

TOWN BOARD  
MARCH 13, 1991

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  
 Robert J. Burns, Councilman  
 M. Sheila Galvin, Councilwoman  
 Charles Gunner, Councilman  
 Bernard Kaplowitz, Esq., Town Attorney  
 Bruce H. Secor, Commissioner, Dept. of Public Works  
 Philip Maher, Comptroller  
 Richard Webster, Deputy Comptroller  
 Martin L. Barr, Esq., Chairman, Planning Board  
 Ellen Kost, Deputy Town Planner  
 Gregg Sagendorph, Foreman, Highway Dept.  
 Anthony Arduini, Police Officer  
 Suzanne Capone  
 John Smolinsky  
 Liz McCoy  
 Bill Parry  
 Oren Johnson  
 Tim LeClair  
 Jim Darius  
 Mike Sullivan  
 Luther Legg  
 Kathy Leonard  
 William McNessan  
 John McNessan  
 Charles E. Scharff  
 Joe Vet  
 Matt Bechard  
 Todd Sussman  
 Brian Duker  
 John Devine  
 Don Stevens  
 Christine Koneoska  
 Russell Shufelt  
 R. Mark Dempf  
 Alissa Furman  
 Paul Glick  
 Chris Dunner  
 Elizabeth Taber  
 Jim and Rose Ann Garry  
 J&M Adell  
 Joseph B. Rooks  
 George Kaufman  
 B.A. Johnson  
 23 Representatives from Participation in Gov't. Class  
 Michael Larabee, The Spotlight Representative  
 Carolyn M. Lyons, Town Clerk

ABSENT: Frederick Webster, Councilman

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Supervisor Ringler welcomed all in attendance to the regular meeting of the Bethlehem Town Board, and in particular he wanted to welcome the members of Bethlehem Central's Participation in Government Class and as he said before it must be close to marking period again. Laughter.

The Supervisor continued that tonight was a regular meeting. This was not a public hearing, however, as in the past as the Board finishes their discussion on items, if there are any questions, and time permits we will try to answer them and at the end of the meeting if anyone would like to bring any issue to the attention of the Board we certainly will allow it.

The first item on the agenda is discussion regarding the Town pick-up of garbage. At our last meeting we had a public informational meeting to listen to concerns regarding the possibility of the elimination of this service. The Board, he knew all of us listened very carefully at the public meeting, because whenever you have to consider eliminating a service, you want to make sure that you make the right decision. One of the things that he found at the meeting was many folks did not know that one could put their wet garbage with their trash and that is something that if we do eliminate this we are going to have to educate the people in our community. We found that we are the only municipality in the State that has separate pick-up of garbage as opposed to trash, and we found that many people used the hearing to discuss the possibility of the Town taking over the entire trash pick-up for the community instead of private enterprise doing it. Those were basically the issues that we focused on. As he listened to it all, particularly on the last issue, he felt that this really was not the issue at hand, however, it is something that we should watch very carefully in the future. He for one, does not believe that government should be getting into private enterprise if they don't have to, however, at this point in time it appears that the cost would be relatively the same, we might be able to do it less expensively, but he was not so sure that we could in the long run.

Town  
Wet  
Garbage  
Pick-up  
Discontin

Supervisor Ringler continued that he thought that as a Town our first obligation at this point in time has to be determining where our trash is going to go. We have to get on track and our Solid Waste Task Force is working on that, and hopefully we will be resolving that issue over the next year or so. But again, at some point in the future, we may have to look at that other situation very carefully and determine whether or not that is a proper government role at that point in time. None of us on this Board he felt, would like to take away services, but he thought that they have a responsibility to make difficult decisions on occasions and that is what they are elected to do. The Solid Waste Task Force had recommended months ago that this service be eliminated because it was redundant, because there were other avenues for people to do this and it serviced very few people in the community. We were reluctant and we decided to try to reduce the cost and we did that for a period of time and we monitored. However, the Governor's recent budget message in his opinion, gives us no choice. We have to make cuts now, we are going to be losing approximately \$400,000 if it is passed as is, and he thought that it is time, although he is reluctant and he knows that many of the other Board members are too and they will get a chance to voice their views, but he thought that we should do it. Originally he was going to recommend this evening that we do it by April 1st, however, he did discuss it with Councilman Burns and he made some valid points with him regarding educating the public and insuring that any reduction in forces are handled properly and so forth, according to Civil Service regulations, and therefore he would recommend and he would leave this open for Board discussion that we do it a month from now or April 12th, which would be a Friday.

Supervisor Ringler asked for comments from the Town Board.

M. Sheila Galvin, Councilwoman, indicated that any time that services are reduced or eliminated it is a very difficult decision to be made. The most important consideration is whether in fact this type of a reduction of services will result in a savings to the Town, and she thought from what has been put before us it appears that there is going to be a substantial cost savings and not just a small paper savings, and based on that information she would be very much in favor of considering this type of a proposal, but her concern goes to the fact that this be an actual cost savings that it effects and not just an elimination of a service. She thought that the information does show that there is a cost savings and as you said given the fact that we are under severe fiscal constraints, we have to save everywhere we can. It is too bad that a service that does go to benefit certain members of the community will be eliminated as a result and that there will be a loss of at least one job, if not more, as a result of this, but given the fiscal constraints that we are placed under at the present time, she did not believe that we have a choice.

Councilman, Charles A. Gunner, stated that basically he was happy at first when we extended it when it first came under consideration for doing away with it, but then after they were notified by the Governor

of the amount of money, almost \$400,000 that we have to cut from the budget, we had to look at every department, and once again we had a recommendation from the Supervisor and we looked at and had an open discussion on this problem so that we all could hear other people's views and definitely there will be a loss to a small minority of the community and that part of the community that would perhaps need it most, some of them living in the southern part of the Town which does not receive as much services as the north and central part of the Town, and he regrets that, however, he too felt like Sheila that he would want to make sure that if we are going to do it that it is truly a savings, because to cut it and if it just be a wash someplace else or just that the jobs are transferred someplace else and have the citizens not get anything out of it, that would be wrong. He has been assured that it will be a true savings, so, therefore, he guessed that he would, also knowing the history or how it was started and the fact that approximately 2,000 families that avail themselves of this service, almost seventy percent or sixty percent of the people do have regular trash service, so he guessed that he would support this, after considering everything he did not think there was any other choice but to go ahead with the situation.

Robert J. Burns, Councilman, indicated that he would concur with pretty much every statement that has been made so far, the importance of making certain that there is a true cost savings, that it is not simply a cosmetic change, that it really will impact on our need to save money at this time. This would be an issue that would be very easy having listened to the people who have spoken and having received some letters, it would be very easy to feel for the people who might really have a hardship and not have the ability to pay the fee for a private hauler, but he believed several Town Boards before ours, or the current Town Board, and he knew a variety of candidates over the years, have proposed doing away with the garbage pick-up, the wet garbage pick-up, and he thought unfortunately in the past the Boards would shy away from making a decision. Understandably, but he thought unfortunately, no one wants to upset people, no one wants to take away a service when you don't have another service to replace it with, no one wants to lose votes at election time and so on, but he thought that there are times after you carefully weigh all of the comments and all of the concerns, that the overall management of the Town has to be considered at great weight. It would appear that it is time now to do a clear-cut and to obviously make some people very unhappy, but to do something that he thought the Town very rarely does, to cut the service at this time and to make the manpower changes in the Highway Department, those are very difficult decisions but he did not think that any of them thought that this would be an easy one. He would recommend and agree that we should cut the service and retain the savings that we have planned to, but at the same time Ken he would appreciate the opportunity to say it shortly so that we can make certain that we put forth our best education effort, every time we talk about the issue, we identify a new group of people who didn't know that one can mix the trash and the wet garbage. So he thought that there were clearly more people out there who don't fully understand that. Secondly, it appears from what he gathers and from what he has heard, that our private vendors or haulers may very well be in a position now, or hopefully be in a position, to offer some kind of a reduced rate to individuals who have extremely small amounts of solid waste.

Supervisor Ringler asked if he could just interrupt because he was going to comment on this and it is a good time to do it. He again contacted the one hauler who said that as soon as any action is taken, they are going to offer a service at a reduced rate, they are going to put flyers out and start an advertising program notifying people that they were going to do that, and he would expect that some of the other haulers at the time were reluctant to do it, said that if the competition did it they would be forced to do it, so hopefully they will all move in that direction.

Councilman Gunner indicated that he had a question on that, did they say what criteria they would use for this, not specific, but he meant was it going to be the number of bags? Supervisor Ringler stated that the one he talked to was going to have, he thought a thirty gallon pail that they would deliver to the people and that was what they would be able to use and that they would get a set fee for that particular size trash container, and they may have graduated sizes, but they

really haven't indicated, but there will be different rates for different sizes and he thought that this was something that they have all been pushing for and he was a firm believer that you should be paying for the amount of trash that you generate and as a couple of the seniors pointed out over the years with the photos and he thought that he had shown them to you, where there are two of them and they have this little pile and the house next door with five children have mounds of trash, they are still paying the same fee and that isn't equitable and hopefully this will change.

Councilman Burns indicated just a last comment that he wanted to make is that the statistics and all of the work that the Solid Waste Task Force completed and all of the data and the history of this service, it clearly points to the need to eliminate the service, but beyond the statistics are the humane needs and he would just recommend that as we get flyers and notices to people and explain this, if it indeed passes this evening, that we urge people to contact our Senior Service office if they really clearly have a hardship, now the Town will not be able to come and pick-up the garbage at that point, but having a hardship like that would indicated that maybe there are some financial opportunities that Karen Pellettier's Office may be aware of and they can make a referral perhaps to the County Department of Social Services or some other agency, so he thought that the communication effort is very important at this point in time. Supervisor Ringler indicated that he agreed.

Supervisor Ringler asked if anyone would like to offer a motion.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the Town of Bethlehem wet garbage pick-up be discontinued effective April 12, 1991. The Supervisor asked if there was further discussion. The motion was passed by the following vote:

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

The Supervisor thanked everyone.

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The next item on the agenda was to acknowledge receipt of the Slingerlands Fire District Annual Report for the year 1990.

Acknowledge  
receipt of  
Slingerlands  
Fire District  
Annual Report

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Next was a request from the Department of Public Works for acceptance of a storm drainage easement from Kurt and Tina Witt at 22 Orchard Street, pending approval of the Town Attorney.

Deed Document  
Storm Drainag

The motion was made by Ms. Galvin and seconded by Mr. Burns that a storm drainage easement from Kurt M. and Tina M. Witt be and it hereby is accepted, as approved by the Department of Public Works and the Town Attorney, and will be recorded in the office of the Albany County Clerk. The motion was passed by the following vote:

Easement  
Witt  
22 Orchard St

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

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The motion was made by Ms. Galvin and seconded by Mr. Gunner that the Town Board Minutes of January 23rd and February 13th, 1991 distributed on February 13th and February 27th, 1991 respectively be and they hereby are approved as submitted to the Board. The motion was passed by the following vote:

Minutes  
Approved

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

SEQR  
Resolution  
Southgate  
Commons  
Shopping  
Plaza

Next in line with our recent agreement with the Planning Board he asked the staff to prepare resolutions regarding the SEQR review on the Southgate Commons Shopping Plaza. There is a resolution designating this as a Type I action and the Town Board as Lead Agency and as they could see the Lead Agency letter and so forth is in the file.

WHEREAS, the Town Board of the Town of Bethlehem has received an application from Center Point Development, Inc. for Building Project Approval for the Southgate Commons Shopping Center, along with a completed Full Environmental Assessment Form - Part I; and,

WHEREAS, the proposed project would be situated on a 133.2+/- acre parcel of land located on the west side of NYS Route 9W and south of NYS Route 32, an area partially zoned as a Planned Commercial District (PCD); and,

WHEREAS, the proposed project would entail the construction of approximately 570,000 square feet of retail space with 2718 parking spaces; and,

WHEREAS, Article V of the Code of the Town of Bethlehem provides the Town Board with the authority to approve all projects within a Planned Development District (PDD), and further provides that the Town Board shall refer all applications for building projects within a PDD to the Town Planning Board; 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 approve an action until it has complied with the requirements of SEQR; and,

WHEREAS, 6NYCRR 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 full or short environmental assessment form is necessary; and,

WHEREAS, 6 NYCRR 617.6 requires coordinated review of Type I actions and establishes procedures for such review; and,

WHEREAS, the Town Board has referred the application for this project to the Town Planning Board for its review and recommendation:

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Bethlehem hereby determines that Building Project Approval for the proposed Southgate Commons Shopping Plaza is a Type I action subject to SEQR: and,

BE IT FURTHER RESOLVED, that the Town Board hereby determines there exist a number of involved agencies, as named on the attached list which is made part of this Resolution, with respect to this Type I action and that coordinated SEQR review is therefore required; and,

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor to initiate coordinated review by filing a copy of the Building Project Approval application, completed Environmental Assessment Form - Part I, and appropriate notice with each involved agency, notifying said agencies that a Lead Agency must be agreed upon within thirty (30) calendar days of the date of mailing said Environmental Assessment Form and notice; and,

BE IT FURTHER RESOLVED, that the Town Board as an involved agency with the broadest governmental powers for investigation of the environmental impacts of the proposed action, hereby declares its desire to assume Lead Agency status for the purpose of SEQR review; and,

BE IT FURTHER RESOLVED, that having notified those involved agencies of the Town Board's desire to be Lead Agency, the Town Board shall declare itself Lead Agency for SEQR review of the proposed action unless objection to such designation is received from an involved agency within the above specified thirty day (30) time period.

On a motion by Ms. Galvin, seconded by Mr. Burns and a vote of 4 for and 9 against, this RESOLUTION was adopted on March 13, 1991.

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

Next was a request from Paul E. Currie, Sr., Chief of Police, to appoint William M. Gathen Sr. to replace Marvin Hirschburg as a School Crossing Guard effective March 14, 1991.

Resignation  
and  
Appointmen  
of  
School  
Crossing  
Officer

Councilwoman Galvin asked where would this be a Crossing Officer for? Supervisor Ringler indicated at St. Thomas, this is an existing situation Mr. Hirschburg physically can't handle it any longer. Councilman Gunner asked how long did Mr. Hirschburg serve, do you have any idea. Supervisor Ringler responded that he did not know how long he had been in that capacity, but he has been here as long as he knew of, he was at the Elsmere School. Someone present indicated that he had been here eighteen years. Councilman Burns indicated that the only question he had was the Chief's letter indicated removed and it was clearly a resignation, can the record be modified so that it does not look like a termination. Supervisor Ringler indicated that he has already sent him a letter thanking him for everything he has done for us and so forth.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that William M. Gathen Sr. of 244 Delaware Avenue, Delmar, N.Y. be and he hereby is appointed School Crossing Guard effective March 14, 1991 to replace Marvin Hirschburg who resigned due to physical reasons. The motion was passed by the following vote:

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

Next was a request from the Department of Public Works to go to bid for Pipe requirements. We could advertise on March 20th and open bids on April 1, 1991.

Bids -  
Pipe  
Requirements

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the Town Clerk advertise for bids for Corrugated Aluminum Pipe, Corrugated Metal Pipe and Pipe-Arch and Plastic Pipe in THE SPOTLIGHT issue of March 20, 1991 and that bids be received on April 1, 1991 at 2:00, 2:10 and 2:20 p.m. respectively. The motion was passed by the following vote:

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

Next was a request from David Austin, Administrator of Parks & Recreation for appointment of seasonal personnel - Alice Hahn at the rate of \$5.25.

Appoint  
Parks &  
Recreation  
Seasonal  
Personnel

The motion was made by Ms. Galvin and seconded by Mr. Gunner that Alice Hahn, Box 433, South Bethlehem, N.Y. be and she hereby is appointed Senior Attendant at a rate of \$5.25 per hour to serve at the pleasure of the Town Board. The motion was passed by the following vote:

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

Overpayments  
of Water  
Rents - Feb.

Next was a request from Kenneth Hahn, Receiver of Taxes & Assessments to make refunds of overpayments of water rents for the month of February totaling \$13.04.

The motion was made by Ms. Galvin and seconded by Mr. Burns that overpayments of water rents for the month of February, 1991 be made to persons whose names appear on the list furnished by the Receiver of Taxes & Assessment in the amount of \$13.04 and the list will remain on file in the office of the Town Clerk. The motion was passed by the following vote:

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

Public  
Hearing  
Set  
Amendment  
To Traffic  
Ordinance  
Stop Sign  
Carriage Rd.  
and  
Village Drive

Next was a recommendation from the Traffic Safety Committee for installation of a Stop Sign at Carriage Road at the intersection with Village Drive. The Supervisor read the following letter addressed to him from the Traffic Safety Committee.

MEMORANDUM

DATE: February 22, 1991  
TO: Honorable Kenneth Ringler, Town Supervisor  
FROM: Frederick J. Holligan, Chairman, Traffic Safety Committee  
SUBJECT: Stop Sign Request, Carriage Road & Village Drive

At a meeting on February 20, 1991, the Traffic Safety Committee reviewed a request for the placement of a stop sign on Carriage Road at the intersection with Village Drive. This request is from Mr. Charles Herr of Mosher Road, Delmar, New York.

After careful consideration, this committee recommends the installation of the stop sign. This recommendation is based on:

1. On site inspection of the intersection by members of the committee.
2. Line of site measurements conducted at the intersection that show the need for a stop sign, and
3. The need to designate right of way at the intersection.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that a public hearing be held on April 10, 1991 at 7:30 p.m. to amend the Traffic Ordinance of the Town of Bethlehem for installation of a Stop Sign on Carriage Road at the intersection with Village Drive. The motion was passed by the following vote:

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

Award  
of Bid  
Motor  
Oil

Next was a request from Martin J. Cross, Superintendent of Highways, for award of the bid for Motor Oil to Farrell Oil Co. of Wilton, N.Y.

The motion was made by Mr. Burns and seconded by Mr. Gunner that the bid for Motor Oil be awarded to Farrell Oil Co. of Wilton, New York, the lowest bidder, which conformed with the specifications of the Town, for a grand total bid for all items of \$5,358.00 for Items 1, 2A, 3 and 4 and \$5,558.00 for Items 1, 2B, 3 and 4. The motion was passed by the following vote:

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

Next was a request from Martin Cross to dispose of four vehicles at auction.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that at the request of Martin J. Cross, Superintendent of Highways, the following vehicles be disposed of at an auction to be held by Northway Auto Exchange, Inc., Clifton Park, N.Y. for the best obtainable price:

1 - 1975 International Dump DO532EHA52963, 1 - 1975 International Dump DO532EHA52950, 1 - 1979 Chevrolet Rack Truck C16DT9V113324 and 1 - 1989 Dodge Diplomat 1B3XM26S6KW321176. The motion was passed by the following vote:

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

Sale of  
Town  
Vehicles  
at Auction

Next was a request from Martin Cross to go to bid for rental of a Large Track Excavator for use by the Highway Department. We could advertise on March 20th and open bids on April 2, 1991 at 2:00 p.m.

The motion was made by Ms.Galvin and seconded by Mr. Gunner that the Town Clerk advertise of bids in THE SPOTLIGHT issue of March 20, 1991 for rental of a Large Track Excavator for use by the Highway Department and that bids be received up until 2:00 p.m. on the 2nd day of April, 1991 at which time they will be publicly opened and read. The motion was passed by the following vote:

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

Bid  
Rental  
of Large  
Track  
Excavator

Next was a recommendation of Marilyn T. Corrigan, Community Relations Director, to award the bid for the Bethlehem Report to Bleezarde Publishing, Inc.

The motion was made by Mr. Burns and seconded by Mr. Gunner that the bid for the Bethlehem Report be and it hereby is awarded to Bleezarde Publishing, Inc., the lowest of the five bids received and conforming with the specifications of the Town. The motion was passed by the following vote:

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

Award  
Bid  
For  
Bethlehem  
Report  
To  
Bleezarde  
Publishing,  
Inc.

Next the Supervisor indicated that he would entertain a motion, and it was not on the agenda, but he would like to conduct an Executive Session at the end of this meeting to discuss a personnel matter.

The motion was made by Ms. Galvin and seconded by Mr. Burns that an Executive Session be held following the close of the regular Town Board meeting to discuss a personnel matter. The motion was passed by the following vote:

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

Executive  
Session

Supervisor Ringler asked if there was anything else that anyone would like to bring to the attention of the Board and all of the students lucked out by not going to the School Board meeting tonight. Laughter. Councilman Gunner indicated this is probably the shortest meeting we have had.

Councilman Burns indicated that the garbage issue and so many other issues are all related to the state cutbacks and so on. Do we have any information from the Association of Towns and so on as to how we stand. Supervisor Ringler indicated, No, there are discussions that

Discussion  
Budget  
Constraints

to keep us at bay, but no agreements have been made as far as he knew. All of the Associations are fighting for us though.

The motion was made by Ms. Galvin and seconded by Mr. Gunner to adjourn the Town Board meeting at 7:45 p.m. The motion was passed by the following vote:

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

Noes: None.

Absent: Mr. Webster.

  
Town Clerk

No formal action was taken at the Executive Session.