

TOWN BOARD
MARCH 27, 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
 Philip Maher, Comptroller
 David Austin, Administrator, Parks & Recreation Dept.
 Gregg Sagendorph, Foreman, Highway Dept.
 Michael Smith, Esq., Counsel to Highway Dept.
 John Flanigan, Building Inspector
 Ellen Kost, Deputy Town Planner
 Joyce Becker, Senior Services
 Jeffrey Lipnicky, Town Planner
 Sharon Fisher, Recycling Coordinator
 Marty Cornelius, Bethlehem Chamber of Commerce
 Maynard E. Goyer
 Mark McDonald
 Carol Butt
 Sue Blabey, Progress Club
 John Monteiro, Colonie Work on Waste
 Liz McCoy
 Suzanne Capone
 Mike Larabee, The Spotlight Representative
 Kathy Keenan, News Herald Representative
 Kathleen A. Newkirk, Deputy Town Clerk

ABSENT: Frederick C. Webster, Councilman

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Supervisor Ringler welcomed everyone to the meeting indicating it was not a public hearing. However, he stated, as in the past, as the Board discusses an issue, if anyone has any questions at the end of the discussion, please raise their hand and he would recognize the person if time permits. He said at the end of the meeting, it will be opened to anything that anyone might wish to bring to the attention of the Board.

The Supervisor said the first item on the agenda is discussion of a proposed Scooper Law for the Town of Bethlehem. As the Board knows, several weeks ago there was a petition submitted from a group of residents of the community suggesting that the Board consider such a law, according to Mr. Ringler. He said the Town Attorney has been asked to draft something that might be considered for a public hearing and each of the Members has received a copy. He said he thinks it is rather self-explanatory, asking if anyone had any questions or comments.

Discussion
 Proposed
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 Law -
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Councilman Gunner said in the first paragraph, physical harm to persons. He asked if there was some record, due to the fact there is an Animal Control Officer, as to how many bites there are. Supervisor Ringler said he had no idea. Mr. Gunner further said he was surprised to see this there. He said he agrees with the nuisances, damage to the property and other things. Supervisor Ringler indicated this is not new wording, this is existing in the code already. This is not something put in because of a current problem, according to Mr. Ringler, that he is aware of. He said this was when the original leash law was put into effect. Mr. Kaplowitz agreed. Councilman Gunner said he thought what he was saying is that it is different for a leash law. Supervisor Ringler said this section introduces the whole section. He said what is being done is amending this to include the scooper provisions but basically it is the leash law that is being amended. He said this is the reason for the introductions being written this way.

Supervisor Ringler asked if there was anything else. Councilman Burns asked who the expert is that questions would be directed to. He asked if it was Mr. Flanigan. Mr. Flanigan said he was not. Mr. Burns

said there is usually a staff member. Mr. Burns asked Mr. Flanigan if he at least was here in 1980 when the leash law went into effect. Mr. Flanigan indicated he was. Mr. Burns further asked if there was discussion back then restricting ordinances to dogs only and if there was discussion about other animals included. He said obviously this has come up now that if something like this is going to be done, it should not be just dogs. He asked if there were any reasons why it was just dogs. Mr. Flanigan said cats have come up along the years but it never went any place. He further said this problem has come up before he believed. Supervisor Ringler asked if he was referring to the scooper law, as well as the fact that the Board has considered this before. Mr. Flanigan said it was proposed at one time, several years ago. Mr. Ringler asked if there was a hearing on it. Mr. Flanigan said it never went that far.

Councilman Gunner asked if this were passed and enacted, how would it be enforced. Supervisor Ringler said this would tie in, as he understands it, to the existing code which states that the Animal Control Officer or other officer could enforce it or someone could write out a warrant and bring him to court. Attorney Kaplowitz said it anticipates an appearance ticket being given out by either a police officer or the other people in Town who have the authority to give them which would be the dog warden and the Building Inspector. These people could give the ticket, according to Mr. Kaplowitz. Councilman Gunner asked if they would have to see it then. Mr. Kaplowitz said no, they could do it based on someone else's complaint. He said someone else could come in and complain. Mr. Gunner said they would have to sign the complaint. Mr. Kaplowitz agreed that they would. Mr. Gunner said you would have to know who the accuser is, indicating he sees this as a little problem because they do not do much of this now.

Councilman Burns indicated he had said when this first came up that it would be interesting to hear how other towns and cities have dealt with these problems and those who have had laws on the books, how it has been enforced and so on. He asked if it would be appropriate to hear from some other town before setting, perhaps a public hearing or would it be more appropriate to just set a hearing and have some other town officials invited to tell us whether this is totally unenforceable or whatever. Supervisor Ringler indicated he thought it would be best to set the public hearing and do it all at once rather than to have several meetings to discuss the same issue. He said this is his view of it. Mr. Burns asked if there is any research yet. Mr. Ringler indicated Mr. Kaplowitz looked at other codes and this is where the language was developed from. He said this is the type of things that are written in the other codes. Mr. Kaplowitz said it is very characteristic of what towns have that have done this.

Councilwoman Galvin said she had only one problem and this is with the last sentence in terms of determining the meaning of the disposed of in a safe and sanitary manner, in terms of enforcement and determination of what is meant by this. She said, again, the public hearing might as well be held and see how far this goes. She said basically the way it is drafted, it still deals only with dogs and that makes this slightly discriminatory in terms of cats and other beasties.

Supervisor Ringler suggested this be put up for a public hearing and see what happens. He said as a result of the hearing, if modifications are needed, they can be done and have it presented again. He asked if everyone was in agreement with this suggestion. Councilman Burns said he would agree but if cats are not included or all animals, he asked if a hearing can be held and if the Board is convinced that this is needed, would another hearing be necessary. He further asked if it would be better to include it and delete it if it is felt to be inappropriate. Supervisor Ringler asked Counsel Kaplowitz if another hearing would be necessary either way. Attorney Kaplowitz said he thought one could be dropped but one could not be added without a second hearing. He said this would represent a material change and the people would not have been given an opportunity to speak. Supervisor Ringler asked if the Board wanted the word animals in this. He said this would then pertain to horses and other animals. Councilman Burns asked Mr. Kaplowitz if it is accurate that no other towns had anything but dogs identified. Mr. Kaplowitz said there might have been one with cats but involvement with cats was

rare. Mr. Burns said of course the problem is that there is no restriction on a cat running around. Supervisor Ringler agreed and said the Department of Agriculture and Markets only licenses dogs according to the State regulations. Mr. Burns said to do something like this on other animals, the restrictions would have to be amended. Mr. Gunner said he would like consideration of other animals. He said he has a problem in front of his house with horses, cows and goats from Oakwood Road. Supervisor Ringler asked if this could be changed to all animals. Councilwoman Galvin asked if this was just a reference to all animals or just domestic animals. Mr. Kaplowitz said it depends but he said he thought it would stir up a lot of things that he did not think were seriously intended. He said it depends upon how much you want to regulate. He said why regulate things that are not a problem. Ms. Galvin said she had a problem with all animals because it would refer to wild animals then too, it would have to be all domestic animals. Supervisor Ringler said he would feel better going with just the dogs at this point in time. He said he does not have any problems with cows or anything.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that a public hearing be scheduled for April 24, 1991 at 7:30 p.m. pertaining to Local Law No. 2 of 1991 amending Chapter 61, DOGS. The motion was passed by the following vote:

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

Supervisor Ringler said the next item on the agenda is consideration for a request for a zone change from Residential "A" and Commercial to Planned Residential District by the Wemple Road Developers Inc., 311 State Street, Albany, New York for property located at the intersection of Wemple Road and Route 9W, Glenmont. He introduced Mr. Biscone who presented his proposal and request to the Board.

Mr. Biscone noted they were requested to file an Environmental Assessment Form and presented a copy to the Board, indicating a duplicate had been presented to the Planning Department. He said this is a 37.2 acre parcel at the northwest corner of Wemple and 9W, directly across from Heath's Dairy. He said the map shows a rectangular piece of property which has a stove shop and a previous bar located on it. He said the commercial strip along Route 9W is outlined on the map posted and indicated the commercial line goes behind the stove shop premises and goes parallel with 9W. Supervisor Ringler asked Mr. Biscone to point out the existing commercial on the map. Mr. Biscone said it is not depicted clearly on the one map but indicated the location on the other. He said there is a commercial, residential break in that area, as best they can determine it. He said the zoning map says so many feet off 9W.

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 Zone
 Change
 Wemple Road
 Developers
 PRD -
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Mr. Biscone said what is suggested is that the project include everything along Route 9W, 240 feet, and all the way back. He said there is a wood line, tree line along the area on the north line and there are trees on the west end of the property. He said that is just before the bend in Wemple Road. He said the frontage on Wemple Road is over 2700 feet, the frontage on 9W is that 240 on the top and about a 420 down on the corner where the new traffic light is located. He said he did not know if this was operative yet indicating it has been up for quite a while but he did not know if they have started the use of it. He said 32 of the 37 acres would be used, there would be 25 apartment buildings, a total of 200 units. The development would have pedestrian walkways, community centers, an inground pool, and 2 tennis courts; according to Mr. Biscone, with access at two locations on Wemple Road for public safety and welfare purposes. He indicated the two access points on the map exhibited. He said there would be no problems with interfering with the flow of traffic on 9W and the light location was indicated, stating the people going out to Route 9W would be controlled by a traffic device. He said at this time there is municipal water and sewer up Wemple Road and he thought one of the services was available on 9W, asking Mr. Flanigan if he knew. Mr. Flanigan indicated there was water. Mr. Biscone said this particular 37 acre piece is not

serviced at this time. He said he talked with Bruce Secor, Commissioner of Public Works, at one point and said he indicated that the water he would want to have extended along Wemple Road from where it presently ends at the residences to the west of this property line. He said Mr. Secor indicated he wanted this extended along the road frontage out toward the project or where it ends, perhaps out to 9W. The sewer line, according to Mr. Biscone, Mr. Secor said he did not want it to come along the road frontage but behind the houses and he wants it vacant behind the houses that are on the west side of the property and bring it through into the project. He said at this time, the property is a wide open field and it has been that way -- he indicated he has been on the road for over 40 years -- and that is the way the field has always looked to the best of his knowledge. He said there is a kind of dish in the center of the field, indicating it kind of flows toward the center of the field and there is like a natural drainage ditch down in the center. He pointed out on the map the center of the field. He said there are some winding creeks in the back with the drain of the field going to the center and down to the creeks. He said the engineering would probably have the storm water drain toward these creeks that are there now. He said he would presume that is what the engineers would do for this particular project.

Mr. Biscone indicated there are no variances that are needed to the best of his knowledge, stating all the set backs are met under the proposal. He said the density is within the zoning requirements. He said the greenery could be put in on the front, being the Wemple Road side and the greenery between the development and the stove shop. He said he did not know that even though this might be a valuable commercial piece, he does not know if it would do any good to put anything in the one area, be it recreational or greenery, even though it is part of the project, it would be just a buffer zone. He said basically, he attended several of the Board meetings that were held when the zoning was being changed and he listened to a lot of the people and some of the people along 9W at that time, spoke when broke up into little segments about it is commercial on 9W and others said they wanted residential on 9W. He said there was kind of a mixed feeling but there is a lot of commercial along 9W but there was a feeling toward some sort of residential.

Supervisor Ringler asked Mr. Biscone if he was asking for Planned Residential or Planned Commercial District. Mr. Biscone said it is a Planned Development within the code. Mr. Ringler said in the application there are two things asked for, indicating the cover sheet says in the matter of Wemple Road Developers for a PRD -- which would be Planned Residential District -- and in the letter and on the map, it says PCD. Mr. Biscone said it is only residential that they are talking about. Mr. Ringler said there is a big difference as far as the code is concerned, to be honest with him. Mr. Biscone said there is no commercial that is being developed. Mr. Ringler said the request is for a change to Planned Residential District. Mr. Biscone agreed and said the feeling by a number of people who attended the meetings is that they would like to see more residential. He said he does not know if this is realistic right on 9W itself but he did know Wemple Road is developed in a residential manner with several apartment complexes and town house complexes as well as single family residences on the other end of Wemple Road coming toward this end of Wemple Road, as well as right off of Wemple Road.

Mr. Biscone said they would like to have this referred to the Planning Board so they could have their input and direction here and see if it meets with their criteria and have them make recommendations back to them. Supervisor Ringler said this was the major concern that he had was for the Planned Residential Development. Mr. Biscone said there is no commercial development, indicating there is one thing kept out. He said the only thing that Wemple Road Developers Inc. owns here is what is within the four corners and the only thing being reserved is right on the corner of 9W and Wemple Road for office commercial. Mr. Biscone said this is what happens when you use a Philadelphia architect. Supervisor Ringler asked Mr. Biscone if he is requesting any commercial. Mr. Biscone said the proposal is residential only. Mr. Biscone stated the piece marked commercial is presently commercial and he is requesting that this be kept out of the project. Supervisor Ringler said the line would have to be indicated as to exactly where the zone change is to be effective for the Planning

Board. Mr. Biscone said the line is indicated. He further said this acreage is not included in the proposal but this acreage is included as part of what is owned. He said he thinks if you own something that is contiguous to what is being developed, it should be disclosed. The only thing not being developed and being left out of the project is the piece that says office commercial, Mr. Biscone stated. He said everything else would go into the project and it is residential, apologizing for the mistake on the map.

Supervisor Ringler asked if there were any other questions from the Board Members. Mr. Burns said he was sure through the SEQR process and the Planning Board most of the questions that will come up will be answered. He asked Mr. Lipnicky if he recalled from the 9W study, consultants review, how an apartment complex fits into their three pronged groupings of where residential should be placed and so on. Mr. Lipnicky said very briefly, the proposed land use scheme along 9W that came out of the study, the primary basis of that was related to increasing the efficiency of traffic flow along Route 9W. He said the consultants essentially recommended in a general sense, at least, southern portion of the Town that what they termed the tractors of traffic, uses that would be such things as warehousing, offices, etc. would be located in the southern part of the corridor and those types of uses that would take advantage of pass by trips or traffic already on the roadways such as shopping and retail and those types of things in the northern portion of the corridor and in the center portion of the corridor, planned residence type of development. He said, however, he should say planned residence development based upon what the consultants gave as criteria and considerations for planned residence districts, not what is necessarily in the code. He further said when the consultants spoke of planned residence districts, they spoke in terms of mixed housing types, significant open space, stating as a matter of fact, their open space ratio that they suggested in the code was for apartments up to .85. He said when the drafting of the 9W overlay district regulations were done, they did not go quite that far. He said certainly what is here, does not come close to that really. He further said the other thing that they spoke of in terms, again was this idea of open space is the idea of mixed residential uses. He said they also spoke in terms of really a PRD that really does not significantly increase density over what currently exists. He said if the consultants had recommended -- obviously PRD districts along route 9W and they were speaking in terms of PRD districts that are allowed under the current permitted density -- it would be talking about increasing the number of residential units on Route 9W and that would be sort of self-defeating for the purpose of reducing and increasing the efficiency of traffic movement on Route 9W, more units mean more trip generation. He said, he would say PRD but PRD in the context of the 9W study, not necessarily in the context of the zoning code.

Mr. Biscone inquired of Mr. Lipnicky if something was adopted as open space. Mr. Lipnicky said it had not. Supervisor Ringler said these things have not been adopted as yet but these are very strong recommendations and the Town has been using them as guidelines so there has not been an awful lot of activity down in this area of Town and it was decided to incorporate the conclusions of this with the LUMAC process, to be honest. He said one of the things from his perspective, would be looking towards something that moved toward these directions. He said the land use is certainly what they recommended for that area. Mr. Ringler stated he had read the report this date and they talked about not having traffic attractors in that particular area of the 9W because of the configuration of the road network and so forth. He said he would agree with Mr. Lipnicky that any zone changes at this point in time, would require a strong look at what the criteria would be in the approval and building project approval for a planned district. Supervisor Ringler said he thought the Planning Board should be looking at this particular aspect of it when they get it before them and discuss it fully with Mr. Biscone and the applicants before sending their recommendation back to the Town Board. He further said he sees no reason to hold it up from being forwarded to the Planning Board for review.

Supervisor Ringler asked if there were any other questions. There were none. He said under the new agreement on SEQR, there is a resolution regarding the fact that this is designated as an unlisted

action and the Town Board as lead agency. The motion was made by Mr. Gunner and seconded by Ms. Galvin that the proposal be listed as an unlisted action and the Town Board be lead agency. The motion was passed by the following vote:

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. Burns that the request for a zone change from Residential "A" and Commercial to Planned Residential Development from Wemple Road Developers Inc., 311 State Street, Albany, New York be referred to the Planning Board for their review and recommendation. The motion was passed by the following vote:

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

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Supervisor Ringler thanked Mr. Biscone. Mr. Biscone thanked Mr. Ringler and the Board for their time.

Supervisor Ringler said the next item on the agenda was a discussion of the status of the Metz landfill pending litigation. He said he sent the following letter to the Board:

M E M O R A N D U M

TO: TOWN BOARD MEMBERS
FROM: KENNETH J. RINGLER, JR.
DATE: March 19, 1991
SUBJECT: METZ LANDFILL

Discussion
Status
Metz
Landfill

As you know we have been in litigation for the last couple of years over the above named landfill with regard to Section 97-11 of our Town Code. I would like to point out that the Judge has not made a decision in this matter.

Recent events and discussions with our attorneys led me to believe that we should initiate a new legal action against both Mr. Metz and Waste Management Incorporated. Last Thursday a fire began in the landfill. For 2 1/2 days the Selkirk Fire Department with the assistance of other agencies worked diligently to keep this fire under control. I immediately contacted DEC regarding this and also inspected the site myself along with other staff members. DEC's indication was that the owner was doing everything that could be done to properly control this fire and no evidence of any illegal dumping on the site or any evidence of violation of their 360 permit was found.

In spite of all this, I still feel, this particular site is a nuisance to our community. There are strong odors that I noticed upon my inspection and the potential for fire exists until this site is closed and closed properly. Again, after discussions with our attorney, it is my belief that we should initiate a separate legal action regarding this nuisance factor. I would recommend that Mr. Smith be authorized to bring this action and to bring the action against both Mr. Metz and Waste Management Incorporated, who has had exclusive rights to dump on this site. I believe we must bring Waste Management into this process to insure that the necessary resources are there to close this site as I said, and close it properly.

If you have any questions regarding this, please do not hesitate to contact me prior to the Board meeting as we will be adding this as

an item to our agenda for discussion and hopefully your approval for this recommendation.

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Supervisor Ringler stated Mr. Smith, Counsel and Mr. Secor, Commissioner of Public Works were in attendance if anyone had any questions or comments at this point. Councilman Burns said he would be in favor of the most aggressive moves that could be done within reason. The only question he had, was if this would be an action initially in the Town court or immediately to a Supreme Court. Mr. Smith said it would be in Supreme Court, separate and apart from the pending action, even an adverse result in the pending action will not affect this particular matter, it is a separate issue.

Supervisor Ringler asked if there were any other questions or comments. Hearing none, a motion was made by Ms. Galvin and seconded by Mr. Gunner that Attorney Smith prepare an action in regard to the Metz Landfill situation. The motion was passed by the following vote:

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

Supervisor Ringler thanked Mr. Smith and the Board.

Supervisor Ringler said the next item was a discussion and consideration of a proposal to reorganize the Land Use Management Advisory Committee. He further stated he sent each Board Member a memorandum together with a recommendation from the LUMAC committee and the revised Rules and Procedures. He read the following memorandum:

Reorganize
LUMAC
Members
Appointed

M E M O R A N D U M

TO: TOWN BOARD MEMBERS
FROM: KENNETH J. RINGLER, JR.
DATE: March 25, 1991
SUBJECT: LUMAC

Attached for your consideration is a copy of a proposed revision to the rules and procedures for the Land Use Management Advisory Committee. I have forwarded these for your review, consideration and discussion at our upcoming meeting.

I have based most of these revisions upon recommendations from the current Land Use Management Advisory Committee chairman, as you can see from his report which is also attached, dated March 20, 1991.

I believe that the committee to date has accomplished a great deal for the benefit of our community and this group of volunteers should be commended for their efforts to this point. I totally agree that it is time now for the technicians to take over the major responsibility of completion of the plan and for the committee to react to their work and make a recommendation to the Board. I completely concur that the size of the committee should be reduced and as you can see recommend that there be five voting members and a nonvoting chairman who shall be the Town Planner. I would like to recommend that the Town Board appoint to the committee the following members:

Jeff Lipnicky, Chairman
Ted Putney
Sam Messina
Jim Coon
Martin Barr
Jim Blendell

If you have any questions regarding any of this prior to the meeting, please do not hesitate to contact me.

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The Supervisor indicated the Land Use Management Advisory Committee did make some recommendations in their letter, all of which he included with the exception of one which he thinks requires some further action. The recommendations include the fact that it is imperative that at least a 90 percent time commitment of the Town Planner, in addition to additional planning staff to support where necessary, be dedicated to LUMAC's completion and comprehensive plan, he said. Mr. Ringler also commented that he has indicated that this was to be the case and that it has complete support of the Supervisor in insuring that it takes place. He said given satisfaction of the recommendation and after consideration of all other factors, it is the general consensus of LUMAC to proceed without the assistance of a primary consultant and rely on the staff for the majority of the technical report. He said he also concurs with this recommendation. Mr. Ringler said the recommendation further talks about giving the LUMAC members apparent wish not to be reappointed to a subsequent term and states it might be judicious to give some consideration to consolidation to a smaller group, 5 to 7 members, and this might be facilitated by amending the LUMAC rules and regulations, which has been done according to Supervisor Ringler. It is also suggested that the one year limitation on subsequent appointments be eliminated in favor of continuity as the committee works toward the completion of the plan. He said this has also been done.

Supervisor Ringler said the next item in the recommendation is a suggestion that some changes be made to the Code which would require site plan approval on all projects other than single family residential until completion of the plan as opposed to any sort of moratorium. He said this would basically cover the types of projects that may take place in an unzoned section of the Town which currently has no jurisdiction. He said he concurs with this recommendation and would recommend that appropriate language be drawn up for the Board's consideration and a public hearing be held on this particular aspect after the Board reviews it. Mr. Ringler said he thinks this is important and will bring SEQR into the project where as in some cases now, this cannot be done if it is strictly an administrative act and they come in to John Flanigan for a building permit in some of these unzoned areas of the Town. He said if there was site plan approval, SEQR would come in and there would be more involvement by the Town.

Supervisor Ringler asked if anyone had any questions or comments on the proposal. Councilman Gunner asked if Mr. Lipnicky would then become what was to be the general consultant. Supervisor Ringler said this was correct. Mr. Gunner said this is a big responsibility and Mr. Ringler said he is aware of this. Councilman Burns said it is an indepth memorandum from Mr. Mark Fitzsimmons that has been provided and covers all the points, Mr. Ringler's letter and all the procedures that he assumes have been well thought through and there also was received from Mr. Gunner, as the liaison, an extensive report about a month ago. He said it certainly makes sense and indicated he was going to ask Supervisor Ringler what his feelings were on Mr. Fitzsimmons's recommendation for unzoned property and so on. He said he agrees that the Town should move in that direction. Mr. Burns had one question in regard to this and asked if it would cover any application that is pending in an unzoned area right now. Mr. Lipnicky said he does not have it drafted at this point. Supervisor Ringler said he did not think there was anything in an unzoned area that is not subject to site plan at the moment. Mr. Burns said this is okay. Mr. Ringler said the one in the unzoned area is subject to site plan.

Councilman Burns asked in regard to those who will not be reappointed to the new committee, if there were any individuals who are requesting to be part of the 5 that the Board will have to say no to. Supervisor Ringler said he had several people who indicated they did not want to be reappointed, several others who did not, some of these have not been reappointed. He further said, however, he would suggest that any of those who are not reappointed are certainly invited to be involved in the process and they could be called upon in subcommittee

work and so forth to assist as necessary. The Supervisor said he still thinks the idea of bringing it down to 5 members at this point in time is best, because basically this group is the management team. They are going to manage the project, according to Supervisor Ringler, indicating there has been a lot of public input and a lot of individuals that have been involved in the process. He said to expedite this and one thing he thinks everyone can see, is putting the onus on the Committee to get a report to the Town Board within two years. He said he thinks the more people on this Committee, at this point in time, may delay the process. He said he thinks this can move much more expeditiously with a smaller group and get this done on a timely basis.

Supervisor Ringler asked if there were any other questions or comments. The motion was made by Ms. Galvin and seconded by Mr. Burns to approve the appointments and the changes to the Rules and Procedures of the Land Use Management Advisory Committee. The motion was passed by the following vote:

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

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Supervisor Ringler thanked everyone and wished Mr. Lipnicky good luck.

Councilman Burns asked if at some point, and perhaps it is at the close of the entire process, a certain degree of thanks and appreciation should be expressed to all of the members. Supervisor Ringler said he has already drafted letters to be sent out. He said he has not sent them due to the approval of the Town Board being required. Mr. Burns further said there has been an incredible amount of time, both when Mr. Gunner was chair and through Mr. Fitzsimmons's chairmanship that has been spent, even though perhaps the process got slowed and delayed. He said a lot of work went in with no pay or compensation and thanked everyone.

Supervisor Ringler said the next item was a request from John H. Flanigan, Building Inspector for a proposed change and addition in regard to Chapter 100, Part 2, Obstructions on Town rights-of-way and Article IX, Unlawful Obstructions to the Bethlehem Town Code. The Supervisor said as can be seen from the memorandum, currently under the Code it is up to the Superintendent of Highways to find these obstructions and to be the enforcement agency. He said, however, this is an unusual aspect of that department's role. He said the Highway Department personnel are basically, somewhat unfamiliar with the enforcement of the Code and it was suggested by this department that would be a function, they feel, should be taken over by the Building Inspector's office, the people who are on the road. He said the Building Department personnel are familiar with the Code and are familiar with appearance tickets and so forth. He said as can be seen, they have also suggested that penalties be put in place with this particular proposal.

Discussion
 Proposed
 Change
 Code -
 Article IX
 Chapter 100
 Public
 Hearing
 Set

Supervisor Ringler said he had one question before he opens this for others. He asked about the language in 100-40 and apologized that he did not get to this earlier, indicating it reads in the event the Superintendent of Highways finds any obstruction which violates this article, he shall turn the matter over to the Building Inspector for enforcement. He asked if this needed to be left in there or would it be better to say that in the event an obstruction is found which violates this article, the Building Inspector shall be responsible for enforcement. He said in this way, it does not have to go through the Superintendent of Highways even to do it. Mr. Ringler said if the Building Department personnel see something, they can act accordingly. Attorney Kaplowitz said this would be the same result and that is fine. Supervisor Ringler asked Mr. Sagendorph if he had any objection to this change. Mr. Sagendorph said Mr. Secor can attest to the fact the water and sewer lines have just as many obstructions over its utility lines as there are over sight distance problems and he cannot

see Mr. Secor's crews having to go through the Highway Department and then the Highway Department having to go to the Building Department. He said he thought it would be better for them, they are just down the hall, to go back and forth without the Superintendent of Highways becoming involved.

Supervisor Ringler said this was the only question he had and asked if anyone else had any questions. Councilman Burns asked Mr. Flanigan in regard to changing the wording to Town employees shall remove the obstructions, if he would turn this over to the Highway Department anyway. Mr. Flanigan said they would turn it over to whichever department had to remove the obstruction, be it Highway or Department of Public Works. Mr. Burns said he was thinking it would always be highway. Supervisor Ringler said it may not be and that is why it is being taken out of this. Mr. Flanigan said they were considering leaving highway in there but then they decided not to. He said the discussion resulted in the wording Town employees and in this way it could be any Town employees. Mr. Flanigan further said, as a matter of fact, it could be his employees picking up a few rocks along the side of the road and throwing them in the trunk of the car. He said this could be this simple and stated it is becoming a bigger problem. He said he knows there are things out there that are not being taken away. He further said there are a lot of them.

Supervisor Ringler asked if there were any other questions. Hearing none, he said he would like to schedule a public hearing on this matter but Mr. Flanigan will be away on the 24th of March and stated he would like him in attendance for this hearing and proposed the hearing be held May 8, 1991. The motion was made by Ms. Galvin and seconded by Mr. Gunner to hold the public hearing on May 8, 1991 at 7:30 p.m. for consideration of Revisions to Article IX, Unlawful Obstructions and Section 39, Section 40, Section 41 and Section 42 of the Bethlehem Town Code. The motion was passed by the following vote:

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

Supervisor Ringler thanked Mr. Flanigan and the Town Board members.

Symposium -
Elder Care
Issues
Caroline
Wirth -
Senior
Services

Supervisor Ringler said the next item was a request from Karen Pellettier, Director, Senior Citizens Services for approval of Caroline G. Wirth, Outreach Worker, to attend the Symposium on Elder Care at the Century House, April 19, 1991 at a cost of \$25.00.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that Caroline G. Wirth, Outreach Worker, Senior Citizens Services, be and she hereby is authorized to attend the Symposium on Elder Care Issues to be held in Latham, NY April 19, 1991 with expenses paid. The motion was passed by the following vote:

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

Bids
Precast
Concrete
Manhole
Blocks
and
Iron
Castings

Supervisor Ringler said a request from Michael Cirillo, P.L.S., Department of Public Works to go to bid for Precast Concrete Manhole Blocks and Iron Castings for the period May 1, 1991 through April 30, 1992 was the next item.

The following resolution was offered by Ms. Galvin and seconded by Mr. Burns:

WHEREAS, the Town desires to advertise for bids for furnishing of Precast Concrete Manhole Blocks during the period from 1 May 1991 through 30 April 1992, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue of April 3, 1991 and that bids be

received up to 2:00 p.m. on the 15th day of April 1991, at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The following resolution was offered by Ms. Galvin and seconded by Mr. Burns:

WHEREAS, the Town desires to advertise for bids for furnishing of Iron Castings, specifically Heavy Highway Frames and Grates, Heavy Highway Manhole Frames and Covers, and Light Duty Frames and Covers during the period from 1 May 1991 to 30 April 1992, pursuant to law,

Bids
Precast
Reinforced
Concrete
Manhole
Sections

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue of April 3, 1991 and that bids be received up to 2:10 p.m. on the 15th day of April, 1991 at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

Supervisor Ringler said the next item was a request from Michael Cirillo, P.L.S., Department of Public Works, to go to bid for Precast Reinforced Concrete Manhole Sections.

The following resolution was offered by Ms. Galvin and seconded by Mr. Burns:

WHEREAS, the Town desires to advertise for bids for furnishing of Precast Reinforced Concrete Manhole Sections during the period 1 May 1991 through 30 April 1992, pursuant to law,

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk advertise for such bids in THE SPOTLIGHT issue of April 3, 1991 and that bids be received up to 2:20 p.m. on the 15th day of April 1991, at which time the bids will be publicly opened and read.

The resolution was adopted by the following vote:

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

The Town Board minutes of February 27, 1991 distributed March 13, 1991 were approved on a motion made by Ms. Galvin, and seconded by Mr. Burns. The motion was passed by the following vote:

Minutes
Approved
2/27/91

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

Supervisor Ringler said the next item is a request from Michael Cirillo, P.L.S., Department of Public Works, for acceptance of Consolidated Rail Corporation Supplemental License Agreement, Route 32 Water Main Relocation. There is a \$300. check attached and Supervisor Ringler said this did not have to be accepted due to the fact the check will be forwarded to ConRail from the State of New York for preparation of the Supplemental Agreement. He said this involves the movement of a water line as a result of the State rebuilding the bridge

Accept
Consolidat
Rail Corp
Supplement
License
Agreement

and the relocation of it along with the change in the agreement from the original water line. He further said the State paid for the relocation and the \$300. for the preparation of the paper work.

The motion was made by Mr. Gunner and seconded by Mr. Burns to authorize the change in the agreement, subject to the approval of the Town Attorney. The motion was passed by the following vote:

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

Storm
Drainage
Easement
Niagara
Mohawk -
Delmar
By-Pass

Following, according to Supervisor Ringler, was a request from Michael Cirillo, P.L.S., Department of Public Works, for acceptance of a storm drainage easement for the extension of the Delmar By-pass from Niagara Mohawk Power Corporation.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that the easement from Niagara Mohawk Power Corporation be and it hereby is accepted and has been approved by the Engineering Department of the Department of Public Works and the Town Attorney and shall be recorded in the office of the Albany County Clerk. The motion was passed by the following vote:

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

Supervisor Ringler said the next item is a request from David Austin, Administrator, Parks & Recreation Department for appointment of seasonal personnel.

Approve
Seasonal
Personnel
Parks &
Recreation
Dept.

The motion was made by Ms. Galvin and seconded by Mr. Gunner that at the request of David Austin, Administrator of Parks & Recreation Department, the following persons be and they hereby are appointed to serve at the pleasure of the Town Board at the recommended rate of pay:

Recreation Instruction I at a rate of \$4.50 per hour.

Ethan Beyer
4 North Street
Delmar, NY 12054

Recreation Instructor I at a rate of \$5.30 per hour.

Patrick E. Fish
284 Elm Avenue
Delmar, NY 12054

Jennifer L. Comi
70 Cambridge Road
Glenmont, NY 12077

The motion was passed by the following vote:

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

NYS Association
of Municipal
Purchasing
Officials
Annual
Meeting
Conference

Next was a request from Philip Maher, Comptroller, for permission for Richard Webster, Deputy Comptroller, to attend the NYS Association of Municipal Purchasing Officials Annual Conference, with expenses paid. The Supervisor stated the only item being paid is the registration fee.

The motion was made by Mr. Burns and seconded by Ms. Galvin that Richard Webster, Deputy Comptroller be and he hereby is authorized to attend the New York State Association of Municipal Purchasing Officials Annual Conference on May 8, 9 and 10, 1991 at the Ramada Hotel,

Saratoga Springs, NY with expenses paid. The motion was passed by the following vote:

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

The next item was a request from the Superintendent of Highways to go to bid for Washed Crushed Stone, Gravel, Topsoil and Guide Rails.

Bids
Washed
Crushed
Stone,
Gravel,
Topsoil,
Guide
Rails

The motion was made by Ms.Galvin and seconded by Mr. Burns that in accordance with Town Law, the Town Clerk advertise for bids for Washed Crushed Stone, Gravel, Topsoil and Guide Rails in THE SPOTLIGHT issue of April 3, 1991 and that bids be received on April 15, 1991 at 2:30 p.m., 2:40 p.m., 2:50 p.m. and 3:00 p.m. respectively for the individual items. The motion was passed by the following vote:

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

Supervisor Ringler said the following item is a request from Superintendent of Highways, Martin J. Cross, to dispose of vehicles and equipment at auction and permission of the Town Board to dispose of two sanitation trucks by advertising and accepting sealed offers on each of these vehicles.

Auction
Vehicles
and
Equipment
Highway
Dept.
Accept
Sealed
Offers
for
2 Sanitatio
Trucks

The motion was made by Ms. Galvin and seconded by Mr. Gunner to authorize Martin J. Cross, Superintendent of Highways to sell at auction being held by Northway Auto Exchange, Inc., Clifton Park, NY the following vehicles and equipment:

- 1 - 1984 Dodge Diplomat 1B3BG2647EX619141 (General Town)
- 1 - 1964 International Tractor Mower 28094 (Highway)
- 1 - 1979 Allis-Chambers Tractor Mower 1690212 (Highway)
- 1 - 1980 International Tractor Mower 2000116U048797 (Parks)
- 1 - 1983 Cushman Mower 5566829-A0015880 (Parks)

AND to accept sealed offers for the disposal of two Sanitation trucks. 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 Bruce H. Secor, Commissioner of Public Works, for permission for one employee to attend the Water Treatment Technical Conference to be held April 9 and 10, 1991.

Water
Treatment
Technical
Conference

The motion was made by Ms. Galvin and seconded by Mr. Gunner that one employee be and he hereby is authorized to attend the Water Treatment Technical Conference at the Holiday Inn, Saratoga Springs, NY on April 9 and April 10, 1991 with expenses paid. The motion was passed by the following vote:

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

Supervisor Ringler said there was one item added to the agenda and this was a request from Bruce Secor, Commissioner of Public Works for acceptance of two deeds for rights-of-way for reconstruction on Beacon Road.

Accept
Deeds
Reconstruct
on Beacon
Road

The motion was made by Ms. Galvin and seconded by Mr. Burns that two deed documents from Mr. and Mrs. Walter E. Michaels, 16 Beacon

Road, Glenmont, NY 12077 be and they hereby are accepted for the reconstruction of Beacon Road and have been approved by the Engineering Department of the Department of Public Works and the Town Attorney and shall be recorded in the office of the Albany County Clerk. The motion was passed by the following vote:

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

Colonie
 Work on
 Waste
 Comments
 on Solid
 Waste

Supervisor Ringler asked if there was anything else to be brought to the attention of the Board. Mr. John Monteiro spoke and said he appreciated the opportunity to speak. He stated he was co-chairman of the Colonie Work on Waste for the Town of Colonie. Again, he thanked the Board for the opportunity to address the Board. He said what he wished to address to the Board at this meeting, perhaps, because it will be one of the most critical challenges facing communities throughout New York State and also the country in general and this is the municipal solid waste problem. He said Colonie Work on Waste, a group of Colonie residents interested in actively working to solve the garbage problem facing everyone, came before the Board to express their opinion regarding the proposed American Re-Fuel incinerator. He said since the initial phases of the proposal, the Town of Colonie has been the only local community identified as a possible dumping site for the ash produced by the American Re-Fuel incinerator. As such, residents of Colonie, according to Mr. Monteiro, are very much an involved party with regard to this project. He said as residents of the Capital District, Colonie Work on Waste believes that incinerating municipal solid waste is not the most cost effective and environmentally safe solution to our garbage problem. They strongly recommend that the Town of Bethlehem not allow itself to fall into the trap of a high-tech Band-Aid approach to the solution. Rather, Colonie Work on Waste recommends that the Town thoroughly examine other currently available technologies, stating as an example, the Town of Colonie is examining the possibility of using cold composting as a means of reducing the amount of municipal solid waste buried in the landfill. He said the low-tech, relatively low cost solution could reduce the solid waste stream by as much as 60 percent. Further to its credit, Mr. Monteiro said, the Town of Colonie has demonstrated their commitment to dealing with municipal solid waste without the use of incineration. He said this is exemplified by their draft solid waste management plan currently being developed. In closing, Mr. Monteiro said he wanted to restate that the residents of Colonie will not allow ash to be accepted at the landfill. He said in addition, Colonie Supervisor Fred Field, to his credit, was quoted recently in a local newspaper stating that Colonie is not interested in accepting ash from the American Re-Fuel facility. Moreover, Mr. Monteiro said they are opposed to the American Re-Fuel incinerator. He thanked the Board for the opportunity to address them and as residents of a sister community they stand ready to assist the Town of Bethlehem in any way that the Town feels appropriate.

Supervisor Ringler thanked Mr. Monteiro, stating as he may or may not know, the Solid Waste Task Force is analyzing all the options available to the Town regarding solid waste disposal. He said before any hard decisions are made, the Town Board is going to review every alternative. He said, incidentally, it was asked at one meeting not too long ago, whether or not there could be a referendum on such an issue. He said some further review, even though there is not many things that there can be a referendum on, Supervisor Ringler believes now that it is very possible to have a referendum on a waste to energy facility in the community. He said before he would recommend doing anything like that, he would recommend there be a referendum on that issue to let the residents, as a whole, make that decision.

Councilman Burns -- just as a follow-up -- asked if American Re-Fuel has formally applied to the Town of Colonie on the ash issue. Supervisor Ringler said not as far as he knows. Mr. Monteiro said this has somewhat been a point of contention. He said American Re-Fuel will sometimes put out a brochure which is intended to imply and he thought strongly, that there had been a formal proposal. He further said Supervisor Field -- and they had met with him on several occasions

-- has indicated from his perspective there has not been a formal proposal made. He said there seems to be a difference of opinion between American Re-Fuel and the Town of Colonie., Councilman Burns said he remembered reading this and as of now, the answer is still no, no application. Mr. Monteiro said not as far as to do so, yes. Mr. Ringler thanked Mr. Monteiro.

Supervisor Ringler asked if there was any other item to be brought to the attention of the Board. Councilman Burns said the gentleman who came in earlier in the meeting, Mr. Ungerer, wanted to read a letter into the record relative to the Scooper Law but he said what he would do is turn it over to Supervisor Ringler. The Supervisor said this would be entered as part of the record of the public hearing.

The motion was made by Ms. Galvin and seconded by Mr. Burns to adjourn the regular Town Board meeting at 8:15 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Deputy Town Clerk