

TOWN BOARD
MAY 8, 1991

A Public Hearing 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
 Robert J. Burns, Councilman
 Charles Gunner, Councilman
 Bernard Kaplowitz, Esq., Town Attorney
 David Austin, Administrator of Parks & Recreation
 Gregg Sagendorph, Foreman, Highway Department
 Philip Maher, Comptroller
 John Flanigan, Building Inspector
 Kenneth Hahn, Receiver of Taxes & Assessments
 Martin Barr, Planning Board Chairman
 Jeffrey Lipnicky, Town Planner
 Red Goyer
 William Collins
 F.J. Higgins
 G.E. Higgins
 Richard Wood
 Muriel Wood
 Sarah Hinman
 Dan Haughney
 Jean E. Kerr
 Esther Sosman
 William E. Pierce
 A. Steber Kerr
 Bernard Harvith
 John Smolinsky
 Nique Davis
 T.J. Cotrofeld, Jr.
 Miles Garfinkel
 Mary Berry
 Charles A. Herr
 Nancy Mack
 Felice Freeman
 Robert Freeman
 Robert Longabaugh
 Doris Davis
 Brooke DiBernarceo
 B. Via
 Terri Roeder
 Alice Cirillo
 John E. McLean
 Suzanne Capone
 Liz McCoy
 Kathy Keenan - The News Herald Representative
 Mike Larabee - The Spotlight Representative
 Barbara Hayden - The Times Union Representative
 Kathleen A. Newkirk, Deputy Town Clerk

ABSENT: M. Sheila Galvin, Councilwoman

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Supervisor Ringler called the meeting to order and said the first item on the agenda was a public hearing regarding Local Law No. 2 of 1991, Revision to Article IX, Unlawful Obstructions of the Town Code, Sections 39, 40, 41 and 42. He asked the Deputy Town Clerk to read the call of the hearing.

Public Hearing
Local Law
2-1991 -
Article IX,
Unlawful
Obstructions

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Town Board of the Town of Bethlehem, Albany County, New York will hold a public hearing on May 8, 1991 at 7:30 p.m. at the Town Hall, 445 Delaware Avenue, Delmar, New York to consider Local law No. 2 of 1991, Revision to Article IX, Unlawful Obstructions of the Bethlehem Town Code, Section 39, Section 40, Section 41 and Section 42.

none. He then asked if there were any questions from the audience regarding the proposal, asking that anyone speaking identify themselves for the record.

Mr. Ralph Wood indicated he lives at 43 Longwood Drive at the corner of Tierney. He said his question -- and he said he had no question in his mind about changing the authorization of enforcement, this was not his problem -- but the problem of what the Board is going to do in Town when the penalties are now emphasized for anybody that is in violation of the Code. He asked what they are going to do with 6 million trees, bushes and so on that are in there now. He said the house he lives in is 20 some years old, he has lived there 4 years and everything that is there was there when the house was built. He said there are trees 12 inches in diameter that are inside this 25 feet and asked what is going to be done about them. Supervisor Ringler said if they are a safety hazard, the Building Inspector would be informing the person that this was the case and perhaps they should be trimmed and so forth to improve the sight line. He said basically, the Town is looking to prevent any safety problems. He further said if a tree is obstructing the right-of-way on an intersection -- and he said this has been done in other areas of the Town -- the Superintendent of Highways has done this -- the person will be notified that there is a violation. He said as a last recourse it may have to come down. If it does not have to come down, according to Supervisor Ringler, to remove the obstruction, it will be allowed to remain. Mr. Wood pursued this a little further, asking about the trees that he has within the 25 foot limit indicating they only protect him from being killed right in his own house. He said for that reason he has put some big rocks on the side of the street, the same dimension from the highway. He said he has lived there 4 years and twice cars have come down the road so fast that they took 12 inch diameter trees out of the ground far enough so that they had to be torn down. He said he does not want to die. Supervisor Ringler said he does not want this to happen either. Mr. Wood said he does not want to remove the trees, they are not a safety hazard to the highway but they sure as heck are a safety precaution for himself. This he said is his concern and he wanted to know what is going to be done with a thing like this. Supervisor Ringler said if it is a safety hazard and reviewed, the trees would have to be removed. He said even under the current Code it would have to be removed if it had been determined that it was a safety hazard. Mr. Wood asked who is going to guarantee that a car is not going to come into his bedroom. Supervisor Ringler said he can never guarantee that but indicated we cannot guarantee that someone is not going to get hurt on the rocks in the Town right-of-way and then the Town is liable for these types of situations or could be, asking Attorney Kaplowitz if this was correct. Attorney Kaplowitz indicated this was correct. He said this does not serve the purpose, someone being liable and responsible for it after the fact. Mr. Wood asked if he has to move the rocks does he also have to take the trees down. Supervisor Ringler said he did not know. Mr. Wood said these are the questions in his mind and that is why he is here. Attorney Kaplowitz asked if Mr. Wood was talking about rocks and trees that are in the right-of-way or on his property. Mr. Wood said they are -- well, this is the question lots of people have in this Town, they do not know where the property line is and where the right-of-way is. He said he knows where his is and the right-of-way location. He said he knows where his property line is and he is just outside the property line. He said there is still lawn area between the highway and what he is talking about. He asked if the Town considers that to be a hazard. Supervisor Ringler said again it could be. Mr. Flanigan said it could be a hazard for a child on a bicycle or something, who happens to hit these rocks. Mr. Wood said if they did that they would have to come on his land 4 or 5 feet. Mr. Flanigan said no, if it is on his land. Mr. Wood said he made the same mistake he was just talking about, it is not his land because it is within the highway right-of-way. Mr. Flanigan said that is correct, lawn that is maintained but is within the 25 foot right-of-way and say there are some rocks there and a child runs onto those rocks. He said the Town knows those rocks are there and if they do not have them removed, the Town is liable under insurance purposes for those rocks being there. Mr. Flanigan said it is the Town's responsibility to be sure those hazards are not there. He said if a child were to run over the rocks with a bicycle and fall, the Town would be liable. Mr. Wood asked if this was the same with the trees, if a child runs into a tree the liability is still his. Mr. Flanigan said he would think so, yes. Mr.

Wood said this exists all over Town. Mr. Flanigan said the Town is not changing that, this is already in the Code. He said the enforcement has not been there, so that is what is being corrected. Mr. Webster asked if the rocks or trees are in the normal path of travel. Mr. Wood said they are not. Mr. Webster said they are back on Mr. Wood's land. Mr. Flanigan said they are not on Mr. Wood's land, but on the right-of-way. Mr. Webster said they are on the back of the right-of-way. Mr. Wood said they are on the lawn that he maintains free for the Town. Mr. Webster said they are not where someone would normally walk or take a bicycle or something like this. Mr. Wood said if they do, as far as he is concerned, they are trespassing but it is on the Town land. He said this is his concern.

Supervisor Ringler thanked Mr. Wood and asked if anyone else had any questions. Mr. Charles Herr, Mosher Road, said he came because he thought it was a change in the ordinance and he was glad to hear that the ordinance stays the same and it is just a matter of enforcement. He said he is here because he happened to have an article he saved from many years back. He said the article stated a Florida jury awarded 4.95 million dollars in damages to a man who crashed into a boulder which had been placed on highway median strip. He said most of the damages must be paid by the Town of Tamarack, which arranged for the planting of a rock there. He said he sympathizes with the people who get cars on there lawn and cars should not be driving on people's lawn even though it is the highway right-of-way. He said there is a hazard involved, the chance of running into somebody's property. He said there are ways of putting standard safety devices up, guide rail or something, to protect the property and protect the right-of-way line. He said he fully supports the ordinance and he would like to see some enforcement going on with it. Supervisor Ringler said this is still the question period regarding this proposal, asking if anyone else had any questions about what it is all about. There were none.

Supervisor Ringler asked if there was anyone who would like to speak in favor of the proposal. There were none. He then asked if there was anyone who would like to speak in opposition to the proposal. Mr. Bill Pierce, residing at 35 Maple Avenue in Slingerlands, indicated he was not sure he was speaking in opposition to the proposal. He said they have owned there house for about 5 years and when they moved there there was a row of rocks on the corner of McCormack Road. He said they thought they were ugly and an eyesore and the first inclination was to remove them. He said they did take some of them away and then it became readily apparent why they were there in the first place. He said rather than repeat what the other gentleman has said, he would just refer to his comments. He said there is not a safety of life and limb situation but he does have a situation where a lot of people seem to believe that the fact that this 25 foot stretch, whatever it is, is not necessarily for public use but for their individual use as an extension of the highway or whatever the case may be. He said his only question about this is that naturally, if he is told to remove the rocks, he will dutifully remove the rocks put at what point -- how bad does the damage have to get. He said they have put up with construction across the road over the last 7 months and 20 ton trucks readily making there way there and blocking the road so cars cannot get by so they avail themselves of the lawn and what not. Incidentally, in respect to the rocks, he asked at what point the Town steps in to do something like a modified guard rail or whatever to give the person who is responsible for keeping the place looking decent some solace in that. That he said was his speech.

Supervisor Ringler thanked Mr. Pierce and asked if there was anyone else who would like to speak in opposition. Mr. Frank Pascalides next spoke, indicating he lives on the corner of Mosher and LaGrange Road. He said he has been there 30 years. He inquired about the basketball hoops that are being put up and the fact that they are facing the road. He said he is representing 3 or 4 different people in the neighborhood that have been complaining about them. He said there was one just put up on LaGrange Road and it is almost on the line of the road and little kids were seen playing there the other day because the man that put it up works during the day. He further said today they almost got killed by a car that came around the corner on Mosher Road. He said in fact today, a couple kids came down the road and almost hit Mrs. Walsh, which was on Mosher Road too. He said Mrs. Walsh complained because she was turning into her driveway

but the kid was going awful fast on Mosher Road. He further said Mosher Road seems to be getting just a fast highway through there, since it has been paved. He said they put up stop signs and Dr. Leese said he would like a stop sign put on his corner indicating he has been trying for years to get one. Mr. Pascalides said anyway, what about the basketball hoops. Supervisor Ringler said if they are in the right-of-way, they are illegal. He further said if they are back on the person's driveway it is permitted. Mr. Pascalides said they are allowing them all over. Supervisor Ringler said this is part of the enforcement that will have to take place, if they are a safety hazard and the children are out in the street playing and if it is in the right-of-way, they will have to be removed. Mr. Pascalides thanked the Supervisor.

Supervisor Ringler said many people put them in their driveway on their own property, this is not an issue. Mr. Pascalides said the driveway is fine but this is a short distance from the road. Supervisor Ringler indicated if they put it on the edge of the road and play in the street and it is in the Town right-of-way, that is a violation. He further asked Mr. Flanigan if this is correct. Mr. Flanigan said this is correct.

Supervisor Ringler asked if anyone else would like to speak. Councilman Burns asked Mr. Flanigan if he gets requests from residents for some type of a guide rail to be placed in front of the property and asked how this is processed whether it goes to the Police Department or the Highway Department. Mr. Flanigan said this would go to the Highway Department for someone to put something there but he said he would be hard pressed to remember whether this has ever been done. Supervisor Ringler asked Mr. Sagendorph. He said Mr. Sagendorph has gone to the traffic schools and so forth, asking him when guide rails are normally used. Mr. Sagendorph said they are used to protect the motoring public from a hazard. He said guard rail or guide rail is a hazard in itself but it is also a protective hazard so it is only used in places where you are going to protect the public from a more dangerous hazard than the guide rail itself.

Councilman Burns asked if there has ever been a basketball hoop taken down. Mr. Flanigan said not to this point that he is aware of. Supervisor Ringler said Mr. Flanigan has never been involved with it up to this point. Mr. Flanigan said he has never been involved in this but a lot of this has come from the basketball hoop situation because if you take a look around Town, there are an awful lot of them.

Mr. William Pierce next mentioned that on Kenwood Avenue up near Orchard Street, the State (he believes) erected last year some -- what appear to be fiberglass -- posts but of a type that bend very readily. He said they appear to be markers and asked if there was any possibility that something along those lines could be installed by a property owner. He asked if this would require a separate ordinance or would the Town be willing to consider this. He said he knows, that is a lot of questions but he said it does not appear to him that these would be a hazard. Supervisor Ringler said this is something that can be looked into, indicating he would ask the Highway Superintendent's office to look into this. Mr. Pierce thanked Supervisor Ringler.

Supervisor Ringler asked if there were any other comments. Mr. Charles Herr said a point of information to the Board -- the Traffic Safety Committee has been advised of the basketball hoop on LaGrange Road. Mr. Flanigan said this is a good point, once the Town has been put on notice that there is a hazard, the Town could be liable much easier.

A motion was made by Mr. Burns and seconded by Mr. Webster to close the public hearing at 7:45 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Deputy Town Clerk

Supervisor Ringler convened the regular meeting of the Town Board following the first public hearing, asking if there was any action to be taken in regard to the public hearing. The Board preferred not to make any motions in regard to the public hearing. Supervisor Ringler explained the Board has not made a decision on the public hearing. He said in many instances such as this when there is discussion, the Board rarely will make a decision the night of the meeting. The Board likes to think about the situation and review the minutes with the item being placed on the agenda for action at a future date.

Supervisor Ringler indicated the next public hearing was due to begin at 8:00 p.m. and, therefore, he would continue with the following items on the agenda. He said the next item to be considered pertains to Washed Crushed Stone.

A motion was made by Mr. Webster and seconded by Mr. Gunner to remove this item from a tabled status. The motion was passed by the following vote:

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

Rebid
Washed
Crushed
Stone

Supervisor Ringler said at the last meeting there was some discussion regarding this bid and it was determined that the low bidder could actually cost the Town more money if it is awarded to them because of the transportation. He said because of this, new specifications have been prepared and it has been recommended by the Highway Superintendent that this item be rebid.

A motion was made by Mr. Webster and seconded by Mr. Gunner to reject these bids and rebid for Washed Crushed Stone for 1991. The motion was passed by the following vote:

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

Supervisor Ringler said the next item was a discussion of the Topsoil bids.

Award
Bid -
Topsoil
1991

A motion was made by Mr. Burns and seconded by Mr. Webster to remove from a tabled status the Topsoil bids. The motion was passed by the following vote:

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

Supervisor Ringler said at the last meeting there was some discussion regarding the Topsoil bids. He said the Superintendent of Highways recommended that this not be awarded to the low bidder because according to him, this bidder did not meet the specifications last year. He said at that time, the Board requested more documentation as to what went on during the past year. Supervisor Ringler asked Mr. Sagendorph to outline this.

Mr. Sagendorph said last year the bids came in for the Topsoil and Troy Topsoil was the apparent low bidder. He said he and Mr. Cross traveled to Waterford where their soil bin is and personally inspected the topsoil. He said it looked to be of a decent quality. He said they went ahead and awarded it to the low bidder, Troy Topsoil, which is standard practice. He said the first order was placed in July of last year and the first loads came in. He said they inspected the first loads and found it had quite a bit of stone in it for topsoil. He said at that point they informed the driver they were not satisfied with the material and needed better. He said they made a call to the office and also reiterated the point with them that this was not the soil they had previously inspected. He said they also informed them that they would like better soil. The second time soil was ordered in September, according to Mr. Sagendorph, Mr. Cross prior to the order called the owner of the company and stated how the first round was not

adequate to the specifications. He in turn sent a better quality of soil, Mr. Sagendorph stated. He said the third and last time they ordered the soil in October of 1990, the soil was worse than the first time in July. Mr. Sagendorph said it has quite a bit a stone and informed the Board he brought a sample if the Board wished to inspect it. He said it does not meet the specification for 1990 and in the 1991 specifications there has been a tightening of the specification, calling for virgin earth, rototilled off the ground, not a processed topsoil which is what Troy Topsoil supplied the Town. He said they did not meet the specification in 1990 and they definitely will not meet the specification in 1991. He said this is why the request is to go to the second lowest bidder.

Supervisor Ringler said some other departments have had problems with this, indicating Mr. Austin from Parks & Recreation has mentioned this. Mr. Austin said they use a lot of topsoil for the baseball and softball fields and other areas of the park for repair. He said last summer they spent a lot of man hours raking out good sized stones for safety reasons on the ball fields and for protection of the mowing equipment. He said on the baseball diamonds alone they raked up 4 yards of stone. He said there is a lot of stone in this topsoil.

Supervisor Ringler asked if there were any questions. Councilman Burns asked Mr. Sagendorph if the quality of the product that exists now was inspected or is this talking about a year ago that he and Mr. Cross went to the plant. Mr. Sagendorph said this is talking about a year ago and then what they supplied the Town during 1990. He said it is understood that they are operating with the same methods of material processing. Councilman Burns said the Town can then state for a fact that this has been inspected and that the soil available does not meet the specifications at this time. He said this would be almost a routine rejection of a bid because it does not meet the specifications. He said this is not as controversial as it first appeared. Supervisor Ringler said this was correct. Councilman Burns said he had one other question, stating there was a concern the last time that the third bidder -- it was not clear because of the way the other bids were stated, indicating the bids were from Wiggand, Troy and the third one -- Supervisor Ringler asked Mr. Sagendorph if he remembers the third firm. Mr. Sagendorph said it was Clemente Latham. Councilman Burns said they talked in terms of cubic yard as opposed to.... Supervisor Ringler indicated to Councilman Burns that Mr. Sagendorph addressed this in the letter he submitted pertaining to this item. Mr. Webster said all the bids were by cubic yard but Clemente submitted his by ton. Supervisor Ringler said clearly Wiggand is number 2.

Mr. Sagendorph said depending on the moisture content of the soil, a yard of topsoil weighs between 2800 and 3000 pounds, which in rough figures would be a ton and a half to a yard. He said if the figure put in by Clemente Latham is taken and multiplied by 1.5, the figure would be the per yard price, as a basis. Councilman Burns asked Mr. Sagendorph if he could state clearly that there has been no purchases or delivery of soil from Wiggand before the Town Board has taken action. Mr. Sagendorph said not that he is aware of. He said they have been on hold since October of last year waiting for this new bid because they were not satisfied with the topsoil. He said the stockpile is very much depleted now and they have a lot of work to do.

Supervisor Ringler asked if there were any other questions. Councilman Webster indicated there was also a problem with the Public Works Department and the quality of the soil also. Mr. Sagendorph said at the last Board meeting there was a letter from Parks & Recreation and a letter from Mr. John Geurtze, Director of Field Operations DPW. Supervisor Ringler asked if there was any problem with the recommendation to award this bid to the second lowest bidder. There were none expressed.

A motion was made by Mr. Gunner and seconded by Mr. Webster to award the Topsoil bid to the second lowest bidder who meets the specifications, J. Wiggand and Sons, Glenmont, New York. The motion was passed by the following vote:

Ayes: Mr. Ringler, Mr. Webster, Mr. Burns, Mr. Gunner.
Noes: None.

Absent: Ms. Galvin.

Supervisor Ringler said the next item is to accept the resignation of William Johnston, Jr. as a Member of the Planning Board effective June 1, 1991. He read the following letter:

Resignation
Planning
Board
Member

35 Carson Road
Delmar, New York
April 8, 1991

Mr. Kenneth J. Ringler, Jr.
Supervisor, Town of Bethlehem
445 Delaware Avenue
Delmar, New York 12054

Dear Ken,

This is to inform you that I am resigning my position on the Planning Board as of June 1, 1991.

My time spent on the Planning Board has been most rewarding and interesting to me. I hope that I may have contributed something towards making our Town the great town that we are all so proud of.

I give this resignation reluctantly because I have truly enjoyed the almost thirty years serving on the three boards. However, time waits for no one and I find that my stamina and patience is not as enduring as it once was. Therefore I feel it is now time for someone else to take over.

As you know, I love our Town, and if there is anything that I can do to help out, please let me know.

Sincerely,
/s/ Bill
William Johnston, Jr.

Supervisor Ringler said Mr. Johnston has been an outstanding Board member and he will be missed and as he pointed out, he served on all three Boards over 30 years -- Town Board, Board of Appeals and Planning Board.

A motion was made by Mr. Gunner and seconded by Mr. Webster to accept with regret the resignation of William Johnston, Jr. as a Member of the Planning Board of the Town of Bethlehem. The motion was passed by the following vote:

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

Supervisor Ringler said the next item was a request from Kenneth P. Hahn, Receiver of Taxes & Assessments for approval of part-time employment, Clerk Typist I appointments. Supervisor Ringler stated this was not to hire anyone but to add to the list that Mr. Hahn uses at his peak periods of the year when he needs to bring in additional help.

Approval
Part Time
Typist -
Recr. of
Taxes &
Assessments

The motion was made by Mr. Webster and seconded by Mr. Gunner that Charlotte Wright, Mary Schmitz and Donna Roberts be and each is hereby appointed Clerk Typist I to serve for the Receiver of Taxes and Assessments at the rate of \$6.17 per hour. The motion was passed by the following vote:

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

Supervisor Ringler said the next item on the agenda is a request from Karen Pellettier, Director of Senior Citizen Services for permission for Joyce Becker, Program Coordinator, to attend a seminar on Volunteers and In-Kind Services at a cost of \$40.00.

The motion was made by Mr. Burns and seconded by Mr. Gunner that Joyce Becker, Program Coordinator, be and she hereby is authorized to attend the Volunteers and In-Kind Services seminar to be held in Albany, New York on June 11, 1991 with expenses paid. The motion was passed by the following vote:

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

Conference
Approval
Program
Coordinator,
Sr. Services-
Volunteers
and In-Kind
Services

Supervisor Ringler said the next item is a recommendation from Ellen M. Kost, Deputy Town Planner, regarding the SEQR lead agency designation for Southgate Commons and the Wemple Road PRD. He explained these are two items that have been on the agenda previously and the SEQR process has begun. The lead agency coordination has been done, according to Supervisor Ringler, and there has been no objection to the Town assuming lead agency in either of these projects and the resolutions are required as follows.

SOUTHGATE COMMONS SHOPPING PLAZA
SEQR RESOLUTION
LEAD AGENCY DESIGNATION

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,

SEQR Lead
Agency -
Southgate
Commons
Shopping
Plaza -
Town Board

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,

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, the Town Board at its meeting of 13 March 1991 adopted a Resolution which states: (1) that Building Project Approval for the proposed Southgate Commons Shopping Plaza is a Type I action subject to SEQR; (2) that there exist a number of involved agencies with respect to this Type I action and that coordinated SEQR review is therefore required; (3) that the Town Supervisor is authorized to initiate coordinated review by notifying the involved agencies that a Lead Agency must be agreed upon within thirty (30) calendar days from the date of mailing the Environmental Assessment Form and notice; and, (4) that the Town Board desires to assume Lead Agency status for the purpose of SEQR review;

NOW, THEREFORE, BE IT RESOLVED, that having notified those involved agencies of the Town Board's desire to be Lead Agency and receiving no objection to the same, the Town Board hereby declares itself Lead Agency for SEQR review of the proposed action.

On a motion by Mr. Burns, seconded by Mr. Gunner and a vote of 4 for and 1 absent, 0 against, this RESOLUTION was adopted on May 8, 1991.

WEMPLE ROAD DEVELOPERS
WEMPLE ROAD AT ROUTE 9W PLANNED RESIDENCE DISTRICT
SEQR RESOLUTION
LEAD AGENCY DESIGNATION

SEQR
Lead
Agency -
Wemple
Road PRD -
Town Board

WHEREAS, the Town Board of the Town of Bethlehem has received an application from Wemple Road Developers, Inc. to rezone a 32+ acre parcel of land to Planned Residence District (PRD); and,

WHEREAS, the parcel is situated at the northwest corner of Wemple Road and NYS Route 9W and is presently zoned Residence A and General Commercial C; and,

WHEREAS, Article V of the Code of the Town of Bethlehem provides the Town Board with the authority to establish Planned Development Districts (PDDs); 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, at its meeting of 27 March 1991, the Town Board passed a Resolution which states: (1) that the proposal by Wemple Road Developers, Inc. is an Unlisted action subject to SEQR; (2) that a full EAF is required to determine significance; (3) that the Planning Board of the Town of Bethlehem is the involved agency with respect to this Unlisted action; (4) that the Town Supervisor is authorized to initiate coordinated review by notifying the involved agency that a Lead Agency must be agreed upon within thirty (30) calendar days from the date of mailing the notice; and, (5) that the Town Board desires to assume Lead Agency status for the purpose of SEQR review;

NOW, THEREFORE, BE IT RESOLVED, that having notified the involved agency of the Town Board's desire to be Lead Agency and receiving no objection to the same, the Town Board hereby declares itself Lead Agency for SEQR review of the proposed action.

On a motion by Mr. Gunner, seconded by Mr. Webster and a vote of 4 for and 1 absent, 0 against, this RESOLUTION was adopted on May 8, 1991.

Award
Bid -
Uniforms
1991 -
Police
& Tele-
communicators

Following, according to Supervisor Ringler, was a recommendation from Paul Currie, Sr., Chief of Police for the award of the bid for Police and Telecommunicator Uniforms for 1991.

A motion was made by Mr. Webster and seconded by Mr. Burps to award the bid for Uniforms for 1991 to Rubens-Royal Uniform Co. of Rochester, New York as per the recommendation of Chief Paul Currie. The motion was passed by the following vote:

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

Accept
Easement -
Windham
Hill Sub.

The next item of business Supervisor Ringler stated is a request from Department of Public Works for acceptance of an easement from D&M Swift Builders, Inc., Schenectady, New York in the Windham Hill Subdivision, pending approval of the Town Attorney. He explained this is an easement required by the Subdivision approval.

The motion was made by Mr. Webster and seconded by Mr. Burns that a drainage easement in the Windham Hill Subdivision from D & M Swift Builders, Inc. of Schenectady, New York 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:

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

Supervisor Ringler said the next item is a recommendation from the Department of Public Works for assignment of house numbers for Corning Hill Road and Winne Place. He explained this is the usual procedure, people will be notified and be effective within 6 months. He asked if there were any questions. There were none.

A motion was made by Mr. Gunner and seconded by Mr. Webster to adopt the house numbers as proposed by the Department of Public Works for Corning Hill Road and Winne Place. The motion was passed by the following vote:

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

Assignment of
 House Nos. -
 Corning
 Hill Road,
 Glenmont and
 Winne Place,
 Delmar

Councilman Gunner said he would ask his usual question -- if there has been any reply from the Fire Chiefs or Emergency Squads in Town. Supervisor Ringler said he has not. Councilman Gunner further asked if there is no emergency or if we do not know or what. Supervisor Ringler indicated they have not replied. Councilman Webster said they have been contacted months ago. Councilman Gunner said it was approximately 2 months ago and asked again if they have replied. Supervisor Ringler said they have not and explained there was some discussion brought forward as to whether or not the Board should require residents to put house numbers on their premises for safety purposes. Mr. Gunner wondered what kind of problems were developing in the Town. Supervisor Ringler said he wrote to all the emergency services asking for input but there has been none received.

Councilman Webster said they have requested several times that the people apply the 4 inch letters. Mr. Flanigan said maybe a small campaign along that line -- indicating it would be to the advantage of the people to have them might help. He said it is difficult to find locations especially at night. Councilman Gunner said he was concerned about finding places in an emergency. Councilman Webster said this came up at the County 911 meeting and the County is trying to pursue this along with the 911 program and are pressing this issue. Supervisor Ringler said the Deputy Town Clerk just mentioned that the Town Clerk notifies people and encourages them strongly to put the numbers on the house for just this reason. Councilman Gunner said he had a resident contact him who had a problem with the location of his house and he suggested that we look at it. Councilman Gunner said further he was concerned that if it was a problem maybe some other action should be taken but if not, fine. He said no answer is not much progress. Mr. Goyer said it is not a problem until you need it. Councilman Webster agreed.

Supervisor Ringler said the next item was a request from David Austin, Administrator of Parks & Recreation, for appointment of seasonal personnel and read the following list:

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

Michael Pellettier
 164 Kenwood Avenue
 Delmar, NY 12054

Michael Fritts
 24 Orchard Street
 Delmar, NY 12054

Ryan Lillis
 103 Meadowland Street
 Delmar, NY 12054

Sarah W. Clash
 146 Mosher Road
 Delmar, NY 12054

Craig Gravina
 18 Venture Terrace
 Glenmont, NY 12077

Heather Bordick
 16 Dykeman Road
 Delmar, NY 12054

Appointment
 Seasonal
 Personnel -
 Parks &
 Recreation

Margaret Teresi
43 Winne Road
Delmar, NY 12054

Recreation Instructor I at a rate of \$4.70 per hour.

Michael Peters
40 McCormack Road
Slingerlands, NY 12159

Recreation Instructor I at a rate of \$4.90 per hour.

Christina Mann
333 Kenwood Avenue
Delmar, NY 12054

Recreation Instructor III at a rate of \$7.70 per hour.

Michael Crandall
1802 Campbell Ave. #2
Schenectady, NY 12306

Recreation Instructor II at a rate of \$6.25 per hour.

Heather Smith
21 Groesbeck Place
Delmar, NY 12054

Lifeguard at a rate of \$5.95 per hour.

Britta Wehmann
64 Huntersfield Road
Delmar, NY 12054

Lifeguard at a rate of \$6.35 per hour.

Christopher Engstrom
7 Center Lane
Delmar, NY 12054

Senior Attendant at a rate of \$5.65 per hour.

Craig Christian
19 Venture Terrace
Glenmont, NY 12077

Clerk Typist at a rate of \$4.75 per hour.

Jennifer Coon
1 Coventry Road
Glenmont, NY 12077

Heather Taft
36 Ruxton Road
Delmar, NY 12054

Clerk Typist at a rate of \$4.35 per hour.

Carolyn S. Crary
20 Windsor Court
Delmar, NY 12054

Penny H. Silk
89 Hampton Street
Delmar, NY 12054

Kathleen P. Nelson
26 Windsor Court
Delmar, NY 12054

A motion was made by Mr. Gunner and seconded by Mr. Webster that the above-named Seasonal Personnel be and they hereby are appointed as recommended by David Austin, Administrator of Parks & Recreation Department at the rates mentioned above and to serve at the pleasure of the Town Board. The motion was passed by the following vote:

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

Supervisor Ringler indicated most of the people in attendance are aware of what this proposed local law is about. He said this is what has been referred to in the paper as the scooper law. The scooper law was basically brought to a public hearing because a petition was received, according to Supervisor Ringler, from over 50 residents requesting that the Town consider such an ordinance. It was drafted up based upon the Town Counsel's recommendation and it basically says that if you own a dog, you walk it, you must clean up behind it, he said. Supervisor Ringler said this would be a requirement and the penalties are the same as any other offenses under the dog ordinance, which is a maximum of fine up to \$100. as he recalls. He said the public hearing will be conducted in a similar manner to the last one. He said first questions will be taken, then anyone who wants to may speak in favor and anyone opposed may speak in opposition. Supervisor Ringler said the first part is for questions or clarification of what it is about and asked that everyone save the opinions to later in the hearing.

Supervisor Ringler asked if the Board has any questions. Councilman Gunner said he questions whether the law as written is really necessary and maybe that can be answered for him. He said in Section 61-5F, which is the dog law, it deals with the leash law and under restriction 61-5 it addresses any dog causing damage or destruction to property or commits a nuisance upon the premises of a person other than the owner or the person harboring such a dog. He said therefore, any one of the peace officers assigned could give a citation on a complaint from a citizen. He said he wonders if there is anything else. He further said he is not against hearing this. Supervisor Ringler said he guesses it comes down to what is defined as a nuisance. Councilman Gunner said he just wanted the answer to that. Supervisor Ringler said he was not sure the answer could be given at the meeting but he thinks this should be considered when the deliberations are held after the hearing as to whether this is already covered in the code. Supervisor Ringler suggested the Town Attorney look into this. Attorney Kaplowitz said it really boils down to a definition of nuisance and what a court would consider. He said there are public nuisances and private nuisances. He said some nuisances are both public and private. He further said in the right circumstances, certainly it is a nuisance but he did not know if it was in all circumstances. He said if the Board wishes, he could look further, indicating he was talking off the top of his head. Councilman Gunner said normally he would have waited with his question but the Supervisor asked the Board first.

Supervisor Ringler asked if there were any other questions at this time. He asked if there were any questions from the audience, indicating the person did not have to come up to the microphone but please stand and identify themselves. Mr. Hunziker asked if the ordinance could be read. Supervisor Ringler asked the Deputy Town Clerk to read Local Law No. 3 of 1991. (See Local Law following page 364.)

Supervisor Ringler asked if there were any other questions. Mr. Robert Longabaugh said he thought the reading of the law cleared up his question but to be sure he wanted to know if this applies in agricultural areas because it says streets, sidewalks and public areas. He asked if a person is walking a dog out in a rural area do they have to similarly clean up. Attorney Kaplowitz said the intention is sidewalks, roadways, intersections, that sort of thing and he did not think it would apply to somebody off on private property in a field some where. Supervisor Ringler indicated unless the owner of the property objected to this. Attorney Kaplowitz said this would then be a problem.

Supervisor Ringler asked if there were any other questions. Mr. Bernie Harvith said it says they shall clean up all such fecal matter and droppings and also dispose of it in a safe and sanitary manner. He said in the winter it seems you could get it all because you might get a little snow with it but, in the summer, he asked if the Board means all of it. He further said this means you would have to dig up part of the person's yard or if its on the street, do you really intend for someone to get down with tissue and clean this up. He said he is opposed to this obviously. Supervisor Ringler said the opposition would be taken later. Mr. Harvith also asked what disposed of in a safe and sanitary manner means. He asked if they

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~COUNTY~~
~~CITY~~ of Bethlehem
Town
~~VILLAGE~~

Local Law No. 3 of the year 19 91

A local law Amending Chapter 61, DOGS of the Bethlehem Town Code
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~COUNTY~~
~~CITY~~ of Bethlehem as follows:
Town
~~VILLAGE~~

Section 1, Article I, Section 61-1 is hereby amended to read as follows:

The Town Board of the Town of Bethlehem finds that the running at large and other uncontrolled behavior of licensed and unlicensed dogs have created physical harm to persons, damage to property and have created nuisances within the Town. In addition, the Town Board finds and determines that the soiling of public streets, sidewalks and the area adjacent to same by droppings and fecal matter from dogs is detrimental to the public health and safety and all such soiling by dog droppings and fecal matter is hereby prohibited.

The purpose of this Article is to protect the health, safety and well-being of persons and property by imposing restrictions on the keeping and running at large of dogs and soiling of public streets, sidewalks and adjacent areas to same by fecal matter within the Town.

Section 2, Article I, Section 61-4 is hereby amended to add a new definition as follows:

Fecal matter - all feces, excrement, manure, dung or solid waste matter discharged by a dog.

Section 3, Article I, Section 61-5 is hereby amended to add a new restriction (H) to read as follows:

No person shall suffer, allow or permit any dog which such person owns or harbors, keeps, controls or otherwise maintains to soil, defecate or deposit any dropping or fecal matter on any public road, street, highway, sidewalk or area adjacent thereto or upon any public grounds or parks or any private property without the permission of the owner of said property. Such soiling action is declared to be a public nuisance detrimental to public health.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Such soiling action shall be deemed prevented and not a violation of this Article if such persons shall immediately clean up all such fecal matter and droppings by causing same to be gathered in a suitable bag, wrapper or other container and disposed of in a safe and sanitary manner.

Section 4. This local law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 1991 of the ~~(County)(City)~~(Town)(Village) of Bethlehem was duly passed by the Town Board on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF Albany

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Town Attorney

Title

~~XXXX~~

~~City~~ of Bethlehem
~~Town~~

~~XXXX~~

Date: _____

would contemplate that it would go in a plastic bag in the trash or something else. Attorney Kaplowitz said he assumed this is the kind of thing that is being discussed. He said God knows what some people might do. He further said he does not know how to answer the question. Some things would not be safe and sanitary and other things would be, according to Mr. Kaplowitz.

Mr. Hunziker next asked if the Board would clarify public land, specifically State land, State highway right-of-way. He asked if this proposed ordinance would affect the State highway. Attorney Kaplowitz said in general, the rule would be that we are talking only about Town roads. He said the Town cannot control State or County roads. He said he does not think there is any authority to go beyond the Town owned roads and rights-of-way. Mr. Hunziker said he would agree with this but that feature in the ordinance should be clarified. Councilman Burns asked if some citizen that was really watchful and observed someone on a State highway and filed a complaint, if this became law, would not the Town have an obligation to pursue that complaint. He said he cannot imagine this but you never know. Attorney Kaplowitz said there may well be something in State law that prohibits it on a State road. He said all he is saying is that he is not so sure the Town can control State roads. Councilman Burns said other laws are enforced on State roads, DMV laws and so on. Mr. Kaplowitz said he did not know the answer to be honest. Supervisor Ringler said he thought we should have that answer when the Board discusses this. Councilman Burns said this must have come up in the other towns that have done this.

Supervisor Ringler said these are good questions. Mrs. Felice Freeman said she is very much in favor of this proposed law. Supervisor Ringler said this portion of the hearing is still for questions. She said she wanted to respond to some comments made previously. She indicated she spoke with the Health Department in regard to safe disposal of fecal material and they suggested that the best way to get rid of it is, of course, to have a compost pile in your yard. The feces breaks down in 6 weeks, Mrs. Freeman said. She said it can also be flushed down the toilet and you can also put it in a plastic bag with newspaper and put it out with the garbage. She further said it does not hurt the environment because it -- someone asked if she meant the trash when she said garbage or the liquid garbage. Mrs. Freeman said the trash was what she was referring to because it does break down. Supervisor Ringler thanked Mrs. Freeman.

Supervisor Ringler asked if there were any other questions. Ms. Judy Miller next spoke asking about the definition of adjacent lands. She asked if it means if someone is walking a dog and the dog walks 2 feet onto her lawn that the person is liable for penalty even if she does not object. Attorney Kaplowitz said if she does not care, it probably is not going to be a problem. He said it is the people who do care that there will be a problem. Ms. Miller said she would express her opinion later.

Supervisor Ringler asked if there were any other questions. Mr. Harvith asked if he could get an answer on the question about all. He asked if they really mean all or a reasonable effort here. Attorney Kaplowitz said it is hard to answer. He said literally it says all but there was no intention to really mean all. He said the intention was to clean up what is there. He said depending on the consistency it is hard to say all. Mr. Harvith said he wanted to know what was involved here. Supervisor Ringler said there is nothing like a law professor and a lawyer arguing this. Mr. Harvith said he might scrap up some dirt on somebody's lawn, making them angry or should he leave a little bit of the stuff. Attorney Kaplowitz said depending upon the consistency it could be very difficult. Mr. Harvith said he understands but it says all. Attorney Kaplowitz said there was no intention, all means all but he said he thinks it means all that is reasonable. Mr. Harvith asked if this meant no divots. Attorney Kaplowitz said he would not think so but he cannot speak for the two Town judges that might have to interpret this somewhere down the line.

Supervisor Ringler asked if there were any other questions. Hearing none, he asked for those who would like to speak in favor to take turns. He asked that everyone identify themselves for the record and tell the Board what they think about this proposal. Mrs. Jean Kerr

said her husband is also present and they live at 73 Jordan Boulevard. She said she had a letter to the Supervisor and the members of the Town Board. She read the following letter:

We are pleased to hear that you are considering the addition of a so called pooper scooper law to the body of the Town of Bethlehem law. Our concerns are those of property owners and people who like to walk. We own a corner lot which has become a dog bathroom for ever increasing numbers of dogs. Cutting the grass and raking leaves have become most unpleasant tasks because of the many piles of dog droppings. Walking around Town especially in areas like ours where there are no sidewalks has become an exercise in watching one's step. We have attempted in the past to request politely some consideration by those walking their dogs because after all it is the dog walker who is at fault, not the dog. Responses have varied from this is the Town's property and I have a right to use it this way, to I'll walk my dog wherever I dam please. Therefore, we urge you to adopt these additions to the Town laws so that Bethlehem may once again be a clean, sanitary and pleasant place in which to take a walk, mow one's grass or rake one's leaves.

Supervisor Ringler thanked Mrs. Kerr. Mr. Frank Pascoalides from Mosher Road spoke and said he has been walking all around Town for the last 30 years and it is getting so bad now that he does not even want to walk anymore. He said this is how bad it is around Town now. He said wherever you walk, lawns, streets or anything it really is bad. Something should be done, according to Mr. Pascoalides and he said he is in favor of this proposal. Supervisor Ringler thanked him.

Mr. Frank Higgins, Sunset Drive said the dog droppings are not confined to the street, nor are they confined to the Town easement. He said they are actually going up on people's lawns and people's shrubs because dog owners today have leashes that are like a reel type leash and the dog can run as much as 50 feet. He said he has gone out personally with his shovel and removed deposits from his lawn without damaging it. He said he will not let his grandchildren play on the front lawn due to the situation being so bad. He said he repeats the lady's views, he has asked dog owner's please do not let this dog deposit on my lawn and he received similar responses. Supervisor Ringler thanked Mr. Higgins.

Mrs. Felice Freeman said she started this petition, stating she walks, rides bicycle, jogs and she has found it very unpleasant. She said what really spurred her on to start this petition is that she had an out-of-town guest taking a walk with her, commenting on how unpleasant it was to walk through the neighborhood and see the messes all over the place. In addition to this, she has young children who like to take advantage of an open field and throw a football around. When they come home covered with droppings, she finds this very unpleasant in a nice suburban community. Supervisor Ringler thanked Mrs. Freeman.

Mr. Robert Longabaugh, Haskell Place, Delmar indicated Mr. Ringler has a very good memory and he is sure he remembers him coming in last June to discuss the problem with him and indicated they both agreed that it would be desirable not to have legislation on this so he wrote a letter to the Editor of the Spotlight and read a portion of this letter. He said in the letter that he was writing to the Spotlight in the hope that media attention might bring about greater public awareness and positive response so another law on the books will not be necessary. He said hopefully if more of the citizens would think about what happens when the dew is not on the other foot but their own, they would do what is right and proper without the need for legislating courteous behavior. He said he did see some improvement in his neighborhood but he still feels there is going to be a need for legislation for courteous behavior because it has not gone away. He said he is still one of the nuts that pushes a hand mower and he is more at risk than the guy on the machine mower and it is a consideration. Supervisor Ringler thanked Mr. Longabaugh.

Mr. Dennis Gort, Rowland Avenue, said he has misgivings about regulations and government getting involved but he does not know a solution to this. He said he has encountered similar discourtesy by dog walkers saying this is public land and his daughter has been

covered with dog stool. He said he would like to know, perhaps in subsequent sessions about those who oppose, what alternatives there are to this since clearly a level of public civility has gone to the point where dog owners do this and what recourse is there to avoid this soiling of our community. Supervisor Ringler thanked Mr. Gort.

Mrs. Esther Sosman next spoke, indicating she lives in Slingerlands at 75 Bittersweet Lane which is a corner piece of property. She said this has become a dog toilet. Before this, she indicated she lived on Sunset Drive behind the Elsmere School and that playground is full of dog droppings. She really said she does not understand why dog owners think that a place where children play is a dog's toilet and she urged the Board since polite discussions with neighbors do not work that you support this proposed law. Supervisor Ringler thanked Mrs. Sosman.

Mr. Bob Freeman next spoke, stating initially he would like to address Mr. Gunner's comment regarding the clarification and whether it is necessary. Councilman Gunner excused himself to Mr. Freeman and said he did not say it was necessary, he said there is something on the books and it should be looked into. He said he is not arguing the merits of it but he was talking about the law. Mr. Freeman said he understands and he is talking about the law too. He said his feeling is that the term nuisance, yes, is subject to a variety of interpretations but certainly as amended, the phrase soiling action would represent a sufficient clarification of what a nuisance might constitute to make the provisions crystal. He said secondly in conjunction with Mr. Harvith's comments, every law -- and obviously he knows this well -- should be carried out in a manner that gives reasonable effect to its intent. He said he does not think anyone would quibble reasonably with the term all as used in the provision. Thirdly, Mr. Freeman said all of us are familiar with Community Bethlehem Day coming up and many of us will be involved and will spend a great deal of time and effort in making our community a more liveable, cleaner and better place to live. He said there has been a lot of flippancy, obviously, about this proposed local law. God knows, he said, it is not earth shattering but at the same time, it is not a joke. He said it is important, particularly if you have kids, particularly if you are actively, physically involved in your community -- walking, jogging, mowing your lawn, what have you -- and more than anything else, he said he does this as a matter of common courtesy as was stated a couple of moments ago. He said he simply cannot understand why anybody would oppose cleaning up on somebody else's property or in a public area the droppings left by their dog. He said he cannot imagine that anybody would oppose a proposed local law that said you cannot dump trash, paper or other garbage on my lawn or your lawn or anybody else's lawn. He said he does not see that there is a distinction between the two, it is a defilement in any case and certainly he urges the Board to adopt the local law. He thanked the Board for the opportunity to speak. Supervisor Ringler thanked Mr. Freeman.

Supervisor Ringler asked if anyone else wished to speak in favor. He said he had one letter that he was asked to read into the record as follows:

March 27, 1991

To the Town Board
Dear Sirs:

This letter is in favor of passing a Scooper law in the Town of Bethlehem.

In the past, we have had occasion to ask people who have allowed their dogs to relieve themselves at the edge of our lawn, to please clean up after their dogs.

However, we moved into a new neighborhood last June and now live on a cul-de-sac which also has a few empty lots. Many people in our neighborhood walk their dogs to the empty lots or cul-de-sac in order to let them relieve themselves. My children play on the cul-de-sac and have come into the house with dog excrement on their shoes.

However, we thought nothing of it until one sunny day I took my three year old for a walk and noticed all along the perimeter of the cul-de-sac and empty lots piles of dog excrement. It made me sick. To think that this filth is piling up outside our \$300,000. brand new house brought a new meaning to the scooper law for us.

I'm sure our neighbors don't realize what they are doing but should be made aware of it and should start taking responsibility for their dogs mess. I am sorry we could not be at the meeting to express our opinions in person but wanted our viewpoint heard and considered.

Thank you.

Erwin & Andrea Ungerer

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Supervisor Ringler asked if anyone else wished to speak in favor. He then asked if anyone wished to speak in opposition. Mr. Bernard Harvith said he had a letter to read and then he would like to respond to a couple comments that have been made.

I oppose the pooper-scooper law. I own an 11 year old dog, Molly. On our walks, she many deposit a small amount of waste, but she distributes love and gentleness to her many human friends, ranging in age from 14 months to senior citizen status. Molly loves to be petted and hugged.

Bethlehem Is Not a City

Bethlehem, unlike New York City, does not have litter baskets on every block. Pooper-scooping might be appropriate there, or in other cities, but in Bethlehem the dog owner's walk will be ruined by having to carry the feces on the rest of the walk (perhaps for a mile or more). Mr. Harvith commented he and Molly walk approximately a mile or more, one and a half or one and three quarters.

Environmental Impact Assessment

Careful assessment of environmental impact is needed. The Town has about 2014 registered dogs. If we assume each day 1000 dogs will be walked once only, and pooper-scooped with 2 plastic bags (one for owner's hand, one to put feces in), that's 2000 bags per day X 365 days + 730,000 nonbiodegradable plastic bags per year. Most will go in the trash, with unpleasant problems for trash haulers, and a lot of plastic for the landfill. Some plastic bags may be flushed down toilets, probably causing sewer and treatment plant problems. Mr. Harvith encouraged the Board to talk to the sewer people about this. Drain cleaners dumped in pipes containing plastic bags may dissolve the plastic. Would the result be dangerous gases in the home or sewers? He said plastic is made out of vinyl chloride, whether that would get released by the sewer cleaners, he did not really know.

Dog waste now is largely dissolved by rain and absorbed into the ground. If a volume of these feces is flushed down toilets, the burden on sewage treatment may be considerable. Mr. Harvith commented he thought in many families there would be an additional 10 to 20 percent to the flow and maybe close to 50 percent for people who are alone.

Dog Ownership Should Be Encouraged NOT Discouraged

A dog is the cheapest therapist for an unhappy child, teenager or adult. We've all seen a dog go over to a crying child, nuzzle up, and be hugged. A dog is nonjudgmental. You may have had a bad day, you may even have done a bad thing, but the dog still loves you.

The proposal discourages people from getting dogs. "It will be too much trouble." Instead, except where there are allergies in the family, parents should be encouraged to get dogs for their children. Loneliness, even teenage suicide, may be prevented by a loving dog.

The proposal will mean less kids have dogs, and more dogs will be put to death in shelters.

Dogs also are especially valuable for senior citizens. Some people may be unable to clean up the feces, due to arthritis or other illness.

The Health Risk Myth

Any health risk from dog feces is imaginary or so minor as to be irrelevant. He said this was in his judgement. He said where he walks he does not see a lot of stuff, most of it disappears in the rain. But, the main point is, no one should walk barefoot on lawns near the street. Pesticide and fertilizer runoff may be concentrated there. Lawns drain to the ditch near the street, then water flows along the ditch. Lead from the car exhaust from decades of leaded gasoline probably is heaviest near the street. He said this was typed yesterday but, he said, if you look in today's paper there is a box next to the story on an inner page about the EPA's cracking down about lead. It says, according to Mr. Harvith, exactly this, that they recommend kids do not walk on the street or sidewalks or play on dusty playgrounds because of the lead consuming.

The soles of the feet are particularly susceptible to absorbing dangerous chemicals into the body.

Lawn Mowing

All the present law requires of the lawn mowing person, like himself, is a tiny effort. Before you mow, check 3 feet of lawn closest to the road and rake aside any dog feces. Usually the rain will have eliminated any problem.

This tiny imposition is the trade-off for the dog owner's compliance with the leash law and for all the love dogs add to our community. He said he might say he would not be opposed if you want to say beyond a certain number of feet from the street was regulated. He said he is not in favor of the 50 foot reels or anything like that. He said walking a dog on a short leash is perfectly appropriate.

The Leash Law Compromise Should be Maintained

The Leash Law was a compromise between dog owners and anti-dog people. Dogs had run free. It was agreed they would be kept tied. Many dog owners and dogs hated this idea. BUT the compromise was that dogs could be walked and given exercise and an opportunity to excrete. The availability of the Town's sewer easements was mentioned.

The Leash Law is a pain. The dog owner, sick or well, tired or not, must walk the dog. The dog is trained not to mess up the house, and many dogs will refuse to go at home. They need the walk to relax them, or whatever. Thousands of dogs have been trained this way, by owners relying on the Leash Law. The dogs know that if they are cleaned up after, they have "done wrong", by going in the house. Dog walkers often are out in rain, sleet, or snow or at night. In the winter it is dark when most of us get home, then you have to take the dog.

In daylight, he said when he walks his dog which is true of most people, he said he does not walk around looking at the dog's rear end, he said he looks at trees, birds, the sky and other things. At night he looks at stars. We do not watch the dog constantly. The proposal would required constant watching of the dog. He said maybe the dog will go in one place, maybe it will go several places. The walk's relaxing aspect for the dog owner would be ruined. He said he finds this the nicest part of the day. It would always be a chore. Pooper-scooping by flashlight could be a new, ridiculous sport. He said he does not quite feature this.

Greater Risk from Cat Feces

Mr. Harvith said another serious point, is the greater risk from cat feces. He said he thinks the fairest thing would require the Board to deal with the cats, (1) to confine them and (2) to make them be pooper-scooped. He said he is not in favor of this. He said he is opposed to all of it. He said he has done a little research. Cat feces are a common cause of toxoplasmosis, a parasitic infection

dangerous to unborn children. According to Fishbein's Illustrated Medical and Health Encyclopedia, pp. 1415-18 (1985) (located in Bethlehem Public Library Health Information Center):

- Cat feces are the most common source of the disease
- The feces can transmit the disease although buried in soil more than 1 year
- The baby can be stillborn
- "about 25% of (infected) infants are born with irreversible defects: brain damage, blindness and enlarged liver and spleen."

Since cats run free and may hide their feces, cat feces can be anywhere in your garden, on your lawn, or in your child's sandbox. He said he is not against cats running loose but he thinks they are much greater hazard than the dogs and if you are going to get really worked up about this, he thinks cats should be dealt with also. Secondly, he said he has lived here all his life and he has never come and asked for anything but he is asking as strongly as he can to please leave my dog and I alone. He said he does not oppose 3 feet from the street or 4 feet from the street but he thinks that is the deal that was made when the leash law was passed. If we do this in return to keeping the dogs tied up, this was allowed.

I am not advocating a leash law for cats, or pooper-scooping cats. The proposal is unfairly anti-dog since cats are a worse problem.

Other Feces

Lawns are not free from feces. We share our community with many creatures all of whom excrete. A partial list would include:

- birds, including some large birds
- squirrels
- rabbits
- raccoons
- skunks
- mice
- foxes
- deer.

If you worry about your kid stepping in something, Mr. Harvith said, don't let them run around barefoot. He said he thinks if kids occasionally step in something with shoes, that is a good part of growing up. He said on his mother's side he comes from a farm family and he frankly thinks -- his mother is deceased now and his father and some would regard this as a joke -- if some how you just have to do this, he said, he does not think there is really any hazard here. He said he thinks the aesthetics, at least in his neighborhood, are not nearly as bad as mentioned. If excrement between the toes is a concern, don't walk on your lawn barefoot.

Grandfather Existing Dogs

If somehow this terrible law must be enacted, please make it apply only to dogs registered in Bethlehem for the first time after the law's effective date. Fairer still, since young dogs do not have to be licensed, make it apply to dogs first registered after January 1, 1992.

The present dogs have been trained to comply with the present law. Many owners might not have gotten the dogs if the pooper-scooper law were in effect. He said we in good faith have operated under this deal. He said if you want to have a different deal in the future, he said he would not like that because he may want to get a new dog when this one passes away. It is grossly unfair to change the rules for present dogs.

At The Very Least, Postpone The Effective Date

The proposal says it will be in effect immediately. Time is needed for local hardware stores to stock whatever devices are available. Mr. Harvith said he was sure the Town Board does not want everyone to have to run to some other city to buy whatever they might try to buy. At least allow 60 days for people to decide how to comply. Perhaps a few would not use the plastic bags. He said

referring to the plastic bag point, he really urges to have some kind of decent environmental study done on that. He said he thinks the 700,000 a year estimate may be low because a lot of people walk their dogs more often. He further said he thinks there will be people who will have 2 little bags and then they will have the big bag to put the 2 little bags in and you are going to produce a real environmental disaster here to deal with a fairly minor problem. He said he would not oppose a 3 or 4 limit from the street but he would not allow his dog to go further up on people's lawns than that. He said what he does and he does not think he has visited any of the people in attendance but what he does with his dog is what he understood the Town told them to do when they passed and decided to enforce the leash law. He said this was the deal and they have all done this for years and years. He urged the Town Board not to make this retroactive to existing dogs.

Conclusion

The proposal should be defeated. It will cause more problems than the minor alleged problem it addresses. We need to teach children to love dogs, not fear them and a touch of dog-do on the shoes.

Sincerely,
/s/ Bernard Harvith and
Molly

Mr. Harvith handed copies to the Town Board members. Supervisor Ringler thanked Mr. Harvith and asked if anyone else wished to speak. He said he did not want to get into a debate with those who are for it at this time. He said he would like opposition at this time and he will come back to the people who spoke before.

Ms. Nancy Rodgers said she did not know if she was really in opposition. She asked if there was some kind of a happy compromise for everybody. She said she feels sorry for all these people. She said she does not have a great problem and she certainly don't advocate dogs running rampant over everybody's lawn but is there something like a pet designated walking area that could be utilized. She said she has visions of this pitting neighbor against neighbor and really kind of creating disharmony in neighborhoods. But, on the other hand, Ms. Rodgers said she knows these people have a problem and asked if there isn't something that can be done to kind of make everybody happy. She agrees that dog manure is biodegradable along roadways that are uninhabited and couldn't something like this be done. She said she thinks you would be a fool to get out there and say you are opposed to dogs defecating all over people's yards. She said she would rather have them in the 3 foot strip where they know where it is than if people start letting their dogs off of leashes, running rampant and then you are going to get it all over and never know where it is.

Supervisor Ringler thanked Ms. Rodgers. Mr. T.J. Cotrofeld next spoke from Oldox Road, stating first he is not a dog owner but he is opposed to this because he feels it is very prejudice toward dog owners. The health issue that has been addressed here and this is generally said, toxoplasmosis is very serious although it only happens in a population of about 1 to 2 percent, according to Mr. Cotrofeld. He said there is a definite problem of parasites in the feces of cats. In his area, he said he really does not see a lot of problem with dogs, maybe because dog owners in his area are more sensitive to the problem. However, he said in his flower beds and the sand box and gardens, he constantly comes across cat feces. Cat owners in his area have no regard for his privacy, he said and they have no regard it seems for anyone else in the area either. So, Mr. Cotrofeld said from the strict health aspect, he thinks the Board ought to consider some way to probably handle the problem with dogs -- possibly as this gentleman said, the first 3 or 4 feet but also address the health issue for the cat owners. He said that was all. Supervisor Ringler thanked Mr. Cotrofeld.

Supervisor Ringler asked if anyone else would like to speak in opposition. Mr. Hunzinger said he is opposed, indicating he agrees with most of what has been said in opposition. Basically, he said he thinks it is an overreaction and it is disproportionately weighted against the dog owner. He said, after all we are talking about street right-of-way, which we dog owners have our taxes paying for these

public lands too. He said he feels they ought to have some rights there. He said he does not even know if he goes along with this 3 foot thing. He said the Town did not acquire any 3 foot strip off the edge of the pavement. He said, as far as he is concerned that is public land, it is in fact public land and asked if a certain part of the community should be excluded from using that. He said he did not think so. He said he thinks another thing is that this overlooks the benefits of dog ownership. He said he thinks it not only benefits the owner but also community and this gentleman pointed out some of those things. He said revenue from the dog licensing for one thing. He said they are an important deterrent to criminal activity and he does not think this should be overlooked. Besides, he noted dogs are man's best friend. He also noted the therapeutic aspect was mentioned and the question of the health hazard. He said he mentioned in a letter recently to the Board that the veterans home near Binghamton, administered by the Health Department, has a dog. He said this is the first thing that greets you when you come into that facility. It has 240 beds contained in the unit and a number of the people feel this is a very valuable asset to that facility because of the therapeutic value to those patients, he said. They do not consider it a health hazard, according to Mr. Hunzinger, and they do not have any pooper-scooper regulation there at that facility. He said further there are other dogs too -- they have had groups of dogs come in there because of the benefit to those patients and they do not concern themselves with any health hazard. He said he thinks this is way overblown. He said there have been some problems with the wording of this ordinance. He said he has problems with the aspect to public land and some of the other things. He said he thinks that ought to be carefully looked at. If the statute is enacted, which he is opposed to, he thinks it ought to be done in such a way that it does not raise other issues. He thinks a more balanced approach here is needed. He thinks that the dog owners should not be excluded from public lands. He thinks that is pretty ridiculous. Supervisor Ringler said for clarification purposes, they are not excluded from the lands, the law says they have to clean up behind them. He said the dogs are not being prohibited from going on the land. Mr. Hunzinger said that is correct but still there is a benefit there. He said he does not see this as all negative just because -- he said he lives in this neighborhood. He said he has lived in this Town for 20 years himself, he has a couple of dogs and he lives in the same neighborhood as some of these people and he does not see that much of a problem. He said he mows his lawn by hand too and he does not have any problem with that. He said if he sees something he does not even go out and scoop ahead of time, he just mows around or over it. He said it is not that much of a problem and in two weeks of warm weather, it is gone. He said it is almost pure nitrogen, it is a benefit to the lawn. People dump all kinds of garbage on their lawns, pesticides and other things and that is really harmful to the environment but it does not bother them, according to Mr. Hunzinger. They hire people to come in and spray all kinds of questionable materials on their lawns, he said, indicating you are talking about something here that is beneficial. He said there are some countries in this world that their very survival depends on this. He said in his experience in South Korea, several years ago, to these people, this is an important part of their survival, feces, both animal and human. He further commented it is used to fertilize the rice patties which is how they survive. He said it is not necessarily a bad thing, it could be beneficial, even the droppings. He said he thinks what should be done is a more balanced approach, indicating some portion of that right-of-way, if not all of it, should be available to the dogs and their owners. He said some designated areas of the public lands, some of the areas in the Town park -- he does not see any reason at all why some of the areas in the Town park could not be designated for these purposes. Mr. Hunzinger said when you drive along the interstate, the State highway and pull off into a rest area, they have designated areas there and they do not have pooper scooper restrictions. They have picnic areas and other areas where the dogs are not allowed, but there are areas where they are allowed, he said. They are allowed the freedom and get some exercise, Mr. Hunzinger said. Supervisor Ringler thanked Mr. Hunzinger.

The Supervisor asked if anyone else wished to speak in opposition. Ms. Judy Miller said she lives in the same area and she is a dog owner but she is also a cyclist and a walker and it has not been her experience that there have been large amounts of droppings of any

kind that are a detriment to either her or to the five children they raised in the same area, or to them. She said on the other hand she is as concerned about cleanliness and neighbors' rights but it concerns her because it is being overblown and a major issue. She said nobody ever asked her if she would sign a petition and it is in her particular area that it applies to the people who are in favor of this law. She further said she is concerned about people are going to be walking their dogs and stated it must be a very difficult ordinance to enforce to begin with. She said she also thinks there are enough laws on the books without this one. Ms. Miller said she has asked people not to allow their dogs to go on the lawn and they have responded civilly and moved on down to an area on the public lands. She said she thinks given the chance, if this was made public, the people would respond to this. If that does not work, she said then by all means if we have to have a law, let's have it. She said she thinks we have to try and improve our community as this gentleman said, being demonstrated on the 18th with Bethlehem Community Day. She said let's give it a try and see if we publicize this and say curb your dog, clean up after your dog and walk the dog where it is not going to hurt anybody or kids are not playing -- and obviously, she said the Elsmere playground is an inappropriate place and then see what happens. Supervisor Ringler thanked Ms. Miller and asked if anyone else wished to speak in opposition.

Ms. Terry Raeder said she was thinking of speaking in favor. She said she was not here earlier because she teaches the adult education training class for the Town of Bethlehem and she had a class this evening. She said she is also a dog breeder, dog owner and her dogs are quite large -- indicating they are Irish wolf hounds. She said she makes a point of cleaning up after an Irish wolf hound no matter where it does it. She said it is her experience that dog feces are not biodegradable. She said all you have to do is walk past snow banks after they have gone and see all the dog poops there. Ms. Raeder said she is in favor of responsible dog ownership. She said her dog's picture was in the Spotlight today because she did the program at Hamagrael for responsible dog ownership. She said they do a little demonstration about picking up the dog poops, however, a law that does not provide for the disposition of the dog poops and a law that cannot be enforced, is really a foolish law. She as some of the people have said, agrees that this proposed law will pit neighbor against neighbor. She said she thinks responsibility starts with education in the schools. She further stated she is also one of the people who initiated the program of therapy dogs at Good Samaritan Home. She said quite a little consideration was given to the health aspects. Brandy, the resident dog down at the Home, is walked only in specific areas and the feces are picked up. She said she is one of the co-founders of the Canine Company, indicating they visit nursing homes and do programs at nursing homes. She said health is an important consideration. She said she would not allow one of her dogs, which are valuable dogs to walk or socialize in a community pooping ground, if you will, because she has no control over the health of the other dogs that are going to be visiting it. Ms. Raeder said not everyone takes the time and money to inoculate their dogs and see that they are healthy. She said quite frankly, she does not like her dogs sniffing around. She said also the availability of dogs running loose and not being supervised and not being watched when they walk -- these very same dogs who love us and kiss us are eating those cat feces. So, she said a leash law is extremely important, responsible supervision of your dogs is extremely important. She said as she tells the kids in schools, and she thinks if the children can understand it, what you put in one end of the dog, you are responsible for when it comes out the other end. But, Ms. Raeder said a law that does not provide for some place to put it, is a waste of time.

Supervisor Ringler thanked Ms. Raeder and asked if anyone else wished to speak in opposition. There were none. Supervisor Ringler thanked everyone for coming to the meeting, indicating they have given the Board a lot to consider. He said the Board will be deliberating on this and be bringing it up at a future meeting for action, along with consideration of the comments.

A motion was made by Mr. Webster and seconded by Mr. Gunner to close the public hearing at 8:45 p.m. The motion was passed by the following vote:

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

Kathleen A. Newkirk
Deputy Town Clerk

Supervisor Ringler reconvened the regular meeting at the close of the public hearing, stating the next item was an acknowledgement of the first quarter franchise fees from Cablevision for the period January 1 through March 31, 1991 in the amount of \$17,406.00.

Acknowledge
Quarterly
Cablevisor
Franchise
Fee

Supervisor Ringler indicated the next item was added to the agenda and was received this date. The Supervisor noted Mr. Bob Johnston, who works on the Bicentennial Commission, was looking at the funding of the bicentennial and so forth. The New York Telephone Company has been the first business to start off the Bicentennial Commission's work with a check in the amount of \$5,000.00, according to the Supervisor. He said this will be suitably recognized with a photo opportunity and so forth with Mr. J. Robert Hendrick, Chairman of the Bicentennial Commission. He further noted this is being acknowledged in order to deposit the check.

Acknowledge
Donation
New York
Telephone
of \$5,000.
for the
Bicentennia
Commissior

The motion was made by Mr. Webster and seconded by Mr. Gunner to accept with thanks the New York Telephone Company donation of \$5,000.00 to the Bicentennial Commission. The motion was passed by the following vote:

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

Supervisor Ringler said Councilman Webster had requested an Executive Session to discuss a personnel matter noting this was not listed on the agenda. The motion was made by Mr. Gunner and seconded by Mr. Burns that the Board meet in Executive Session following the close of the meeting to discuss a personnel matter. The motion was passed by the following motion:

Executive
Session

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

Supervisor Ringler asked if there was anything else the Board Members would like to say at this point in time. Councilman Burns said if no one else does, he guesses he does. He said he was so angry he is going to quit. He presented the following letter to the Deputy Town Clerk with copies to each Town Board member:

May 8, 1991

Carolyn Lyons
Town Clerk
Town of Bethlehem
445 Delaware Ave.
Delmar, New York 12054

Resignati
Robert
Burns -
Councilme

Dear Carolyn:

As you know, on May 20, 1991, I will assume the position of Administrator of the Office of Probation in the County of Monroe, New York. This position is a full-time responsibility and my presence in Monroe County (Rochester) will be required.

While I will retain my legal address in the Town of Bethlehem until such time that the school year ends and I have located permanent residence in Monroe County, and while I intend to reside in Bethlehem on weekends for the next several months, I will be unable to attend Town Board Meetings or otherwise tend to my duties as Councilman.

Accordingly, I hereby tender my resignation from the position of Councilman for the Town of Bethlehem effective May 10, 1991. I will notify you of my new address and phone number in Rochester shortly and

ask that you not hesitate to call me if any official documents or information needs to be transmitted to a new Councilperson.

Thank you for the support and assistance you have shown me during my three and one-half years of service on the Board.

Sincerely,
/s/ Robert J. Burns
Councilman

- - -

Councilman Burns said as everyone knows -- he said he read the Spotlight briefly and he expected to come in and literally see people pulling at the chair he was seated in, the way the Spotlight described it. He said, however, no one was around it. He said when he joined the Board four years ago, he was called by a couple people who told him, not as a joke, that the Town had given Ruth Bickel the chair and literally he would not have a chair when he came in. He said it is not true. Supervisor Ringler said there were lots of things he was told back then that were not true. He said it was apparently not turned over to Ruth on her retirement.

Councilman Burns said he did want to say a few things and the tradition is that he be wordy on occasion. He said he wanted to end with just a little bit of wordiness since he will not be at this table anymore. He said it is strange for him to say goodbye, he does not usually leave organizations that he is a member of. He further said he has lived in this area and it will feel strange to say goodbye to this area. He started a job as probation officer right out of college and 17 years later or so he is still with it. He said no one he started with is still in the agency. He said he was even thinking this day, as he prepared a lovely meal for his family -- as he stood in line in McDonalds -- he even stayed with McDonalds into college and that was strange, 4 years he stayed at McDonalds. Thus, Mr. Burns said it is very strange for him to be leaving before a term is up and he feels very badly about that but his probation career took a new direction and after a lot of deliberation, he has made a decision and accordingly he has submitted to Carolyn Lyons and technically to Kathy tonight -- to the Town Clerk, his resignation which will be effective May 10. He said the Town Comptroller indicated that would be the easiest date for the purposes of payroll and record keeping.

Councilman Burns said he will be around, he will be here weekends and will have family in Town, both short term and long term, but he will not be available for Town Board meetings and he would not be available at all for constituent calls. He said to stay on, he feels would be inappropriate. He said he will be resigning this week.

Councilman Burns said he does take comfort, however, in feeling confident that just as Republican Town Board members were replaced by Republicans, that this Board -- is such a fair Board -- will be replacing him with someone who is a good Democrat. He said he has enjoyed the work, stating it has been a very fast 3 1/2 years. He further said as he prepared to run for reelection -- which he was doing right up until January -- he could not believe that the time had gone by so quickly. He said it has been very enjoyable, there has been talk about how lonely it can be and how strange it is and frustrating -- and that comes from some people who are minority members on other boards and they seem to express their frustration and anger through press releases and a lot of screaming and yelling. He said, yes, that is a factor, it is going to be difficult for the next Democrat who sits on the Board, but it is not as bad as it sounds. He indicated everyone has been very cordial, very professional -- both the Board members and those who have sat on the Board previously. Mr. Burns said it has been very enjoyable for this period of time.

Councilman Burns said he has regrets, there is no doubt about it -- the second biggest regret is that he is leaving and the first is that John Smolinsky did not join him a few years ago and that they still have not gotten to a fully representative Board, as far as independent voters, Democratic voters and so on -- that is an obvious feeling of regret that he has that he is not going to be here to see more than one individual that is not a Republican join the Board. He

said he feels badly that the LUMAC process has not reached fruition and he knows the Board all shares that feeling but he will not be here to see the actual land use plan. He said even as the pooper scooper law is being discussed, and ideas of compromise that the Board move to undeveloped land that can be designated for pooping or whatever the verb is. He said the Town is getting crowded, it is the same reason for smoking laws and the same reason for many other laws, we are getting crowded. He said the other towns are probably having the same difficulty. He said there are not so many undeveloped areas in the Town. He said he really looks forward to seeing what the LUMAC committee comes up with.

Councilman Burns further said he feels bad not to be here for the solid waste law, indicating this is an incredibly important piece of legislation that the Town is now paying for. He said he is confident the Solid Waste Task Force will continue to work with the Town Board and a good, enforceable Town ordinance will be the result providing the Town with control of the future from an environmental standpoint.

Councilman Burns said he has to say a couple things about Town employees. He said these are a group of extremely dedicated and professional individuals. The public -- many people in the community are aware of that from individual dealings -- but, Mr. Burns said meeting the people that work here full time that have dedicated a career to working in the public service, they are excellent people. He listed the senior service people, building's people, engineers -- everyone in Town service that he has run into. Councilman Burns said it has been a pleasure to work with everyone. He said special note with the Police Department, the Town has, as the Supervisor has said publicly when they were down a few times, an excellent Police Department. He said he enjoyed working with those individuals and it is going to be tough to match the expertise and professionalism of the Bethlehem Police Department and the Telecommunicators when he goes to look for a town in Monroe County.

Councilman Burns said the department heads are a good group of people. He said he was told when he first came on, that it is just going to be a bunch of political hacks and people who really did not know very much about the job they were supposedly performing. He noted he found this not to be the case, there are some very excellent department heads, several of whom were in attendance at this time. He said they have been very open and cooperative with him and he noted he was prepared to not even be able to get into some of the doors of the department heads when he first joined the Board. He said whether they were told what to do by then Supervisor Hendrick at the time or they were just basing their decisions on their own demeanor, it has been a very cooperative experience and he wanted to make note of that.

Councilman Burns said Mr. Hendrick deserved special note for what it is worth from himself -- he could have made it a very difficult situation 3 1/2 years ago, however, he has the dubious distinction of being the first supervisor to welcome a Democrat on the Town Board of Bethlehem. He said he is such a professional and a gentleman that he made it a very easy transition. He said he did feel welcomed. He said he still feels at times that there is stuff going on that he does not know about. He further said Bob could have made it more difficult, it is not in him to be that way. He said he enjoyed it all. Supervisor Ringler said he at times feels there are things going on that he does not know about. Councilman Burns said he enjoyed his welcome. He said Supervisor Ringler has continued that supportive role and that cooperative attitude and he said he appreciated it in the time he has worked with Supervisor Ringler. He said to Mr. Webster, Ms. Galvin, Mr. Gunner and Mrs. Ritchko and Mr. Corrigan, again, excellent people he knows, unfortunately for you, there is at least one better person out there who could serve on this Board but being second best is not so bad. He said everyone has been very nice to him and very respectful and professional and he appreciated that.

Councilman Burns said it has been a wonderful experience and he hopes that many people try it. He said he hopes a lot of people can get excited about running for office. He said he thinks they have broken years of tradition and shown that representative government can work. He said that having a member of one party or another is not all

that important some times, it has to do with dialogue and openness and making the right decisions and so on.

Councilman Burns next addressed Mr. Kaplowitz. He said although the man should not be the Republican Chair and the Town Attorney at the same time, he said he has to admit that Mr. Kaplowitz is not the monster that he expected, the ogre that appears in children's books and so on and so forth. He said it has not been that case and he said they have disagreed on occasion, but Mr. Kaplowitz has been a gentleman and he has found him to be a very nice man.

Councilman Burns said with that he would say goodbye and again thank you very much. Supervisor Ringler thanked Councilman Burns. Everyone applauded Councilman Burns and wished him well. Councilman Gunner read a note he wrote on the letter submitted by Mr. Burns. Mr. Gunner wrote indicating he was sorry he was leaving. He said he and the Town Board will miss him as will the whole community. He wished Mr. Burns the best of good health, happiness and continued success in all his future endeavors. He said his leaving is a loss to the community. He said he did not want to hold this up anymore but gave it to Mr. Burns wishing him good luck.

Councilman Webster said he has served the longest with Councilman Burns, on committees, campaigned together -- he said they alone had that distinction and indicated it was a lot of fun. He said he felt they got along very well together and complimented each other. He said he did not think they voted against each other too many times -- one or two small issues. He said they are really going to miss him, truly, indicating he has been a real asset to the Board, he thought, and a friend. He wished Councilman Burns good luck and best wishes in his new endeavors.

Supervisor Ringler said he would finish up by saying he thinks everyone has learned a lot in this process. He said he thinks Mr. Burns found out the people on the Board are not the ogres some people think they are. He said he also thinks -- even though he was not here when Mr. Burns started -- the community was saying what is this Democrat going to do, get in and try and tear down the foundations of our community and attack everything and he did not do that. He said he thought Mr. Burns found responsible government, found government was willing to listen to his ideas and the Board has put him to work. Supervisor Ringler said there has not been a thing that he has asked him to do that he has not done. Supervisor Ringler said he appreciated this. He said one thing the community learned from all of this, is that anyone who gets involved in politics, whether Democrat or Republican are usually doing it to serve their community and try and do what is in the best interest of that community.

From a thankful community, for what he has done, Supervisor Ringler thanked Councilman Burns and wished him the best in whatever he does. He said he knows the Albany County Probation Department is losing and he knows Monroe County is gaining. Supervisor Ringler further said the Town of Bethlehem is losing also. He said he thinks normally, this by law is a resignation to the Town Clerk.

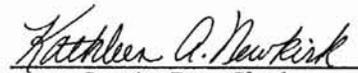
The motion was made by Mr. Webster and seconded by Mr. Gunner to accept with regret this resignation on behalf of the community with great deepest thanks and good wishes in the future. The motion was passed by the following vote:

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

Supervisor Ringler asked if there was anything else to come before the Town Board. Hearing none, the motion was made by Mr. Gunner and seconded by Mr. Webster to close the Town Board meeting at 9:00 p.m. The motion was passed by the following vote:

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

Supervisor Ringler thanked everyone.


Deputy Town Clerk

NO FORMAL ACTION WAS TAKEN AT THE EXECUTIVE SESSION.