

TOWN BOARD
JUNE 24, 1992

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

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

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Supervisor Ringler welcomed everyone to the regular meeting of the Bethlehem Town Board. He noted there are no public hearings this evening, it is a business session of the Board. He said as usual, if any questions come up in regard to any item on the agenda when the Board finishes its discussion, if you raise your hand, they will recognize you. He further noted at the end of the meeting, anyone can bring anything they like to the attention of the Board.

The Supervisor said the first item on the agenda is a request from Richard LaChappelle, Chief of Police, to authorize Sergeant James Kerr to attend a vehicular homicide stop DWI conference at Northwestern University.

Authorize
Sgt. Kerr
To Attend
Stop DWI
Conference

The motion was made by Ms. Galvin and seconded by Mr. Gunner that Sergeant James Kerr be and he hereby is authorized to attend a Vehicular Homicide Stop DWI Conference to be held July 4 through 9, 1992 at Northwestern University with expenses paid by a grant to the Police Department from the Stop DWI program. The motion was passed by the following vote:

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

Supervisor Ringler said next is a request from the Chief of Police, Richard LaChappelle, to authorize Officers McMillan and Linstruth to attend a National DARE officers conference in Louisville, Kentucky, July 15 through 18th with expenses paid from DARE funds. He noted the DARE funds are not Town funds, this is a separate account.

Authorize
Officers
McMillan
Linstruth
To Attend
Dare Conf.

The motion was made by Ms. Galvin and seconded by Mr. Webster that Officers McMillan and Linstruth be and they hereby are authorized to attend a National DARE Officers Conference in Louisville, Kentucky, July 15 through 18, 1992 with expenses paid from DARE funds. The motion was passed by the following vote:

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

Supervisor Ringler next acknowledged receipt of Certificate of Conditional Approval of Final Plat for the proposed Weisheit Subdivision on Weisheit Road in Glenmont from the Planning Board for information purposes only.

Acknowledge
Receipt of
Final Plat
Weisheit
Subdivision

Councilwoman Galvin noted she noticed the letter indicated there was a copy of the Certificate attached to the letter and requested a copy of the approval. Town Clerk Newkirk noted it will be done.

Approve
Seasonal
Personnel
Parks & Rec.
Dept.

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

The motion was made by Mr. Webster and seconded by Mrs. Fuller that the appointment of seasonal personnel as listed on the Memorandum from David Austin, Administrator of Parks & Recreation Department dated June 24, 1992 be and they hereby are approved for appointment to serve at the pleasure of the Town Board. The motion was passed by the following vote:

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

Accept
Resignation
of Philip
Maher as
Treasurer
and Member
of Bethlehem IDA

Supervisor Ringler next accepted the resignation of Philip Maher of Glenmont, NY as Treasurer and Member of the Bethlehem IDA effective June 17, 1992. The motion was made by Mrs. Fuller and seconded by Mr. Webster that the resignation of Mr. Philip Maher as a Member and Treasurer of the Bethlehem IDA be accepted.

Councilman Gunner questioned whether this is a paid position. Supervisor Ringler indicated it was not.

The motion was passed by the following vote:

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

Appoint
Judith Kehoe,
Comptroller
to Bethlehem
IDA

Supervisor Ringler next recommended the appointment of Judith Kehoe, Comptroller to the position of Member of the Bethlehem IDA, effective this date.

The motion was made by Mrs. Fuller and seconded by Mr. Webster that Judith Kehoe, Comptroller, be and she hereby is appointed as a Member of the Bethlehem Industrial Development Agency effective this date.

Councilman Gunner asked if this was to be amended and read Member rather than Treasurer. Supervisor Ringler noted they appoint their own officers on an annual basis, the Town Board does not do this.

The motion was passed by the following vote:

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

Request from
Highway Supt.
to dispose
of 3 vehicles
at auction

Following, according to Supervisor Ringler, was a request from Gregg Sagendorph, Superintendent of Highways, to dispose of 3 vehicles at auction to be held at Northway Auto Exchange in Clifton Park, NY. Mr. Ringler noted it was a Ford tractor, an International mower and a GMC pickup.

The motion was made by Mr. Webster and seconded by Mrs. Fuller that the Highway Superintendent, Gregg Sagendorph, be and he hereby is authorized to dispose of three (3) vehicles at auction to be held at Northway Auto Exchange in Clifton Park, New York. The motion was passed by the following vote:

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

Supervisor Ringler next acknowledged receipt of Certificate of Approval of Final Plat No. 152-F for the Seiden Subdivision located on Elm Avenue, Delmar, from the Planning Board for information purposes. Councilwoman Galvin again said before moving on, she would request a copy of the documentation.

Acknowledge
Receipt of
Final Plat
Approval
Seiden
Subdivision

Supervisor Ringler said the following item was a recommendation from the Department of Public Works for acceptance of street and easements documents for Dowerskill Village, Section 2B, pending approval of the Town Attorney.

Accept
Street
Easements
Dowerskill
Vill, Sec 2B
Pending
Approval of
Town Attorney

The motion was made by Mr. Webster and seconded by Mrs. Fuller that street and easement documents for Dowerskill Village be and they hereby are accepted on recommendation of the Department of Public Works. The motion was passed by the following vote:

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

Next item on the agenda Supervisor Ringler indicated was a recommendation from the Traffic Safety Committee, Chairman Charles Wickham, to install stop signs in the area of the Delmar Bypass Extension. The Supervisor noted the Traffic Safety Committee has received a request from Gregg Sagendorph, Superintendent of Highways, for installation of stop signs at the following intersections, Park Edge Lane at the Delmar By-pass Extension, Juniper Drive at the Delmar By-pass Extension, Delmar By-pass Extension at VanDyke Road and Vadney Road at VanDyke Road. He said Park Edge Lane and Juniper Drive and the Delmar By-pass Extension are within the Juniper Fields Subdivision. He said this is a result of the opening this summer of the extension and a public hearing must be scheduled.

Recommendation
From Traffic
Safety
Committee
To Install
Stop Signs
Park Edge La.
at Delmar
By-pass Ext.
Juniper Drive
and Delmar
By-pass Ext. &
Van Dyke and
Vadney at
Delmar By-pass
Extension

Councilman Webster asked if this road had opened yet. Supervisor Ringler indicated it has not.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller that a public hearing be scheduled for July 22, 1992 at 7:30 p.m. to consider an Amendment to the Traffic Ordinance for Stop Signs at Park Edge Lane at the Delmar By-pass Extension; Juniper Drive at the Delmar By-pass Extension; Delmar By-pass Extension at VanDyke Road; and Vadney Road at VanDyke Road. The motion was passed by the following vote:

Set Public
Hearing
7/22/92
For Juniper
Fields Subdiv.

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

Supervisor Ringler said the next item is to consider adoption of election district boundaries and descriptions for purposes of redistricting in accordance with Albany County Legislative District changes. He noted as the Town Clerk has pointed out, she could not get the maps to each Member because Mr. Cirillo has been working on this, he thinks, day and night since the County passed this to try and get it done on time but he has done so. He asked Mr. Cirillo to give a brief overview of what changes are proposed.

Adopt
Election
District
Boundaries

Mr. Cirillo said he would post one map and indicated this is a Town map which shows the new legislative district lines on it. He said there are quite a few arrows on the map but the highlighted portions are the new legislative districts. He said as the Board is aware, the Town election districts cannot be in two legislative districts so there had to be a realignment of the Town election districts to coincide with the new County lines. He further said in some cases the County line define the district. He mentioned the 10th district and noted everything north of Krumkill Road would be in the 10th because the Guilderland, New Scotland and City of Albany lines basically define that. He noted in other instances where it

has cut through, sections had to be added to one Town district so forth and so on. He said the final result of all this was exhibited on a second map. In many cases, Mr. Cirillo said, there were minimal amount of changes to existing districts, in other cases there were substantial change because of the County line. He said in redoing this, he took into consideration the existing polling places so that the residents did not have to travel any further than they were in the existing districts. He said one of the major changes occurred in District 1 because the legislative line cut off part of the district. He said there were some changes in the 24th and 25th districts also.

Mr. Cirillo said there were 3 different districts that did not change -- 7, 3 and 17. He said 24 out of the 27 election districts did change. He said descriptions have been prepared and maps are completed for each district that did change. He said there was not much more he could tell without describing each district. Supervisor Ringler said that would not be necessary.

Supervisor Ringler asked if there were any questions from the Board. Councilwoman Galvin asked Mr. Cirillo if he had the total number of registered voters in each district. Mr. Cirillo said he had an approximation of what they are. He said what they were doing is using the 1990 census dwelling units per block and then estimating what the total would be and he did have an estimated number. Councilwoman Galvin indicated she would like to take a look at that. Mr. Cirillo provided Ms. Galvin with a copy.

Councilman Gunner said just out of curiosity, the County's delay in developing all these lines is the reason why so much pressure was put on Mr. Cirillo. Supervisor Ringler said absolutely because they have to have it back by July 1 because petitions -- he asked when they start petitions. Attorney Kaplowitz said if it does not change again, it is July 9th. Supervisor Ringler asked if what did not change. Attorney Kaplowitz said the Legislature may change the July 9th date. Supervisor Ringler noted he thought Mr. Kaplowitz meant they were going to change the districting again. Councilman Webster noted we can not depend on that so the deadline is still July 1st.

Councilwoman Galvin said she notices that there are two districts that are notably small, one would be the 26th at 185 estimated voters and the other is the first at 258 estimated voters. She asked if there was any particular reason why those were so low when there are others that range 900, 891, 800, 838. Mr. Cirillo indicated yes, he noted the 1st was one that was pointed out. He said the first was cut off by a legislative line coming down New Scotland Road.

Mr. Cirillo started at the north end of Town and indicated the legislative line that went down Krumkill Road and cut the 10th off because the 10th was on the westerly side of Blessing Road and the northerly side of Krumkill Road. He said the 27th is on the easterly side of Blessing Road. He said the obvious location for that portion that was taken out of the 10th would be to go to the 27th. He noted it is not well populated at this time and does not add much to the numbers there.

Mr. Cirillo explained as you proceed southerly with New Scotland being the legislative line, and going down to the railroad, the D&H and going up Font Grove Road to the Town line, in essence, it is formed the 1st. He said there was no place... it was boxed in. In other words, he explained the only are that could have been added to the 1st would be what was lost in the 10th. He said it was not much of an opportunity to try to even the numbers off.

Councilwoman Galvin asked about the 26th at 185. Mr. Cirillo said the existing 26th went down the easterly side of Fisher Boulevard, it's northerly along Orchard Street. He said it was picking up both sides of Orchard Street from Fisher and then it went to the easterly side of Cherry Avenue into Woodgate or the Commons -- Spruce, Oak, Leaf -- and that area. He said the new legislative line has come right down Cherry Avenue and he separated that from the 26th. He said that portion had to be applied to the 2nd. He said the portion lost there was added to the 2nd which is adjoining it.

Councilwoman Galvin said in looking at the shape of the 26th, it seems to be rather unusual in terms of its configuration and asked why for example, he did not branch out down in the Charles Boulevard, Brockley Drive area or go up along Union Avenue in the other direction. Mr. Cirillo said we have the 12th in that area and the numbers are in front of her and he asked what the number is in the 12th. Ms. Galvin said the 12th is 380. Mr. Cirillo said so that if we branched off in there, we would have taken numbers away from the 12th. Councilman Webster asked if he was looking at a lot of expansion in the 26th with Cedar Ridge and Delmar Village. Mr. Cirillo said there is Cedar Ridge and there is Orchard Estates that is coming up in that area, so there is some expansion in the 26th.

Councilwoman Galvin said in looking at the 12th, she notices it is running just east of Orchard and going over and looking at the 15th which is a rather large one, you have increased the size of that by crossing over onto New Scotland and not picked up anything in the 12th or adjusted over down into the 26th. She asked if there was any particular reason. Mr. Cirillo said he would put the other map up. Ms. Galvin noted she is very familiar with the 15th, she has lived in it. Mr. Cirillo said the legislative line was going out Font Grove Road, down along the railroad to New Scotland and down to Bridge Street to McCormack Road and came over... He said one of the intentions was to change as little as possible the districts that we had. He said this was minimal amount of change in this area. He noted if you looked at the piece that was cut off, it was northerly of New Scotland and northerly of Kenwood Avenue. He said this was added into the 18th. He said he does not have any other reason on it.

Councilwoman Galvin said she was still disturbed by the unique shape of the 26th. Supervisor Ringler said he thought that had a unique shape before. Mr. Cirillo said that was the existing shape. Councilwoman Galvin said it had an odd shape in the beginning but the problem is in this particular instance there would have been an opportunity to move it up and pick up some out of the other end of the 15th and also looking at the 12th. She said when you have large districts adjoining very small ones, it would seem that there would be a balance in terms of numbers of estimated voters.

Mr. Cirillo said all he can say is that is what we have at this point and it depends on how strongly the Board feels about it. He said that is the basic configuration in the other district. He noted the only thing that was lost was -- like he said before -- the Commons and so that... Supervisor Ringler said it had that funny shape down Orchard Street the last time, asking did it not. Mr. Cirillo said yes. Councilwoman Galvin said it had a funny shape. Mr. Cirillo said yes, since 1985. Councilwoman Galvin said, however, at this point in time, it is adjoining 2 larger districts where there would have been an opportunity to correct the shape and also better balance the number of voters. She said we are looking at some districts that are in the 900... number 21 is 900 and many others in the 800 to 891 range and there is an opportunity to do some balance of voters.

Mr. Cirillo mentioned the fact that we had less than 2 weeks time to prepare this. He said the legislative lines were changed and by the time they decided which lines we were going to with, we had less than 2 weeks to prepare this. He said you can take and scratch all the districts you have and start over again or you can work with what you have. He said he thinks in the short amount of time, they did the best they could.

Councilwoman Galvin had another question about 17, is that a negative 521 estimated voters as in 3 -- they are in parens. Mr. Cirillo indicated those are the existing districts, the 3, 7 and 17 did not change so he bracketed those off. The Town Clerk noted they did not change.

Supervisor Ringler said he knows you can sit and draw lines all day and keep redrawing them but he does appreciate the time and effort you have done in getting this done under a great deal of pressure. Hopefully, Supervisor Ringler noted, they will give us more time in the future when this happens. Mr. Cirillo said the GIS system would help.

Councilwoman Galvin noted as she understands it, the deadline for adopting this is July 1, asking if this was correct. Mr. Cirillo said she would have to ask someone else about that. Town Clerk Newkirk indicated this was the last Board meeting before the deadline and that is why it was brought in at this time. Ms. Galvin said in other words, they could schedule a special meeting before that date. Town Clerk Newkirk said if you would choose to do that, that is entirely up to you. Councilwoman Galvin said she would like to have some more time to look at this and to look at the manner in which the lines have been drawn and the distribution of voters since they have just seen this all for the first time tonight.

Supervisor Ringler asked if there were any other thoughts on that. Councilman Webster said he has no thoughts, he has no problem with it. Councilwoman Fuller said she thought they could wait and take a look at it and see. Supervisor Ringler said there would have to be a special meeting to do that. Mrs. Fuller said she understands that. Councilwoman Galvin made a motion that it be tabled. Supervisor Ringler noted all the calendars had better be available.

Town Clerk Newkirk mentioned to Ms. Galvin that she could stop in at Town Hall and Mr. Cirillo could go over the full map.

Councilwoman Fuller noted she would like to have a copy of the numbers and copies of the maps. Councilwoman Galvin also indicated she wanted copies. Town Clerk Newkirk asked that this be done as soon as possible because she has spent 7 hours going the street index and if there is a decision to change something at this time, she has to start all over.

Supervisor Ringler asked if everyone was available Monday at about 1 in the afternoon. Attorney Kaplowitz said he probably would not be. Supervisor Ringler asked Ms. Galvin if she had her calendar with her. She noted she did not but she will make herself available. Supervisor Ringler said tentatively that is what he is going to try to do, Monday or Tuesday, 1 p.m. in the afternoon and he will get to everyone on the phone and set the meeting.

Councilwoman Fuller asked how soon they could have the information, asking if that was going to be a problem to get that copied. Town Clerk Newkirk indicated she would get it copied in the morning by having Deputy Clerk Picarazzi do it. She further noted it can be delivered if the Board prefers. Councilwoman Galvin indicated she would prefer that.

The motion was made by Ms. Galvin and seconded by Mrs. Fuller to table the adoption of the Town of Bethlehem Election District redistricting due to the changes in the Albany County Legislative Districts. The motion was passed by the following vote:

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

Accept
Deeds
Indian Hills
Subdivision
Section 3
pending
approval of
Town Attorney

Supervisor Ringler said the next item on the agenda was a request from Mr. Michael Cirillo, Department of Public Works, for acceptance of deeds for Indian Hills Subdivision, Section 3 with bonding, pending approval of Town Attorney.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that deeds for Indian Hills Subdivision, Section 3 be and they hereby are accepted with bonding. The motion was passed by the following vote:

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

Supervisor Ringler said the following item was a request from Richard J. LaChappelle, Chief of Police, for reappropriation of funds

in the amount of \$239.47 from the Insurance Recovery Account to Collision Repair.

The motion was made by Mr. Webster and seconded by Mr. Gunner that \$239.47 be and it hereby is approved for reappropriation from the Insurance Recovery Account to Collision Repair Account. The motion was passed by the following vote:

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

Noes: None.

Approve
Reappropriation
from Insurance
Recovery
Account To
Collision
Repair Acct.

Supervisor Ringler indicated the following item was consideration of Planning Board communication regarding Meadowbrook Section 3. He said this would be in line... Councilwoman Galvin interrupted Supervisor Ringler, noting at this time she would like to make a brief statement in this regard because she intends to abstain and to physically remove herself from this consideration. She said at this point, she believes, as everyone knows there is pending litigation involving this matter and she does not believe it is appropriate since she is a named defendant in that matter to vote in any way on it since that at least implies, if not in fact creates, a financial interest which she may have in relation to the outcome of this matter. Therefore, Councilwoman Galvin said she will be abstaining. She said she is abstaining not only based on her own opinion but also on the opinion of advice of counsel, James Morgan, who is here at the meeting and is representing her as her personal attorney in relation to the litigation in her individual capacity. She asked Mr. Morgan to state his opinion at this time and she removed herself physically from consideration.

Supervisor Ringler asked Mr. Morgan if he wished to make a statement. Attorney James Morgan said yes, very briefly. He said he fails to distinguish this circumstance where you are considering a matter that is under litigation from the original circumstance that Mr. Alessi gave the Planning Board, the advice of not taking any action pending litigation. He said he also has some reservations concerning the propriety of the referral whether it takes an actual referral vote of the Planning Board. He further commented upon information and belief that there was no such vote. He said he has other reservations but those are the main ones he states at this point.

Supervisor Ringler stated he has an opinion from Attorney Moss, as he knows, asking for opinion as to the position the Town Board should take on the recent referral by the Planning Board. Councilwoman Fuller interrupted Supervisor Ringler saying she thinks there is a need to go to executive session. Attorney Kaplowitz also said he believes the Board should discuss this in executive session. Supervisor Ringler indicated this was okay. Attorney Kaplowitz said if there is to be talk about strategy or tactics, it is probably something that should be done -- he would suggest in executive session.

Supervisor Ringler said he would entertain a motion to recess to executive session to discuss pending litigation. The motion was made by Mrs. Fuller and seconded by Mr. Gunner to recess to executive session.

Councilwoman Galvin said at this point, before a vote is taken, she wished to make a statement with respect to that. She said she believes that this matter has been brought before the Board in the ordinary course of business. She said it has been brought before this Board by the Planning Board, if in fact it has been done in a proper manner. She said the issue is specifically related to litigation, yes, but the public has a right to know what is being discussed on an agenda item when that matter is put on the agenda of this Board. Supervisor Ringler said it will be discussed in open session after the Board discusses anything that might have effect on the case.

Recess to
Executive
Session to
Discuss
Pending Litigation

Supervisor Ringler indicated there was a motion by Mrs. Fuller and seconded by Mr. Gunner to recess to executive session. The motion was passed by the following vote:

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

Councilwoman Galvin said she would abstain from all consideration, however, she will attend the executive session and will ask her counsel to attend with her since litigation will be discussed.

Discussion
of Meadowbrook
Section 3
Tabled

Supervisor Ringler reconvened the Town Board meeting at 8:04 p.m. following the recess to Executive Session. The Supervisor asked Councilwoman Galvin if she was going to remain in the audience. Ms. Galvin responded she would remain in the audience. Mr. Ringler indicated he would entertain a motion at this point in time to table this item until discussion with other attorneys on the pending litigation to clarify a couple of issues. He said he would entertain the motion and this item may be on the next agenda if appropriate. The motion was made by Mrs. Fuller and seconded by Mr. Gunner to table this item in light of the pending litigation.

The motion was passed by the following vote:

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

Councilwoman Galvin returned to the meeting of the Town Board. Supervisor Ringler noted the next item is a request from Councilwoman Galvin to make some further comments.

Councilwoman Galvin said there have been a lot of things which have involved comment and discussion involving this Board in the recent weeks and months. She said she is very concerned that they maintain open government in this Town and that we do so in a manner in which all citizens in this Town know that they are fully represented. She said she was elected, in her belief to represent all of the citizens of the Town of Bethlehem. She said she has done her best to do that, she said she knows you cannot always be totally successful but she said she will represent to anyone who asks that she has done her best to maintain that level. Councilwoman Galvin further said she was elected to represent the whole Town, not a special interest group, not any special interest groups. She said she hopes to be able to continue to maintain that level of representation and as part of what she believes to be her duty as a member of the Town Board, given some of the things that have come before this Board in recent weeks and months, she has undertaken some review of material which has been placed before this Board since January 2, 1990 to the present date and in the process has had her attention called to actions or inaction by other boards and other bodies connected with this Town. In the process, Councilwoman Galvin said she has become concerned and she has been very worried about certain activities or lack of activities not just on the part of this Board but on the part of -- in particular, in this instance the Planning Board and the Planning Department. She said she is concerned that these matters be properly reviewed. She said she has a proposal for a motion which she intends to make at this meeting to this Board in an attempt to try to resolve some of this. Basically, this resolution reflects her concerns for this Town and her concerns for the residents of this Town. She said she has not been able to discuss this matter with any of her fellow Board members due to certain correspondence that has been going back and forth among attorneys involved in certain pending litigation, therefore, this is coming out of the blue to the other members of the Board and she will understand their reactions when they hear this. She said again, her

concern is with full and complete and open representation of the citizens of this community. Councilwoman Galvin proceeded to read the following motion:

WHEREAS, It has come to the attention of this member of the Town Board that on March 17, 1992, the Planning Board of this Town duly convened a meeting of said Board and did discuss at that meeting various aspects of Planning Board procedures; and

WHEREAS, the issues raised at said Planning Board meeting, at least to the extent documented in the minutes thereof, in particular in relation to issues relating to "Site Plan Rules & Regulations", give rise to concerns on the part of this Town Board member as to application of standards and procedures to all applicants in a manner consistent with such applicant's rights to equal Protection under the Fourteenth Amendment of the United States Constitution; and

WHEREAS, the issue of redelegation of authority and of responsibility for statutorily granted power to create and to appoint; and

WHEREAS, the Planning Board is created and its members are appointed by the Town Board pursuant to Section 271 of the Town Law; and

WHEREAS, pursuant to existing case law deriving from Section 271 of the Town Law, the power to abolish a Planning Board is implicit in the statutorily granted power to create and appoint; and

WHEREAS, given the existing issues raised by the Planning Board itself at said March 17, 1992 meeting, it is the opinion of this Town Board member that it is the duty of the Town Board immediately to institute a full and complete independent investigation of the Planning Board of the Town of Bethlehem; and

WHEREAS, because of pending litigation and the issues raised therein, the Memorandum of Understanding executed on February 27, 1991, between this Board and the Planning Board, be revoked immediately.

NOW THEREFORE, it is moved that this Board immediately revoke the Memorandum of Understanding between the Town Board and the Planning Board adopted on February 27, 1991, and

IT IS FURTHER moved that this Board within ten (10) days of the date hereof appoint an independent commission to investigate the procedures, operations and functions of the Planning Board and to report in writing to the Town Board no later than August 17, 1992.

Supervisor Ringler asked if there was a second. Mr. Ringler commented that Councilwoman Galvin was right. He further said Ms. Galvin surprised everyone. He said he had no idea what Ms. Galvin is eluding to because he has not read the minutes of March 17th but he certainly will and he was sure the rest of the Board will also. He said this may be reopened at another meeting if it is so desired. He said other than that he cannot comment due to the fact he does not know what Ms. Galvin is talking about. He said he would entertain a motion to table this. Attorney Kaplowitz said you cannot table it if it is not on the agenda. Supervisor Ringler said this will be brought up again when they have a chance to look at it.

Councilwoman Galvin thanked Supervisor Ringler and the Supervisor thanked Ms. Galvin.

Supervisor Ringler asked if there was anything anyone else wished to bring to the attention of the Board. Hearing none, the motion was made by Mr. Webster and seconded by Mr. Gunner to adjourn the regular Town Board meeting at 8:13 p.m. The motion was passed by the following vote:

Resolution
To revoke
Memorandum
of Understandi
between Town
Board and
Planning Bd.

Appoint
Committee to
Investigate
Procedures,
Operations
and functions
of Planning
Board

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

Kathleen A. Newkirk
Town Clerk

Executive
Session

THERE WAS NO FORMAL ACTION TAKEN AT THE EXECUTIVE SESSION.