

TOWN BOARD
JUNE 23, 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, Supervisor
Frederick C. Webster, Councilman
Charles Gunner, Councilman
Sheila Fuller, Councilwoman
Bernard Kaplowitz, Esq., Town Attorney
Kathleen A. Newkirk, Town Clerk

ABSENT: M. Sheila Galvin, Councilwoman

SUPERVISOR RINGLER: Good evening, I would like to welcome everyone to a regular meeting of the Bethlehem Town Board. Tonight is not a public hearing but as with usual practice, after any item is discussed on the agenda by the Board if anyone has any questions for clarification, we will try to answer them for you. And, at the end of the meeting we will answer anything anyone would like to discuss with the Board.

First item on the agenda is to remove from the table for consideration by the Board, the ANSWERS contract.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to remove from the table for discussion the ANSWERS contract. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Okay, as you know, this is an item that was discussed before where the tipping fee with the City of Albany will be reduced to \$55. per ton, retroactive to January of this year. I would like authorization -- and future increases next year, it will also be \$55. a ton and then after that it will be tied into the CPI -- like to... we had discussed authorization to sign this with the change that we refused to make where we would have to guarantee them flow control which we can't do currently. The City has agreed to that change but we will have to line that out on the copy that we have. Any questions?

COUNCILMAN GUNNER: Yes. How long is that contract for again, I forgot?

SUPERVISOR RINGLER: It's 14 years from 1990, I believe, with a 5 year cancellation clause. Anyone like to offer a motion to authorize the Supervisor to sign that?

The motion was made by Mr. Webster and seconded by Mrs. Fuller to authorize the Supervisor to sign the ANSWERS contract with the change as indicated. The motion was passed by the following vote:

Authorize
Supervisor
To Sign
ANSWERS
Contract

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

SUPERVISOR RINGLER: Next a request from Michael Cirillo, Engineering Services Administrator, for permission for John Fenzl, Sr. Engineer, to attend a one day seminar in continuing education on July 26th with registration fee of \$79. paid.

Seminar
Engineering
Dept.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to approve the attendance of John Fenzl, Sr. Engineer, at a one day

seminar in continuing education to be held July 26, 1993 with registration fee paid. The motion was passed by the following vote:

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

Budget Transfer and Creation of a Budget Line Comptroller

SUPERVISOR RINGLER: Next I have a request from Judith Kehoe, Comptroller for approval of a budget transfer and creation of a budget line. The Town has received \$55,000. from Cablevision to be used for the purchase of public access at the High School and Library. The money will be recognized as revenue for the Town with the corresponding offset to expense for the monies paid to the school and the library. In order to record the expenditures I need the Board's authorization to create a budget line.

The motion was made by Mrs. Fuller and seconded by Mr. Webster to approve the creation of a budget line for Cable TV Equipment with an offset account of Cable Grant. The motion was passed by the following vote:

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

Accept Donation from D.A.R.

SUPERVISOR RINGLER: Next I would entertain a motion to accept a donation from the D.A.R. totaling \$110. which will be used to pay for pool passes for disadvantaged individuals.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to accept the donation of \$110. to pay for pool passes for disadvantaged individuals. The motion was passed by the following vote:

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

Appoint Seasonal Personnel Parks and Rec. Dept.

SUPERVISOR RINGLER: Next I have 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 Mrs. Fuller and seconded by Mr. Webster to approve the appointment of seasonal personnel as per the Memorandum dated June 23, 1993 from David Austin, Administrator of Parks & Recreation Department, at the titles and rates indicated. The motion was passed by the following vote:

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

House Nos. Slingerland St. Kenaware Ave, Adams Street

SUPERVISOR RINGLER: Next I have a recommendation from Terri Ritz, Department of Public Works, Engineering Division, for approval of assignment of house numbers on Slingerlands Street, Kenaware Avenue and Adams Street.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to approve the assignment of house numbers for Slingerlands Street, Kenaware Avenue and Adams Street, effective December 23, 1993. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next a request from Chief LaChappelle for approval of Communications Supervisor Bartkus to attend a one day seminar in Emergency Medical Dispatch to be held June 25, 1993 in Cromwell, Conn. with registration fee paid and use of a police vehicle, \$25.00 fee.

Seminar
Emergency
Medical
Dispatch
Police Dept.

The motion was made by Mr. Gunner and seconded by Mr. Webster to approve the attendance of Communications Supervisor Bartkus to attend a one day seminar in Emergency Medical Dispatch to be held June 25, 1993 in Cromwell, Conn. with registration fee of \$25. paid and use of police vehicle for transportation. The motion was passed by the following vote:

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

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SUPERVISOR RINGLER: Next I would entertain...

MRS. CAPONE: Excuse me, Ken, is she going to drive the police car or is a cop going to go with her?

SUPERVISOR RINGLER: I think she will drive a police car.

MRS. CAPONE: Really?

SUPERVISOR RINGLER: Yes, not a marked car, most likely, probably an unmarked car.

MRS. CAPONE: Okay.

SUPERVISOR RINGLER: Next I have a recommendation to accept a resignation of Tara M. McKenna as a part-time Telecommunicator.

Accept
Resignation
of Part-time
Telecommunicator

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to accept the resignation of Tara M. McKenna as part-time Telecommunicator effective June 25, 1993. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next I have a request from Chief LaChappelle for authorization of M/Sergeant Roberts and Sergeant Kerr to attend a one day seminar on Report Writing for Supervisors to be held July 12 in the Newburgh Town Police Department with registration fee and use of a police vehicle. Registration fee is \$40. per.

Seminar
Report
Writing
Police Dept.

The motion was made by Mr. Gunner and seconded by Mrs. Fuller to approve the attendance of M/Sergeant Roberts and Sergeant Kerr to attend a one day seminar on Report Writing for Supervisors to be held July 12, 1993 at Newburgh Town Police Department with registration fee of \$40. per Sergeant paid and use of a police vehicle for transportation. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next I have the annual reminder from Mr. Secor regarding water conservation measures and the current regulations limiting sprinkling of 10 a.m. and 8 p.m. Let me read this so the media can once again, hopefully, get the word out that this is going on in the Town of Bethlehem.

MEMORANDUM

TO: Members of the Town Board
FROM: Bruce H. Secor, Commissioner of Public Works
DATE: June 18, 1993
SUBJECT: Water Conservation Measures

Water
Sprinkling
Restrictions

This is my yearly update to the Town Board on water conservation measures and and my yearly reminder that the Town of Bethlehem water system is a municipal water system not an irrigation system. Each year, conservation measures are put in place to both conserve water and also to spread the hydraulic load on our water system to "off peak hours".

The current restrictions established by the Town Board prohibits sprinkling of lawns between the hours of 10:00 a.m. and 8:00 p.m. The reasons for this are that it makes little sense to pour water on a lawn at the hottest time of day only to see it evaporate and secondly, these restrictions help balance hydraulic demands on our water system. It is important to have periods during the day when we can refill tanks and even out water flows.

I request the Town Board continue these current restrictions and that notices be placed in the newspapers reminding residents of this water conservation measure.

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

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SUPERVISOR RINGLER: We don't have to take any action on this unless you wanted to change the situation at this point in time.

Use of Town
vehicle for
Building
Officials
Meeting

Next a request from Mr. Flanigan, Building Inspector, for authorization of use of Town vehicle to attend the Eastern States Building Officials meeting on June 25, 1993 at Danbury, Ct. No registration fee on that one, John?

MR. FLANIGAN: No.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to approve the use of a Town vehicle by Building Inspector, John Flanigan, to attend the Eastern States Building Officials meeting to be held June 25, 1993 at Danbury, Ct. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next item I am going to remove from the agenda at this point in time because there are some clarifications. Mr. Gunner would like to look at the minutes before we put that -- we will put that on the next agenda.

Accept
Records
Management
Grant

SUPERVISOR RINGLER: Next a request from Kathleen Newkirk for authorization for the Supervisor to accept a grant in the amount of \$32,485. from Local Government Records Management Improvement Fund for continuation of records management program. This grant is for an Inactive Records project. As you know, Kathy had been applying for this and your grants now total what?

TOWN CLERK NEWKIRK: \$31,000 last year and \$32,000. this year, so about \$63,000. A little more than that.

SUPERVISOR RINGLER: She is doing a super job putting all of our old records and getting things brought up to snuff to save these records for posterity. I do have to have authorization to accept the grant.

The motion was made by Mr. Webster and seconded by Mr. Gunner to authorize the Supervisor to accept the grant from the Local Government Records Management Improvement Fund in the amount of \$32,485. for Inactive Records project. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next I have a recommendation from Bruce Secor, Commissioner of Public Works, for consideration of amendment to the Local Law pertaining to solid waste. Bruce, want to give us an overview of what you are recommending based upon public hearing comments and so forth.

Discussion
Amend
Local Law
pertaining
To Solid
Waste

MR. SECOR: Okay, we had a public hearing on this proposed law and I went back through the transcript of the hearing, went back through some of the records of the Task Force. I spoke to some people throughout the State to try to bring this into focus as far as my own purposes. After that what I did was, I took the transcript of the public hearing and put notes in the columns so that the Board could easily see and wouldn't have to be flipping back between some long written memo on my part and the transcript of the hearing. So then I gave back a full transcript of the hearing with my comments.

Based on that there were 9 changes which we recommended in the law based on input from the public hearing and I will just briefly go through those. First one is on page 4 which is a definitional change at the public hearing it was suggested that an RFD plant, which is a plant that would grind or shred garbage to make it refuse derived fuel type material -- that that is not really a class II type facility, it belonged in the class III definition and we agree with that and moved it down.

It was also commented that in the definition on page 4 for class 3 facilities, we had the term resource recovery facility, we have added the term waste-to-energy facility and incinerator just to make sure that there is no confusion about what is intended in that type III or class III facility.

The next change was on page 23, it was a section about signing and the signing -- we are trying to spell out some signing and we decided we do have a sign ordinance, although, John -- I believe you said it was not applicable in the industrial zone. But, we decided rather than to get into and give that, that should be done as part of the site plan approval process where they would come in and we could judge those based on the impact depending on the area that they are in. So, we have recommended that that Section 18 and 19 simply be deleted and we would do the sign review as part of the plan review. That was page 23 and 26.

On page 37 there was a reference to the intake of special waste. There was no definition of the term special waste and to my knowledge there is no definition of the term special waste in the DEC law. So, again, we are recommending that we delete that and that since the operator has to put in a full operation plan to explain what he is receiving and how he would take care of the waste, that we would take care of that during the plan review and the review of their operational plan.

Again on page 37, there was a comment at the public hearing that there was a paragraph about rail car unloading in one of the facilities and that it should be added to the other 3 classes of facilities and we have done that on pages 37, 39 and 40 -- simply added that same paragraph on the rail car unloading.

Page 42, at the public hearing it was suggested in the sentence as a condition to the issuance of a permit to operate an applicant may be required to provide a bond. The suggestion was made that that word should be shall and we agree and we have changed the word, or

recommended the word be changed from may to shall so that there is no question about bonding will be required.

And, on page 45, again a comment at the public hearing about the monitoring and if the monitoring was done only by the owner or operator of the facility that it would be suspect to how independent or objective they may be and this section deals with in the event the operator fails to comply with these monitoring requirements, in addition to all other remedies provided by this article, the Town may undertake such program of monitoring. All expenses related thereto shall be paid by the facility operator or owner. And, we have added a sentence, this shall include a full time Town designated on-site monitor if required by the Town. So, again, there would be no confusion that if we were not happy with the operation of a facility, then we could put an independent monitor down there and that the operator would be required to pay those expenses.

Those were the 9 changes that I am recommending as a basis of the public hearing and any other questions the Board may have, I will be happy to answer it.

SUPERVISOR RINGLER: Questions.

COUNCILMAN GUNNER: Yes, I would like to know, as I had mentioned with you about the appeals procedure. When would that be done?

MR. SECOR: Okay. I mentioned in the cover letter to the Board that this law has so many sections in it, we do not have a section in here for appeals or for variance type procedures. When we started into this and Mike Smith was drafting up the language, I talked to them about that and he was concerned that without the specific standards or specific minimum criteria in place, that an appeals procedure might not be defensible and he had had some experience, personal experience, in trying a case on that basis. Now that we are at this point where we have developed all these standards and we have everything in place, I talked to Mike again in preparing this for the Town Board, there have also been some other court cases that have come forward. Unfortunately, Mike is in Buffalo at a trial and couldn't be here tonight but he did explain to me that he thought we ought to try to work with this law for a little while, there may be other things in here. For example, 2 years ago, we amended the 1982 Solid Waste Law because the definitions had gone... they were no longer current, they were not applicable and there were a number of other provisions that had to be updated.

It is an ongoing process with the Local Laws to keep them up-to-date and to keep them so they are applicable and they can be used. And, so, what I was recommending to the Board is, this is really a beginning piece of legislation. We have no process now, this would create a process. It would bring the applicant before the Town Board with specific minimum criteria and specific recommendations in front of them. I am recommending that we implement or that we enact the law and make it immediately effective on any new projects. That for existing facilities that are within the Town, that there be a 1 year period where they could bring in plans and specifications, bring in their operation plan, bring in all the things that are required by this law. Give them a chance to apply for a permit and come before the Board for a permit. And, then during that process, we could then look at how the laws apply to existing facilities and also as new applicants come in to see if this... if there needs to be an appeals process. I am not sure if there has to be or not but as long as Mike can draft something up that he feels is defensible. But, it is not going to be a one or two line sentence. It is going to be a more complicated piece. It is not something we thought we could add after the public hearing. If you were going to do something like that, it really would have to be developed, thoroughly discussed, publicly presented and be heard. And, I think we should look forward to doing something like that in conjunction with other modifications of the solid waste law that we may do in a year or two ahead.

COUNCILMAN GUNNER: This particular law doesn't prohibit incineration?

MR. SECOR: No. This law does not change any uses and again, I asked John Flanigan, specifically to be here tonight. An incinerator is not a permitted use in any zone in the Town.

COUNCILMAN GUNNER: Right.

MR. SECOR: All right, so an incinerator could not be built without the Town Board doing something about land use. And, again, I asked Mr. Kaplowitz if he would comment, when we got into this whole discussion a year or two ago, the land use issue is our strongest suit as far as defending of uses. This is a regulatory tool but the land use issue is more -- it's not administrative, what is the word I am looking for? -- the Town Board... it is a legislative process of the Town Board.

ATTORNEY KAPLOWITZ: The best way to make some of these stick, cause some of these cases are going -- a lot of them are in the courts and they are being struck down and the best contacts it seems so far in which they are upheld is if they are done so in the... within the veil of zoning. If they make sense in regard to your zoning ordinance as you apply it to different districts within the Town, you seem to have... those kinds of ordinances are having better success with the courts.

MR. SECOR: But, that being said, if and again why I asked John to come here tonight, if somebody came in with a use that was permitted, say in Heavy Industrial zone, all they would really be coming for is a building permit -- if they were putting up any buildings. There is a section 97.11g or whatever it is that says they have to come in for a permit but that is all it says. One says you have to come in for a permit. There are no standards, there is no process, there is no permit forms. Now is the whole purpose of doing this, is that again -- going back to what Mike Smith said, it is one thing to say you have to come in for a permit but if you have no standards, you have no minimum criteria, you have no process -- how defensible a position do you have.

ATTORNEY KAPLOWITZ: Very difficult.

MR. SECOR: So, that was the purpose of getting this into effect, is so that we had a formalized process to bring them before the Board, open it up for public review, for public comment and get a chance to decide whether or not it was a process that we wanted working.

COUNCILMAN GUNNER: One last question, how does it affect the unzoned?

MR. SECOR: This is a Town-wide law and this would affect facilities throughout the Town. So, this would be...

COUNCILMAN GUNNER: So you would have to come in for permits but the zoning then would not be involved in that... it wouldn't kick into that.

ATTORNEY KAPLOWITZ: Not if you were in an unzoned area, right.

COUNCILMAN GUNNER: So, that wouldn't be a stronger case as if the zoning...

MR. SECOR: Well, hopefully, LUMAC will very quickly be reporting out and hopefully, we will not have any unzoned areas left in Town so that issue, hopefully, will be resolved.

MR. FLANIGAN: And, one thing that comes into that is usually when you have these type of facilities, specifically a burn plant or an incinerator, they need water. And, most of our unzoned area does not have any water down there. So, that is a big deterrent point.

COUNCILMAN GUNNER: It might come pretty close to it though, maybe closer.

MR. FLANIGAN: Just another point to go back to -- you brought up the point of is there an appeals system. There is not in this ordinance and it appoints me as the enforcement officer and under that -- someone would have appeal against my determination under the zoning

ordinance because that is automatically appealable -- on a decision of the Building Inspector.

ATTORNEY KAPLOWITZ: That would be only as to the land use.

MR. FLANIGAN: Yes.

SUPERVISOR RINGLER: Other questions? There were none. Okay, if the Board is so inclined, the first item would be to make a determination on the SEQR. There is a copy of a resolution, a negative declaration.

SEQR
Resolution
re; Solid
Waste
Facilities

SEQR RESOLUTION

WHEREAS, the Town Board of the Town of Bethlehem is considering adoption of a Law, entitled, "Permitting of Solid Waste Facilities, which would provide new regulatory control by Town Board of Solid Waste Facilities in the Town; and,

WHEREAS, the purpose of this Local Law is to give the Town Board and the public an opportunity to review the siting, design, construction, operation and closure of solid waste facilities and to provide minimum standards for this review process; and,

WHEREAS, the State Environmental Quality Review Act regulations found at 6 NYCRR Part 617.3(a) require that no agency shall carry out fund or approval an action until it has complied with the requirements of SEQR; and,

WHEREAS, 6 NYCRR 617.5(a) requires that as soon as possible in an agency's formulation of an action it proposes to undertake it shall determine: (1) whether the action is subject to SEQR; (2) whether other agencies are involved; (3) the appropriate classification of the action; and, (4) whether a short or long environmental assessment form (EAF) is necessary; and,

WHEREAS, 6 NYCRR 617.6(a) indicates that when a single agency is involved that agency shall be the lead agency and determine the significance of the action; and,

WHEREAS, 6 NYCRR 617.6(g)(1) requires that a lead agency must determine the significance of an unlisted action in writing and in accordance with 6 NYCRR 617.6 and Part 617.11; and,

WHEREAS, the Town Board has received an environmental assessment form prepared by the Commissioner of Public Works which addresses the proposed action and said document indicates that: (1) the proposed action is unlisted and subject to SEQR; (2) there are no other involved agencies; and (3) the proposed action is unlikely to have a significant impact on the environment; and

WHEREAS, the Town Board has considered the potential environmental impacts of the proposed law for "Permitting of Solid Waste Facilities", applying the criteria of effect found at 6 NYCRR 617.11,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Bethlehem hereby determines that the proposed Article IV of Chapter 97 is an unlisted action subject to SEQR and that there are no other involved agencies with respect to this action; and,

BE IT FURTHER RESOLVED, that the Town Board hereby determines that it is lead agency with respect to this action and that a short environmental assessment form is sufficient for determining whether the proposed action will have a significant impact on the environment; and,

BE IT FURTHER RESOLVED, that based upon its review of the hereto attached environmental assessment form which is hereby made part of this resolution, and comparison of the action with the Criteria for Determining Significance found at 6 NYCRR Part 617.11, the Town Board of the Town of Bethlehem hereby determines proposed "Permitting of Solid Waste Facilities " Law constitutes an action which will not have a significant impact on the environment and therefore, does not require preparation of a Draft Environmental Impact Statement; and,

BE IT FURTHER RESOLVED, that this determination shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,

BE IT FURTHER RESOLVED, that a copy of this determination shall be filed in the Office of the Town Clerk.

On a motion made by Mr. Webster, seconded by Mrs. Fuller and by a vote of 4 for and 0 against, 1 absent, this RESOLUTION was adopted on June 23, 1993.

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SUPERVISOR RINGLER: Next I would entertain a motion to pass this Local Law with the amendments as suggested.

MR. SECOR: And with the implementation.

SUPERVISOR RINGLER: And, with the implementation schedule of immediately on new and one year on existing.

The motion was made by Mr. Webster and seconded by Mrs. Fuller to adopt Local Law No. 4 of 1993 for Article IV to Chapter 97, Solid Waste, of the Bethlehem Town Code for the "Permitting of Solid Waste Facilities, with the recommended amendments as set forth by Commissioner of Public Works Secor, effective immediately on new and one year on existing solid waste facilities. The motion was passed by the following vote:

Adopt
Local Law
No. 4
Solid Waste
Facilities

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

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SUPERVISOR RINGLER: Thank you, Bruce.

As you know, we have had to reschedule the public hearing on the Senior project in North Bethlehem and I would entertain a motion to set that public hearing for Tuesday, July 6th at 7:30 p.m.

Set Public
Hearing
Marie Rose
Manor

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to reschedule the public hearing to July 6, 1993 at 7:30 p.m. for Local Law No. 4 of 1993, amending Article III, Section 128-E, Zoning Map, Determination of Boundaries of the Town of Bethlehem Code. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Next I have a recommendation from Mrs. Kehoe, Comptroller, to reinstate William Allen to the position of Recreation Maintenance Man, Department of Parks & Recreation, this is retroactive to June 14, 1993, annual salary \$20,558. This is the young man who came out of the armed forces.

Reinstate
William
Allen to
position of
Maintenance
Man, Parks
& Rec. Dept.

The motion was made by Mr. Webster to approve the reinstatement of William Allen to the position of Recreation Maintenance Man, Department of Parks & Recreation at an annual salary of \$20,558, retroactive to June 14, 1993.

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COUNCILMAN GUNNER: Question, that does increase our staff in that department.

SUPERVISOR RINGLER: Yes.

COUNCILMAN GUNNER: And, we have the salary of money available for it.

SUPERVISOR RINGLER: Yes, because of the monies... it will not have to be a change because of the monies that he had budgeted for the concession that he is not going to be using.

COUNCILMAN GUNNER: And, that... Dave, and then you feel pretty well reasonably assured that that will cover that salary for the year.

MR. AUSTIN: I am certain it will.

COUNCILMAN GUNNER: Then that will continue through...?

MR. AUSTIN: Yes, there will even be left over, Charlie, at the end of the year.

COUNCILMAN GUNNER: So, for new budgeting procedure, then we would see that shift over to personnel.

MR. AUSTIN: Yes, then the concession money would be eliminated based on our present lease agreement.

COUNCILMAN GUNNER: How long is that lease agreement? Was it one year?

MR. AUSTIN: Well, it said renewable 5 year, I think, but it has got to be renewed every year.

SUPERVISOR RINGLER: Okay, is there a second.

The motion was seconded by Mr. Webster.

TOWN CLERK NEWKIRK: Wait a minute, Mr. Webster made the motion.

SUPERVISOR RINGLER: Well, you can't motion and make the second then.

The motion was seconded by Mr. Gunner and passed by the following vote:

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

Appoint
Clerk Typist I
Highway Dept.

SUPERVISOR RINGLER: Next I have a request from Gregg Sagendorph, Superintendent of Highways, for appointment of Sandra Cheney, 31 Currey Avenue, Selkirk, to the position of Clerk Typist I, effective June 28, 1993 at an annual salary of \$16,998.

The motion was made by Mrs. Fuller and seconded by Mr. Gunner to approve the appointment of Sandra Cheney, 31 Currey Avenue, Selkirk, to the position of Clerk Typist I, Highway, effective June 28, 1993 at an annual salary of \$16,998. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Gunner, Mrs. Fuller.
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 was made by Mrs. Fuller and seconded by Mr. Webster to conduct an Executive Session at the end of the meeting to discuss pending litigation and a personnel matter. The motion was passed by the following vote:

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

SUPERVISOR RINGLER: Charlie.

COUNCILMAN GUNNER: Is there any possibility of moving the report that is going to be on next agenda to the 6th?

SUPERVISOR RINGLER: Which report?

COUNCILMAN GUNNER: On the North Street report.

COUNCILWOMAN FULLER: I had already asked about it.

COUNCILMAN GUNNER: You already did?

COUNCILWOMAN FULLER: Yes, I asked Ken about it.

SUPERVISOR RINGLER: Can you?

MR. SECOR: I called C.T. Male to see if I could get the lab results back. Turn around time in the laboratory analysis is the only problem. I haven't gotten a call back from them. They had promised me the lab results by July 9th so I would have them for the Board for that envelope that would go out the Friday before the meeting.

COUNCILMAN GUNNER: Was that because of the damage done down there? Is that where you have some of the analysis?

MR. SECOR: No, this is up at C.T. Male. It is just a matter of them backlogged to get the work. So, I called the man and he was in a meeting. I will find out tomorrow. But, if I can get our write up and the engineering work and the program should be ready and we could present that. If I can't get the laboratory analysis back, I will present those as soon afterwards as I can. I am supposed to have them by the 9th but if I can possibly have them, I will have them on the 6th.

SUPERVISOR RINGLER: Okay, we would have to add that.

ATTORNEY KAPLOWITZ: We have advertised already right?

TOWN CLERK NEWKIRK: We have advertised only the public hearing, not the special meeting.

SUPERVISOR RINGLER: No, I can add an item to the agenda for the special meeting.

ATTORNEY KAPLOWITZ: Yes, you are going to need all 5 Board members.

COUNCILMAN GUNNER: It was in the newspaper though.

TOWN CLERK NEWKIRK: Yes, it was.

SUPERVISOR RINGLER: We would have to readvertise to do that. We will look into that and if the information is available, if it is proper to do that.

COUNCILWOMAN FULLER: The advertisement is only for the public hearing.

SUPERVISOR RINGLER: Right, I know that.

COUNCILWOMAN FULLER: Just so we have that clear. The resolution to schedule a special meeting though, does say any and all matters to come before the Town Board.

SUPERVISOR RINGLER: Yes, but see I don't need a resolution to schedule a special meeting. All I needed was a motion to do the public hearing to advertise for it. We can change that as long as I put a notice out to all of you and notify the press and so forth as to what is on that agenda. Okay.

Is there anything else anyone would like to bring to the attention of the Board?

322
Discussion
Water
Sprinkling

MR. SHERWOOD DAVIES: I have a question and a comment. The question is, this ban on water sprinkling, is that a regulation and could a person be arrested for sprinkling during these hours.

SUPERVISOR RINGLER: Counselor.

ATTORNEY KAPLOWITZ: It is a Town-wide regulation. They could be given an appearance ticket in Court and eventually fined if found guilty. I don't know that it has ever happened. I think there have been some tickets given out, haven't there?

MR. FLANIGAN: No, we usually warnings. We are hitting about 3 or 4 a day right now.

ATTORNEY KAPLOWITZ: Ordinarily, we just given out warnings and most people comply.

MR. FLANIGAN: People aren't aware of it. You have to remind them every year.

MR. DAVIES: My comment is this. I think I heard when you read to the Board justification -- you referred to the hydraulics of the system. I understand we have adequate water and I gather that the hydraulics refers to possibly low water pressure during... if there were sprinkling, now am I correct?

SUPERVISOR RINGLER: Mr. Engineer.

MR. SECOR: It's -- I will go through my quick story. You buy a brand new car and it gets good gas mileage. Okay, every thing is fine. You go to a lumber yard and try to get a ton of work and it doesn't work so well, there is nothing wrong with the car, you have to use the vehicle for the purpose that you bought it for.

Our water system was designed conservatively to be a municipal water system. It has adequate water and adequate transmission capacity for the normal municipal use. Over the years lawn sprinkling, in-ground irrigation systems have become more and more popular and it was not part of the original design of the system. Had we wanted to design an irrigation system, all the pipes would have been twice the size but the cost of the system might have been 50 or 60 percent more than it was in the beginning. All I am saying to the community is, we made a decision when we designed this system to make it a cost-effective system and to do something at a certain price. Now that we have this system, we have to live within its capabilities and that is that it is not an irrigation system. So, we have these restrictions to push some of the sprinkling to off peak hours so that we can spread the load out over the day and make the system work better for everybody. That is the purpose of it.

MR. DAVIES: I have no objection if we state it as a fact that there is a potential for low pressure because of the large volume of usage. My concern is that when I brought this up before, the argument was a waste of water to put it on during any hours of the day and it was costly. My point is, if this were the argument, maybe the stupid homeowners would like to sprinkle during the day time and not be guided by big brother. On the other hand, if it is truly a hydraulics and low water pressure, I accept it.

MR. SECOR: Okay.

MR. FLANIGAN: Might I just get into this a second. We are issuing probably 6 to 8 permits a week for lawn sprinklers and there are a lot of them.

SUPERVISOR RINGLER: Yes, but the one good thing about lawn sprinklers is that they are on a timed basis and the people can water them in the off peak hours.

MR. FLANIGAN: They are but that is where you have to get into it.

SUPERVISOR RINGLER: They are not out there at 2 o'clock in the morning trying to move their sprinkler system.

MR. FLANIGAN: What you also have to notice is that sometimes where the sprinklers are set, they are watering the street rather than the driveway rather than the lawn.

SUPERVISOR RINGLER: See, Bruce has mixed feelings on this because he looks at his budget and the more people turn that nozzle on, the more money he is making in his budget.

MR. DAVIES: For us, that can't afford a lawn sprinkler, we may go to bed early.

MR. FLANIGAN: I am with you.

SUPERVISOR RINGLER: Yes, right.

MR. DUCLOS: Do children playing under water sprinklers during those hours qualify as...

MR. SECOR: I am not the enforcement officer.

MR. FLANIGAN: Thanks a lot.

MR. DUCLOS: You are not going to leave my kid out there for 8 hours on the lawn.

MRS. CAPONE: I think you have to use your head and I think for the kids it should be but I mean, you see sometimes sprinkler their lawn when it is raining. So, I mean, you got to use your head.

MR. FLANIGAN: That is the automatics.

MR. DUCLOS: Well, what is the answer for that?

SUPERVISOR RINGLER: Bruce, what is the answer to that? What does it say?

MR. SECOR: I don't know.

MR. FLANIGAN: We aren't...

MR. SECOR: It is supposed to be a restriction against lawn watering.

COUNCILMAN GUNNER: As you read it, it is sprinkling... water sprinkling the lawn.

SUPERVISOR RINGLER: I think that is what it said.

COUNCILMAN GUNNER: He is not sprinkling the lawn. If he keeps moving it around while they are out there, I think there would be a little bit of subversion.

MR. FLANIGAN: It is a continual thing.

MRS. CAPONE: You did not put any restriction on the gardens. People that have gardens, they water their gardens.

MR. SECOR: But that's...

MRS. CAPONE: I mean, it is just the lawn.

COUNCILMAN WEBSTER: I can't vision a Building Inspector stopping if a child's type device is out in the yard, stopping and telling the kids they can't... I can't believe...

ATTORNEY KAPLOWITZ: All right, John, I know those Building Inspectors.

MR. FLANIGAN: Come on.

SUPERVISOR RINGLER: This is the guy that plays Santa Claus at Christmas.

Any thing else? There was nothing. I would entertain a motion to adjourn.

324

The motion was made by Mr. Webster and seconded by Mrs. Fuller to adjourn the regular Town Board meeting at 7:55 p.m. The motion was passed by the following vote:

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

Kathleen A. Newick
Town Clerk

EXECUTIVE SESSION

There was no formal action taken at the Executive Session.