educational process as to what the real issues are here in the Town. He said what they are going through now in terms of finishing up the inventory stages, doing technical stuff, the most time consuming part of that was contacting agencies, returning phone calls, trying to get information and alike. He said as they get further on in this process, as Ms. Galvin has said, he would hope that it goes quicker. He said there is no guarantee, if there is a large disagreement on the committee as to how to approach something but his sense in reading from the committee is that we pretty much have been thinking alike until the point that they have gotten to now so... Councilwoman Galvin said since we are going to be seeing the goals and objectives in their draft form in the not to distant future, she would like to have a follow-up report and given the time frames since this is basically coming in looking at the beginning of August, would it be possible to have another follow-up report available to the Board for the beginning of November. Mr. Lipnicky said that would be fine.

Supervisor Ringler asked if there was anything else. There was nothing. He thanked Mr. Lipnicky and Mr. Messina. He said it was taking a long time but he thought in the final analysis we will have a great report that we can work with and chart our destiny so to speak.

Approve
Creation
of Independent
Department
To oversee
Administration
of Section 8
Low Income
Housing

Supervisor Ringler said the next item on the agenda is a request from Judith Kehoe, CPA, Comptroller to create an independent department to oversee the administration of the Town Section 8 Low Income Housing Program. Mr. Ringler asked Mrs. Kehoe to briefly explain to the Board what the recommendation is all about. Mrs. Kehoe said this recommendation does not change any of the existing practices in how we administer the Section 8 program. She said this merely formalizes the requirement that HUD has asked us to implement. She said she worked with HUD for about 2 months trying to get them away from doing a Town-wide single audit especially in light of the fact that we had New York State's Office of the State Comptroller in here for 2 months doing their audit in 1991. She said if we had a single audit in that same period on a Town-wide basis, it would involve substantially the same type of work that New York State did and it would involve substantial expense to the Town as well, probably in the range of \$15,000 to \$20,000. Mrs. Kehoe continued by adopting this official department to administer the Section 8 program, we can get away from a Town-wide single audit and have a single audit on a departmental wide basis, that department being the HUD program. Currently, according to Mrs. Kehoe, all the funds are in a separate account. She said the books and records are completely separate. Supervisor Ringler indicated nothing is co-mingled with Town funds at all, asking for concurrence from Mrs. Kehoe. She indicated that was right. She said it was very cut and dry, very separate program.

Councilwoman Galvin said according to Mrs. Kehoe's memo, the departmental audit would be paid for or funded entirely by HUD. Mrs. Kehoe said yes, they give us an allowance of -- she believes it is \$1,000. a year to cover those audit costs. Ms. Galvin asked if this would cover the cost. Mrs. Kehoe said substantially all of the costs. She said she in the process of getting quotes now, so she could not give an exact figure on that but given the work that is involved, it would probably last about 3 days. She said she cannot imagine an audit fee coming much higher than \$1500. Councilwoman Galvin asked in order to set up a different department would additional personnel be required. Supervisor Ringler said no, he is going to handle it all. He said the resolution says he is a department head, he thinks, so... of course, we may want to increase the salary of the Supervisor but he said seriously this is a technicality and as he said to Mrs. Kehoe when this first started, it

seemed so ludicrous that we have these funds that we have for housing and so forth and that to him all the Federal Government should care about is what is happening to their funds. He said the State of New York just left this building about a month ago and did a Town-wide audit and as they usually do, and to have to have an independent auditor come in here again and be disruptive and take the time of the Comptroller looking at everything all over again and going through all of the records just does not make sense. Supervisor Ringler said by doing this, they can come in and do an audit strictly on the HUD program. He said he thinks it makes a lot of sense to do it that way.

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

WHEREAS, THE Town of Bethlehem (the "Town") has been designated as the Public Housing Agency (PHA) responsible for the administration of the Section 8 Housing Assistance Program for Existing Housing (the "Program") in the Town;

WHEREAS, the Supervisor of the Town has been vested with the authority and has the duty to carry out all responsibilities for the Town in its administration of the Program;

WHEREAS, the Supervisor desires to create an independent department within the Town to oversee the administration of the program, to be under the auspices of the Supervisor's office;

The Town hereby establishes the Town of Bethlehem Housing Department, to be independent from other departments of the Town, and whose sole function is to engage in or assist in the development or operation of housing for low-income families. The program receipts and disbursements are to be maintained in a bank account separate from the other Town accounts, and independent accounting records are to be maintained. Audits of program activity are to be made in accordance with applicable Federal and State guidelines.

The motion was passed by the following vote:

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

Noes: None.

Absent: Mrs. Fuller.

Supervisor Ringler thanked Mrs. Kehoe.

Following, Supervisor Ringler acknowledged receipt of Preliminary Plat Approval entitled, "Orchard Estates, Proposed Subdivision" from the Planning Board for informational purposes.

Acknowledge
Receipt of
Preliminary
Plat Approval
Orchard
Estates

Supervisor Ringler said the following item on the agenda is a request from Judith Kehoe, CPA, Comptroller, to transfer funds from General Fund into the Trust and Agency accounts equal to the amounts not credited in prior years and charge the expense to the contingency account. He read the following memorandum from Mrs. Kehoe.

Approve
Transfer of
Funds
General Fund
into
Trust & Agency
and
Charge to
Contingency
Account

TO: Town Board Members
FROM: Judith E. Kehoe, CPA
DATE: July 9, 1992
RE: Restricted Police Monies

Beginning in 1990, the Police Department received two sources of restricted monies: drug asset forfeitures and law enforcement grants. Forfeiture money is required to be spent on drug enforcement. Grant money is required to be spent in accordance with the approved grant terms. It is easier to account for these funds if they are segregated into a separate account on the books.

Due to a bookkeeping error, approximately \$13,000 of these restricted funds were received in 1990 and 1991, and were not properly credited to the restricted programs. Accordingly, the drug program expenditures were charged against the police department budget, and

the general fund received credit for the receipts. These monies should have been credited to the police department. Note that the terms for the restricted funds were not violated; however, we did not spend the monies we were entitled to.

In order to restore the restricted monies to their proper balances, I recommend that we transfer cash from the general fund into the Trust and Agency accounts equal to the amounts not credited in prior years, and charge the expense to the contingency account (A-1990).

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The motion was made by Mr. Gunner and seconded by Mr. Webster to approve the transfer of cash from the general fund into the Trust and Agency accounts equal to the amounts not credited in prior years and charge the expense to the contingency account (A-1990). The motion was passed by the following vote:

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

Appoint
Seasonal
Personnel
Parks & Rec.
Department

Supervisor Ringler said next was a request from David Austin, Administrator of Parks & Recreation, for approval of appointment of seasonal personnel per the attached list at the rates indicated.

The motion was made by Mr. Webster and seconded by Mr. Gunner that the personnel listed on the Memorandum dated July 22, 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.
Noes: None.
Absent: Mrs. Fuller.

Following item, according to Supervisor Ringler, was a request from Mr. Michael Cirillo, Engineering Services Administrator, Department of Public Works, for approval to proceed with the Waldenmaier Road project and request that the Supervisor negotiate with Owens Corning Fiberglass to acquire rights-of-way needed for the right-of-way improvements with a total expense of \$1,000. anticipated.

Approve
Waldenmaier
Road Project
and negotiate
with Owens-
Corning to
acquire rights-of-
Way needed

The motion was made by Ms. Galvin and seconded by Mr. Gunner that approval be given to proceed with the Waldenmaier Road project and the Supervisor negotiate with Owens Corning Fiberglass to acquire the rights-of-way needed for the right-of-way improvements with a total expense of \$1,000. The motion was passed by the following vote:

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

Approve
refund of
overpayments
of Water Rents
from Receiver
of Taxes &
Assessments

Supervisor Ringler said next was a request from Kenneth P. Hahn, Receiver of Taxes and Assessments, to reimburse overpayments for the month of June, \$2.82.

The motion was made by Ms. Galvin and seconded by Mr. Webster that Kenneth P. Hahn, Receiver of Taxes and Assessment, reimburse overpayment of water rents for the month of June in the amount of \$2.82 to those listed on his letter dated July 17, 1992. The motion was passed by the following vote:

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

Supervisor Ringler said the next item is a recommendation from Bruce Secor, P.E., Commissioner of Public Works, for acceptance of deeds for the Woodhill Section 3 and the bond reduction. The bond reduction is not pending the Town Board Attorney but the acceptance of the deeds is.

Accept
Deeds
Woodhill
Section

The motion was made by Mr. Webster and seconded by Ms. Galvin that the six deed documents submitted for approval by Vincent Riemma, Glenmont, New York for Woodhill Section 3 be accepted pending approval of the Town Attorney. The motion was passed by the following vote:

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

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Supervisor Ringler said in addition, he is recommending that the two current letters of credit for Woodhill totaling \$35,000. be reduced to \$25,000. and the proposed letter of credit for \$10,000. be consolidated into one new letter of credit totaling \$35,000. Councilwoman Galvin indicated to Mr. Secor that she had her same standard question... Mr. Secor said he did not know whether that was done. He said they will do that. Councilwoman Galvin said okay. Mr. Secor said they always request the liens check before we did that and he was not sure that was done, Mr. Cirillo is out of Town. Mr. Secor indicated he will check with him as soon as he gets back. The Board can approve this subject to getting the liens checked, Mr. Secor said. Supervisor Ringler said okay.

Approve
Reduction
of Letter
of Credit
Woodhill,
Subdivisi

The motion was made by Ms. Galvin with that requirement of the lien check and was seconded by Mr. Gunner that the reduction in bonding to \$25,000. for Section 2 be approved and a combined letter of credit be obtained in the amount of \$35,000. to cover Sections 2 and 3 of the Woodhill Subdivision. The motion was passed by the following vote:

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

Supervisor Ringler said he was going to now entertain a motion that the Town Board go into Executive Session. He said they will be coming back to take care of action or discussion at least of the second item on the agenda pertaining to Meadowbrook Section 3. He indicated they hoped not to be too long -- inviting anyone who wished to be here to wait.

Executive
Session

The motion was made by Ms. Galvin and seconded by Mr. Webster to recess to Executive Session to discuss pending litigation at 7:50 p.m.. The motion was passed by the following vote:

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

Supervisor Ringler reconvened the Town Board meeting at 9:05 p.m. He said he would like to move back to the second item on the agenda, remove from the table and consider the Planning Board communication regarding Meadowbrook Section 3. He indicated he would entertain a motion to remove this from the table. Councilwoman Galvin excused herself and said she would at this point physically remove herself from any consideration in this and she will be abstaining. She wished to record to reflect that she abstained from any and all participation with respect to this item. Supervisor Ringler said so noted.

Remove from
table and
consider
Meadowbrook
Section 3

The motion was made by Mr. Webster and seconded by Mr. Gunner to remove from the table consideration of a Planning Board communication regarding Meadowbrook Section 3. The motion was passed by the following vote:

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

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Adopt
 SEQR
 Resolution
 Meadowbrook
 Section 3

Supervisor Ringler said as you know we have received from the Planning Board the SEQR resolution and recommendations regarding the beginning of the SEQR process for the Meadowbrook Section 3 process. He said this was in line with receiving additional plans and we are going to be moving forward with the SEQR process at this time in line with the Memorandum of Understanding. He said they have received the EAF and so forth. He said he understands there is still more information that the Planning Board will be looking for, however, there is sufficient information at this point in time to begin this administrative procedure at least of starting the SEQR process. He said there was a resolution attached regarding the SEQR process whereas they would classify the project as an unlisted action and initiate the coordinated SEQR review. He said it also establishes the Town Board as lead agency if no objection is received from the other involved agencies within 30 days. He said then this would be referred back to the Planning Board for their continuing review of Building Project Approval.

The motion was made by Mr. Gunner and seconded by Mr. Webster that the SEQR Resolution be adopted. Supervisor Ringler asked if there were any questions or discussion. Councilman Gunner said that was what he wanted to get at, asking Counsel if it pays for the Board to state any more than that about the litigation, asking if this okay. Attorney Kaplowitz said he does not understand the question. Councilman Gunner said he got the answer. Supervisor Ringler asked if the answer was no. Mr. Kevin Moss indicated the answer was no. Supervisor Ringler asked if there was further discussion. There was none. He asked for all those in favor.

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

Executive
 Session

Supervisor Ringler asked if there was anything else to be brought to the attention of the Town Board. There was none. He said prior to adjourning, he had to ask to go back to Executive Session to discuss a personnel matter, hoping it will not be too long. The motion was made by Mr. Webster and seconded by Mr. Gunner to adjourn to Executive Session. Supervisor Ringler asked if there were any questions. Councilman Gunner said yes, asking if there will be any other business when they come back. Supervisor Ringler said we are not coming back, indicating he is going to ask for a motion to adjourn. Councilman Gunner said okay, he just wanted the people out in the audience to know that.

The motion was passed by the following vote:

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

Supervisor Ringler said he would entertain a motion to adjourn. The motion was made by Ms. Galvin and seconded by Mr. Gunner to adjourn the Town Board meeting at 9:08 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Town Clerk

THERE WAS NO ACTION AT THE EXECUTIVE SESSION.