

TOWN BOARD
JUNE 9, 1993

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, Jr., Supervisor
Frederick C. Webster, Councilman
Charles Gunner, Councilman
Sheila Fuller, Councilwoman
Bernard Kaplowitz, Esq., Town Attorney
Catherine Picarazzi, Deputy Town Clerk

ABSENT: M. Sheila Galvin, Councilwoman

SUPERVISOR RINGLER: I want to welcome everybody to a regular meeting of the Bethlehem Town Board. I guess this is the last meeting our students are here, so welcome to you and have a wonderful summer.

First item on our agenda, is a recommendation from Judith Kehoe, Comptroller, regarding proposed change in the personnel policy, pertaining to increment raises. This is an item the Board had discussed in Executive Session, in which the anniversary date of employees now will all be on January 1st, this will assist with the bookkeeping and so forth, throughout the year from all of our Department Heads. This has been reviewed with the Personnel Committee and they have agreed with it and think it is a good idea. I entertain a motion to authorize that change to the manual. Questions?

MR. GUNNER: Has this gone to the Personnel Committee?

SUPERVISOR RINGLER: Yes.

MR. GUNNER: Okay, and they recommend it?

SUPERVISOR RINGLER: Yes.

Adopt change
in Personnel
Policy re:
pay increments

The motion to adopt the change in personnel policy regarding anniversary dates of employees being established at January 1st., was made by Mrs. Fuller and seconded by Mr. Webster. The motion was carried by the following vote:

AYES: Mr. Ringler, Mrs. Fuller, Mr. Webster, and Mr. Gunner.
NOES: None.
ABSENT: Ms. Galvin.

Budget
Transfer
Comptroller

SUPERVISOR RINGLER: Next, I have a request for budget transfer from Judith Kehoe, Comptroller, regarding the Parks General Fund Account and the Parks Capital Projects Fund Account, \$54,300.00. Again, this was a recommendation for bookkeeping purposes by the State Comptrollers Office.

The motion was made by Mr. Webster and seconded by Mrs. Fuller, to approve the transfer of \$54,300 from the Parks General Fund Account and the Parks Capital Projects Fund Account. The motion was carried by the following vote:

AYES: Mr. Ringler, Mr. Webster, Mrs. Fuller and Mr. Gunner.
NOES: None.
ABSENT: Ms. Galvin.

SUPERVISOR RINGLER: Next, I would like to knowledge receipt of the Final Plat, dated March 8, 1993, and amendment of Final Plat No. 80-S2-F dated May 21, 1993, for the Meadows Subdivision, Section 2, Bender Lane, Delmar, and this is for information purposes only.

Acknowledge
Receipt of
Final Plat
Meadows
Subdivision

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SUPERVISOR RINGLER: Next, I would like to acknowledge receipt of Certificate of Conditional Approval of Final Plat for the Woodhill Section Subdivision, 59-54-CF dated May 18, 1993, from the Planning Board, again this is for information purposes only.

Acknowledge
Receipt of
Conditional
Approval of
Final Plat
Woodhill
Subdivision

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SUPERVISOR RINGLER: A request from Mr. Hahn, Receiver of Taxes and Assessments, for reimbursement of overpayment of water rents for the month of May totaling \$32.21.

Refund of
Water Rents
May 1993

The motion to approve the reimbursement of overpayments of water rents for the month of May totaling \$32.21, was made by Mr. Gunner and Seconded by Mrs. Fuller. The motion was carried by the following vote:

- AYES: Mr. Ringler, Mr. Gunner, Mrs. Fuller, and Mr. Webster.
- NOES: None.
- ABSENT: Ms. Galvin.

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SUPERVISOR RINGLER: Next, I have a recommendation from Dave Austin, Administrator of Parks & Recreation Department, for appointment of seasonal personnel per the attached list and rates.

Approve
Seasonal
Personnel
Parks and
Rec. Dept.

The motion for approval of appointment of seasonal personnel as per the memorandum dated June 23, 1993, was made by Mrs. Fuller and seconded by Mr. Webster. The motion was carried by the following vote:

- AYES: Mr. Ringler, Mrs. Fuller, Mr. Webster and Mr. Gunner.
- NOES: None.
- ABSENT: Ms. Galvin.

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SUPERVISOR RINGLER: Next, I would like to consider recommendation from the Planning Board to deny rezoning request from the Wemple Road Developers, Inc. for a parcel of land at the intersection of Wemple Road and Route 9W, which is being requested to become a Planned Residential District. I will read this into the record:

Deny Rezoning
request from
Wemple Road
Developers
Route 9W and
Wemple Road

June 2, 1993

Kenneth J. Ringler, Jr., Supervisor
Town of Bethlehem
445 Delaware Avenue
Delmar, NY 12054

Dear Supervisor Ringler:

Wemple Road Developers, Inc. has requested that the Town Board rezone a 32+ acre parcel located at the northwest corner of the intersection of Wemple Road and Route 9W to Planned Residential District (PRD). On April 8, 1991, the request was referred to the Planning Board by the Town Board for a recommendation on the rezoning.

The proposed rezoning was discussed by the Planning Board at the meetings of October 1, 1991; January 7, 1992; September 1, 1992; and May 18, 1993. In addition, the Planning Board had a general discussion of PRD's at the regular meeting of November 19, 1991. The Planning Board also considered the comments and recommendations of the Planning Department which are contained in memoranda dated October 1, 1991 (prepared by J. Lipnicky), August 26, 1992 (prepared by D. Stepanek), and May 14, 1993 (prepared by J. Lipnicky). These memoranda are attached for the Board's review.

Recommendation

The Planning Board recommends denial of the requested rezoning. While the location may be appropriate for a PRD, none should be permitted at the density proposed by the applicant at the Planning Board's meeting of May 18, 1993.

Discussion

The request for rezoning raises two basic issues: (1) Is this an appropriate location for a PRD? (2) If so, what should be the maximum permitted density of a PRD at this location?

As to the first issue, three of the Board members believe that the request should be denied because the site lacks any of the natural characteristics (ravines, wooded area, wetlands, etc.) which would ordinarily warrant the use of a PRD to encourage a creative land use design. A majority of the Board concluded that, based on the recommendations contained in the Route 9W Corridor Study, this location is an appropriate one for multi-family dwellings and that it is therefore an acceptable location for a PRD.

As to the second issue, six of the seven Board members believe that the maximum permitted density in any PRD at this location should remain at or near the density allowed under current zoning (i.e. no more than 4.5 dwelling units per acre). This conclusion is also supported by the recommendations contained in the Route 9W Corridor Study. After reviewing at least three different conceptual plans for the development of the proposed PRD, it was clear to the Board that the density of development desired by the applicant (the lowest density proposed by the applicant, in the plan shown on May 18, 1993, was 5.94 units per acre) exceeded what the majority of the Planning Board thinks is appropriate for the area. Attached is the section of the minutes of the May 18th, 1993.

Any questions from the Board? No.

The motion to deny the rezone request from Wemple Road Developers, Inc. for a parcel of land at the intersection of Wemple Road and Route 9W to Planned Residential District, was made by Mr. Gunner and seconded by Mrs. Fuller. The motion was carried by the following vote:

AYES: Mr. Ringler, Mr. Gunner, Mrs. Fuller, and Mr. Webster.
 NOES: None.
 ABSENT: Ms. Galvin.

SUPERVISOR RINGLER: Next, I have a recommendation from Gregg Sagendorph, Highway Superintendent, for signing of a agreement regarding Section 284, paving of Town of Bethlehem roadways. This is one we do every year and Gregg has outlined on the list the streets he is planning on paving.

The motion to authorize the signing of an agreement regarding Section 284, paving of Bethlehem roadways, was made by Mrs. Fuller and seconded by Mr. Webster. The motion was carried by the following vote:

Sign Agreement Road Paving

- AYES: Mr. Ringler, Mrs. Fuller, Mr. Webster, and Mr. Gunner.
- NOES: None.
- ABSENT: Ms. Galvin.

SUPERVISOR RINGLER: Next is a recommendation from Dave Austin, Administrator of Parks & Recreation Department, for acceptance of a donation from the Bethlehem Lions Club to purchase two park benches and to help a disadvantaged family with program and pool fees. The donation was \$300.00.

Accept Donation Bethlehem Lions Club

MR. WEBSTER: I understand a letter will be sent thanking them?

SUPERVISOR RINGLER: Yes.

The motion to purchase two park benches for \$300.00, and to help a disadvantaged family with program fees and pool fees, made possible by the Bethlehem Lyons Club, was made by Mrs. Fuller and seconded by Mr. Webster. The motion was carried by the following vote:

- AYES: Mr. Ringler, Mrs. Fuller, Mr. Webster and Mr. Gunner.
- NOES: None.
- ABSENT: Ms. Galvin.

SUPERVISOR RINGLER: Next I have a recommendation from Bruce Secor, to authorize the Supervisor to sign an agreement with Conrail regarding the boring under Clapper Road the water main crossing for the Water Supply Project.

Sign agreement with Conrail re; boring under Clapper Road for Water Supply Project

The motion to authorize the Supervisor to sign an agreement with Conrail regarding the boring under Clapper Road, the water main crossing for the Water Supply Project, was made by Mr. Gunner and seconded by Mr. Webster. The motion was carried by the following vote:

- AYES: Mr. Ringler, Mr. Gunner, Mr. Webster and Mrs. Fuller.
- NOES: None.
- ABSENT: Ms. Galvin.

SUPERVISOR RINGLER: Next is a request from Mr. Flanigan, Building Inspector, for renewal of dumping permits for Lyons Road, in Selkirk, with conditions as recommended by the Engineering Department.

The motion to approve renewal of dumping permits for Lyons Road, Delmar, requested by Henrietta Vagele, was made by Mrs. Fuller and seconded by Mr. Webster. The motion was carried by the following vote:

Dumping Permit Vagele

- AYES: Mr. Ringler, Mrs. Fuller, Mr. Webster, and Mr. Gunner.
- NOES: None.
- ABSENT: Ms. Galvin.

SUPERVISOR RINGLER: Next is a request from John Flanigan, Building Inspector, for approval of a dumping permit for

Elm Avenue, Selkirk, again with restrictions from Engineering.

Dumping Permit
Yurek

The motion to approve the a dumping permit for 803 Elm Avenue, Selkirk, requested by Bradley Yurek, was made by Mr. Webster and seconded by Mrs. Fuller. The motion was carried by the following vote:

- AYES: Mr. Ringler, Mr. Webster, Mrs. Fuller, and Mr. Gunner.
- NOES: None.
- ABSENT: Ms. Galvin.

SUPERVISOR RINGLER: Next I have a request from John Flanigan, Building Inspector again, for approval of a dumping permit for Rural Place, Delmar, same thing, with conditions from the Engineering Department.

Dumping Permit
Anson

The motion to approve a dumping permit for Rural Place, Delmar, requested by Scott Anson, was made by Mr. Webster and seconded by Mr. Gunner. The motion was carried by the following vote:

- AYES: Mr. Ringler, Mr. Webster, Mr. Gunner and Mrs. Fuller.
- NOES: None.
- ABSENT: Ms. Galvin.

SUPERVISOR RINGLER: Next there is an item added to the agenda, this was received this evening. Bruce would you like to briefly go over it?

MR. SECOR: As the Board is aware in producing the facilities for the new water supply project, you need to acquire a plant site. This is for that property on Clapper Road, just on the easterly side of the Thruway. We originally made an offer for 35 or more acres and that was reduced. We are now at the final area of about 29 acres that we are offering on. We have established a sale price. We have a new agreement, signed by the current owner, who sets a sale price of \$130,770.00 for the parcel. We have letters there from Mr. Efron, who has reviewed this and myself, recommending that we purchase this. We think this is in line with the property values with current sales in the area. And it's a site that includes all of the necessary site we need for the new water plant.

SUPERVISOR RINGLER: Questions the Board has, through the negotiations, has been discussing this at Executive Session. Are there any question? Anyone like to offer a motion to authorize the Supervisor to sign this contract?

Purchase
29 acres on
Clapper Road
For Water
Supply Project

The motion to purchase 29 acres of land located on Clapper Road, on the easterly side of the Thruway, at a cost of \$30,790.00, for the Water Supply Project, and to authorize the Supervisor to sign the contract, was made by Mr. Webster and seconded by Mrs. Fuller. The motion was carried by the following vote:

- AYES: Mr. Ringler, Mr. Webster, Mrs. Fuller and Mr. Gunner.
- NOES: None.
- ABSENT: Ms. Galvin.

Executive
Session

SUPERVISOR RINGLER: Next I would entertain a motion to conduct an Executive Session at the end of this meeting, to discuss pending litigation and a personnel matter.

The motion to go the Executive Session to discuss pending litigation and a personnel matter, was made by Mrs. Fuller and seconded by Mr. Gunner. The motion was carried by the following vote:

- AYES: Mr. Ringler, Mrs. Fuller, Mr. Gunner and Mr. Webster.
- NOES: None.
- ABSENT: Ms. Galvin.

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SUPERVISOR RINGLER: Is there anything anyone would like to bring to the attention of the Board this evening? Yes Michael. For the record your last name is?

MR. LAIOSA: Laiosa. I am here to protest the posting of the Slingerland's Pocket Park, as yet another place off limits to dogs. As it stands now the park is just a field which is occasionally used by private organizations, like the Soccer Club and Tri-Village Little League for practice. Where as I do respect the right to use the field and have it be a field clean of any dog excrement, I see no reason to close the park without any warning and punishing law abiding citizens who do clean up after their animals.

Discussion
Dogs off
limit at
Slingerlands
Park

The Pooper-Scooper Law is already in existence and although difficult to enforce, should be the issue. Why not change the sign which prohibits dogs, to a sign that says \$25.00 fine to dog owners who do not clean up after their dog. Reminding pet owners of their civic duty.

As it stands now, the people who do not clean up after their dogs are a minority and the rest of us are being punished.

I do agree that the Pooper-Scooper Law is important. I find it appalling to see people who don't fulfill that law. But instead of trying to find the people - those people - the Town resorts to closing an entire park to all dog owners. Currently this park, that I have been talking about, isn't even that. It's just a field. A field where people play soccer, frisbee, baseball, exercise their dogs and even golf in. And again I respect and obey all the current laws - such as the Leash Law, registration laws, Rabies Vaccination Law, Pooper-Scooper Law - because these laws are a matter of public health and courtesy, however, I do not know where closing an occasionally used field to dogs meets any of the above criteria. Which is why I am here, to request that this new ordinance be lifted and the sign removed to be replaced with a sign that says \$25.00 fine to Pooper-Scooper offenders.

SUPERVISOR RINGLER: Michael - Dave Austin, your the one who put that sign up. Perhaps you would like to explain the policy of the Parks & Recreation Department.

MR. AUSTIN: As I explained to Michael on the phone, and a few other residents who are responsible dog owners probably in that neighborhood, who did use the area - that law, that park rule, is in effect in all of our parks. Mainly because they are heavily used - they are used, but they're used in the green area - they are used by people. We just don't feel that it is an appropriate place for dogs to be, especially when there are a lot of dog owners who are not responsible. If we had a park area that was totally wooded and it wasn't used by people, I don't see why that couldn't be a possible place for people to take their dogs. But, we have had complaints from some of the Youth Athletic Organizations that use that area. The Animal Control Officer requested that I put something up at that site, so he could try to enforce things there.

SUPERVISOR RINGLER: Has he tried to enforce the current law there? Has he issued any citations up there on that?

MR. AUSTIN: No, I think he has just given warnings.

SUPERVISOR RINGLER: Okay. He has given warnings there?

MR. AUSTIN: I believe so.

MR. LAIOSA: Could the sign be changed to, no more visits, this sign is your warning folks, if we see you, you will be fined?

MR. AUSTIN: I am not sure that would keep people out of the area.

SUPERVISOR RINGLER: Why should...Sir?

MR. BEATOR: My name is Mike Beator. I live on McCormick Road also. We use that to walk our dog, I talked to Mr. Austin about this too. Last night on the way home, I passed the Town Park, there is a sign up in the Town Park, NO DOGS ALLOWED at the booth. There are no other signs posted. There where kids out there playing ball as they usually do and there was a guy walking his dog on a leash and now I believe, the Parks Department is located right there and nobody is enforcing that either. That's why...

SUPERVISOR RINGLER: Well, an isolated doesn't mean we are not enforcing it. David, if someone is walking a dog, what would you do?

MR. AUSTIN: We ask them to leave with the dog.

SUPERVISOR RINGLER: Okay.

MR. BEATOR: Right. I have to agree with Michael, that the best thing to do is to enforce the law you have on the books now. Fine the people that don't pick up after their dog. It's almost an impossible thing. But, if he wants to sit up there, he is around the... the animal guy, whatever he is, he is around there in his green truck around Slingerlands Fire Department all the time. Let him enforce the law. Give out some tickets. How many tickets have been issued in the whole Town of Bethlehem?

MR. AUSTIN: I have no idea.

MR. BEATOR: Have any tickets been issued in the Town of Bethlehem?

MR. AUSTIN: You would have to ask the Animal Control Officer, I really don't know.

SUPERVISOR RINGLER: Well, I guess...

MR. BEATOR: The law is almost unenforceable.

SUPERVISOR RINGLER: Well, the law is very difficult to enforce, but the fact of the matter is, when we passed it, we realized that would be the situation. What we tried to do, is to create a standard for the people and most people have complied, okay? You know, there are ways, if one of our officers sees someone violating it, they can take action. The other thing is, that if we tell property owners that if they have somebody continually doing it to their property, they can file a complaint and action can be taken. It is very difficult in a situation, you know, to catch everybody. There is... it's just impossible to do that.

I guess the question, you know, comes down to, is that - should our Parks have dogs allowed to be run in them? If so, should our Parks all be the same? I guess the

question is, why hasn't this one been treated the same as the other Parks up until this point in time?

MR. BEATOR: It's really not a Park.

SUPERVISOR RINGLER: Dave?

MR. AUSTIN: It's not a park, I don't know what a definition of a park is. Does it have to have tennis courts and basketball courts and pools? I don't think it does. I think any area where the public is invited to do anything - like there is soccer there, there are people playing softball and baseball. It's a small pocket park. I mean no matter how you look at it, and if it wasn't used by the public, I wouldn't see it as a problem. But I don't think it is an appropriate thing, to have dog feces in an area where there are children playing.

MR. BEATOR: Oh, I agree with you.

MR. AUSTIN: Unfortunately, not everybody is a responsible dog owner like these two gentlemen. And, that is why we have rules in all our parks, I think, because people break... people don't do what is appropriate for that type of area.

SUPERVISOR RINGLER: Does the Board have any thoughts. Somebody?

MRS. FULLER: I would think the dog catcher would be...

MR. RINGLER: No question he should be, but I mean as far as the policy of the park goes.

MR. LAIOSA: I think you should spend a lot more time enforcing a fact that if a dog can't be there, he, it is a waste of time enforcing that, if you are not going to enforce the Pooper-Scooper Law. Which has been in existence for, what, two years now?

SUPERVISOR RINGLER: I guess.

MR. LAIOSA: I mean, at that particular site. I think it is going to be just as difficult for him to enforce, dogs can't be there, then it would be for him to enforce, you have to clean up after your dog's mess at that particular area.

SUPERVISOR RINGLER: I can see, I think it is much more difficult to enforce the Scooper law, than it is dogs being at a location. A dog is very visible, it's there, it shouldn't be there, he can do something. A dog, that, he has to catch at the right time, in the other situation, but, let us think about what you have said tonight. Let me talk it over with David again, and look at the policy and make sure the right one is in effect, and if not, see if we can in some way accommodate your needs as well. I can't make a promise, but let me at least talk to him about it. Lets see what we come up with. Okay. Thank you.

MR. LAIOSA: Thank you.

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SUPERVISOR RINGLER: Is there anything that anyone else would like to bring to the attention of the Board? If not I would entertain a motion to adjourn.

Motion to adjourn the meeting at 7:46 p.m., was made by Mr. Webster and seconded by Mrs. Fuller. The motion was carried by the following vote:

AYES: Mr. Ringler, Mr. Webster, Mrs. Fuller and Mr. Gunner.
NOES: None.
ABSENT: Ms. Galvin.

Catherine T. Picarazzi
Catherine T. Picarazzi
Deputy Town Clerk

NO ACTION WAS TAKEN AT EXECUTIVE SESSION